# Parole Amendment Bill

Government Bill

## Explanatory note

### General policy statement

This Bill amends the Parole Act 2002 (the **Act**) to implement the Government's Post-Election Action Plan to reduce the number of unnecessary parole hearings where the offender has little prospect of release. The reduction in hearings will reduce unnecessary stress for victims of crime while also providing incentives for offenders to address their offending behaviour.

The Bill also improves the efficiency of the parole system by simplifying pre-hearing processes and clarifying issues around attendance at hearings conducted by the New Zealand Parole Board (the **Board**).

#### Parole hearings

The Board holds around 5 000 parole hearings each year. On average, each offender has 3 hearings before release is approved but there are 4 or more hearings in a third of cases. Under the Act, the Board is required to consider every offender who is eligible for parole at least once every 12 months.

The exception to this rule is where the Board makes a special order postponing consideration of a case for up to 3 years for offenders serving indeterminate sentences or up to 2 years for other sentences. A postponement order can only be made where the Board is satisfied that, in the absence of a significant change in the offender's cir-

cumstances, an offender will not be suitable for release at the time when he or she is next due to be considered for parole. The Board makes postponement orders infrequently; there were 33 postponement orders in the 2010–11 year. About three-quarters of the postponement orders were for 2 years, and the remainder for 3 years.

There are many parole hearings each year where the offender has little prospect of release because he or she has not yet addressed his or her offending behaviour. Hearings where the offender has no prospect of release can cause unnecessary stress and anxiety for victims of crime, as well as raise false hopes for offenders and their whānau or families. Postponement orders do not adequately address the problem as they lack incentives for offenders to address their offending behaviour.

### Intervals between parole hearings

The Act provides that the Board must consider an offender for release on parole as soon as practicable after the offender's parole eligibility date. The Board must thereafter consider the offender for parole at least once in every 12 months. Many offenders are considered more frequently than this, especially in the period before release when post-release arrangements are being finalised.

The requirement for an annual hearing has led to the following problems:

- hearings often have to be brought forward to 11 months to meet the strict requirement that they be held within 12 months of the previous hearing:
- a further hearing has to be scheduled in many cases because offenders have yet to complete core components of their offender plan:[1]
- the entitlement to an annual hearing provides no incentive for unmotivated offenders to address their offending behaviour.

The Bill gives the Board greater flexibility in scheduling future hearings by increasing the maximum interval between parole hearings, where a postponement order has not been made, from 12 months to 2 years. This gives the Board the ability to align future hearings,

[1] An offender plan identifies agreed activities and goals for prisoners that aim to reduce their likelihood of reoffending.

where appropriate, with the completion of core components of offender plans.

This change is intended to reduce the number of unnecessary parole hearings but not to increase the length of time offenders spend in prison.

### Scheduling further hearings

Apart from requiring that an offender be considered for parole at least once in every 12 months after becoming eligible for parole, the Act does not currently require the Board to set the date of the next hearing, or give any direction as to the matters that it should take into account in setting the interval between hearings.

The Bill requires the Board, when it declines to release an offender on parole, to specify when the offender will next be considered for parole. The Bill also gives the Board the power, when it is setting the date of the next hearing, to identify any milestones relating to the risk the offender poses to the safety of the community that it expects to be achieved before that hearing. This will not be a mandatory requirement as there will be cases where a further hearing is required for reasons unrelated to such milestones (for example, the confirmation of post-release accommodation or allowing the Board to meet with support people or victims).

The Bill also includes a mechanism for bringing an offender's case forward when the milestones are achieved earlier than expected, as discussed below (*see* **Early consideration**).

#### *Notification of authorised persons*

Section 50(1)(c) of the Act requires that the offender, every victim of the offender, the manager of the prison in which the offender is detained,[2] and the Police be notified of the duration of the order where the Board makes a postponement order. The Act does not currently require notification of any dates in relation to the outcome of parole hearings.

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[2] Where the offender is detained in a hospital or a secure facility, the Director of Area Mental Health Services or the compulsory care co-ordinator must be notified.

The Bill amends section 50 to require that those who must currently be notified of the outcome of hearings must also be notified of—

- the date by which the offender must be further considered for parole; and
- any milestones relating to the risk the offender poses to the safety of the community that the Board expects to be achieved before the next hearing.

Notification would also include notice that the hearing may be brought forward where the milestones are achieved earlier than expected.

## Postponement orders

*Eligibility and maximum length of postponement orders*

Under section 27 of the Act, the Board may make a postponement order where it is satisfied that, in the absence of a significant change in the offender's circumstances, an offender will not be suitable for release at the time when he or she is next due to be considered for parole. In making the order, the Board must specify the date by which the offender must be considered for parole, which must be within 3 years of the offender's most recent parole hearing for offenders serving indeterminate sentences or within 2 years for other offenders serving long-term sentences.

The increase in the maximum interval between parole hearings to 2 years is expected to reduce the number of postponement orders and largely remove the need for such orders for most determinate sentences. The Bill therefore restricts postponement orders to offenders serving indeterminate sentences and determinate sentences of 10 years or more. The maximum term of a postponement order will be increased to 5 years for all eligible offenders.

