

BAW Russell
fyi-request-7810-bbcd6137@requests.fyi.org.nz

6 June 2018

Dear Mr Russell

Official Information Act request: Corrections Amendment Bill s7 report

I refer to your email of 12 May 2018, requesting, under the Official Information Act 1982 (the Act), the following information in relation to the Corrections Amendment Bill:

“all correspondence, documents, meeting details and minutes, and any other relevant material regarding the s7 report and double bunking. To the degree it is not included above, [...] any guidance material used in preparing the report.”

I note that the Corrections Amendment Bill was not subject to a section 7 report from the Attorney-General; section 7 reports indicate that the Attorney-General considers a Bill to be inconsistent with the New Zealand Bill of Rights Act 1990. I have therefore interpreted your request to refer to the advice the Ministry of Justice provided to the Attorney-General in respect of the Bill's compliance with the New Zealand Bill of Rights Act 1990, available at www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/advice/. That advice contains the full rationale for its conclusions.

The scope of your request includes legally privileged correspondence. Under s 9(2)(h) of the Act, that correspondence has been withheld from this response in order to maintain legal professional privilege. Where correspondence has been withheld in full, it is not listed in the Appendix to this letter.

The Appendix lists the remaining documents falling within the scope of your request. Where they are not available online, the documents are enclosed, with redactions for information that is out of scope, or withheld to protect the privacy of natural persons under s 9(2)(a) or legal professional privilege under s 9(2)(h) of the Act. All attachments to correspondence are either legally privileged and withheld under s 9(2)(h), out of scope, or publicly available at the web address above. I am satisfied that there are no other public interest considerations that render it desirable, in the public interest, for it to be made available.

You have the right to complain to the Ombudsman under s 28(3) of the Act if you are not satisfied with my response to your request. The Ombudsman may be contacted by emailing info@ombudsman.parliament.nz.

Yours sincerely



Caroline Greaney
General Manager, Civil and Constitutional Policy

Appendix

Correspondence:

#	Title	Date	Status
1	Re: BORA vet on Corrections Amendment Bill	22 Feb – 7 Mar 2018	Released in part – redactions under s 9(2)(a) and (h).
2	BORA vet: Corrections Amendment Bill	2 Mar 2018	Email released in full (attachment available online).
3	Re: 20180214 – BORA advice – Corrections Amendment Bill	27 Feb 2018	Email released in full, attachments withheld under s 9(2)(h).
4	RE: Corrections Amendment Bill	21 Feb 2018	Released in part – redactions under s 9(2)(a) and (h).
5	FW: 2018 – BORA advice - Corrections Amendment Bill	14 and 21 Feb 2018	Email released in full, attachments withheld under s 9(2)(h).
6	RE: Corrections Amendment Bill 18726/12.0	19 – 21 Feb 2018	Released in part – redactions under s 9(2)(h), attachment withheld under s 9(2)(h).
7	RE: BORA vet for Corrections Amendment Bill	12 – 15 Feb 2018	Released in part – redactions under s 9(2)(a) and (h), some material out of scope, attachments withheld under s 9(2)(h) or out of scope.
8	RE: BORA vet for Corrections Amendment Bill – due this Thurs 15 Feb	12 Feb 2018	Emails released in full, attachment withheld under s 9(2)(h).
9	RE: Corrections Amendment Bill – BORA – OLC 03.08.2017	1 – 4 Aug 2017	Released in part – redactions under s 9(2)(h), attachments withheld under s 9(2)(h).
10	RE: 20172007 – NZBORA Advice - Corrections Amendment Bill	1 – 2 Aug 2017	Released in part – redactions under s 9(2)(h), some material out of scope, attachments withheld under s 9(2)(h).
11	RE: 20172007 – NZBORA Advice - Corrections Amendment Bill	1 – 2 Aug 2017	Released in part – redactions under s 9(2)(h), attachments withheld under s 9(2)(h).
12	RE: Corrections Amendment Bill v 7.6	28 Jul – 2 Aug 2017	Released in part – redactions under s 9(2)(h), attachments withheld under s 9(2)(h).
13	RE: BORA vet for Caitlin RE: Corrections Amendment Bill 18726/7.0	7 – 12 Jul 2017	Released in part – redactions under s 9(2)(h), attachments withheld under s 9(2)(h).

Documents within the scope of the request (“any guidance material used in preparing the report”), but available online:

#	Title	Link
14	<i>Hansen v R</i> [2007] NZSC 7	www.courtsofnz.govt.nz/the-courts/supreme-court/judgments-supreme/judgments-supreme-2007
15	<i>R v Jefferies</i> [1999] 17 CRNZ 128	www.nzlii.org/nz/cases/NZCA/1999/119.html
16	<i>Cropp v Judicial Committee</i> [2008] 3 NZLR 774	www.courtsofnz.govt.nz/the-courts/supreme-court/judgments-supreme/judgments-supreme-2008
17	A question of restraint - Care and management for prisoners considered to be at risk of suicide and self-harm (Office of the Ombudsman, 1 March 2017)	www.ombudsman.parliament.nz/resources-and-publications/documents/a-question-of-restraint
18	A multilevel analysis of the relationship between cell sharing, staff-prisoner relationships, and prisoners' perceptions of prison quality (Molleman and van Ginnekan, International Journal of Offender Therapy and Comparative Criminology, 11 March 2014)	www.researchgate.net/publication/260717725_A_Multilevel_Analysis_of_the_Relationship_Between_Cell_Sharing_Staff-Prisoner_Relationships_and_Prisoners%27_Perceptions_of_Prison_Quality
19	Prisoner double-bunking: perceptions and impacts (Department of Corrections, April 2012)	www.corrections.govt.nz/resources/research_and_statistics/prisoner_double-bunking_perceptions_and_impacts_2012.html