*Achievement of risk milestones*

One of the problems with postponement orders as currently framed is that they provide no incentive for offenders to address their offending behaviour. The Bill therefore amends section 27 of the Act to include a similar provision to that referred to above in relation to parole hearings. In making a postponement order, the Board will be able to identify risk milestones relating to the risk the offender

poses to the safety of the community that it expects to be achieved before the next consideration of the offender for release on parole. The Bill also includes a mechanism for referring the offender's case back to the Board when the risk milestones are achieved earlier than expected, as discussed below (*see* **Early consideration**).

*Notification of postponement hearing*

The Act requires the Board to give an offender 14 days' notice that it intends to consider making a postponement order at the next hearing. The Board's current practice is to conduct a separate hearing to comply with this requirement. To reduce the need for a second hearing, the Bill gives the Board the power to notify an offender at their first or subsequent hearing that they will be considered for a postponement order at their next hearing. While this may be seen as permissible under the current legislation, the Bill makes it clear that this meets the notification requirements and that the Board may consider an offender for parole and the making of a postponement order at the same hearing.

In addition to including this notification in the Board's decision, offenders will be notified that they will be considered for the making of a postponement order at the next hearing as part of the standard hearing notification process. Offenders' existing rights to make oral and written submissions (in person or through counsel) to the Board where it is considering the making of a postponement order are unchanged. Existing review and appeal rights will also be retained.

**Early consideration**

Section 26(1) of the Act provides that the Board may, at any time after an offender's parole eligibility date, consider the offender for release on parole at a time other than the time when the offender is due to be considered for parole, and may then direct the offender's release on parole. Under section 26(2), an offender can apply to the Board at any time, and on any grounds, to have his or her next hearing brought forward under this provision.

A more restrictive approach applies where an offender is subject to a postponement order. Under section 27(3) of the Act, such an offender may only apply to the Board requesting early consideration where there has been a significant change in his or her circumstances.

*Achievement of risk milestones*

The Bill amends sections 26 and 27 of the Act to include provision for a hearing to be brought forward where all of the risk milestones relating to the risk the offender poses to the safety of the community have been achieved earlier than expected. This will only apply when the Board, in a written decision, has identified specific risk milestones that it expects to be achieved before the next consideration of the offender and has approved the hearing being brought forward if this occurs earlier than expected.

The Bill includes a provision requiring the Department of Corrections to notify the Board as soon as practicable if the risk milestones have been achieved earlier than expected. The chairperson or a panel convenor will be empowered to direct that an earlier hearing be rescheduled after receiving such notification, as discussed below (see *Referring cases to Board*).

*Other cases*

As noted above, an offender may apply to the Board to have his or her hearing brought forward under section 26(2) of the Act in relation to an ordinary parole hearing, and under section 27(3) where a postponement order has been made. The Bill makes no substantive changes to these provisions.

Some offenders are unable or reluctant to make use of provisions in the Act for having their hearing brought forward, although an earlier hearing may be appropriate. The Bill therefore includes a provision requiring the Department of Corrections to notify the Board where officials assess that there has been a significant change in the offender's circumstances relating to release on parole.

*Referring cases to Board*

The power to bring an offender's hearing forward under section 26(1) of the Act currently rests with the Board. Under section 115 of the Act, the Board must operate in panels of at least 3 members, one of whom must be a panel convenor or the chairperson. Section 115(3), however, allows the Board to perform its functions other than by way of panel hearings where expressly provided for in the Act.

Although applications for early consideration are in writing and require very little time compared to a parole hearing, these hearings

are unnecessary and the Board's time would be better employed in dealing with substantive matters. (The Board dealt with 543 applications for early consideration in the 2010–11 year, 278 of which were approved.)

The Bill consequently transfers the power to bring a hearing forward from the Board to the chairperson or a panel convenor. This will apply in 3 situations, ie, where—

- the Department of Corrections refers a case because the risk milestones have been achieved earlier than expected; or
- the Department of Corrections refers the case on the basis that there has been a significant change in the offender's circumstances; or
- the offender applies on other grounds unrelated to the achievement of risk milestones.

Transferring this power to the chairperson or a panel convenor is consistent with section 25(1) of the Act, whereby the chairperson may, in exceptional circumstances, refer an offender to the Board for parole consideration prior to the offender's parole eligibility date.

**Hearings where offender not present**

The Act provides a process for determining if an offender is to be present at a parole hearing (an "attended" or "unattended" hearing). Unattended hearings were originally conceived of as an efficiency measure. However, the process for determining if a hearing is to be attended or unattended contains multiple steps and significantly adds to the time needed to prepare for a hearing—up to 12 weeks, in addition to the 14 weeks already required for an attended hearing. As a result, hearings are generally held as attended hearings.

The Board's preference is to meet with offenders when substantive matters are being decided. The proposals in the Bill to reduce unnecessary hearings are likely to accentuate this preference as there will be fewer hearings where the offender has little prospect of release. The Bill removes the procedural steps for determining if a parole hearing is to be attended or unattended and instead makes specific provision for hearings to be unattended where this has clear advantages.

There are 2 types of hearings where the offender's attendance serves little purpose. First, there are many hearings where the substantive

matters have been considered but additional information is required before a decision can be made; for example, an updated release address. At present, the Board's practice is to adjourn the hearing and hold a further hearing attended by the offender at a later date. The Bill gives the Board the power to decide that the remainder of a hearing that has been adjourned for the purpose of obtaining further information will be held without the offender being present. The offender will, however, have the right to attend that hearing if they wish.

The second type of hearing where the offender's attendance serves little purpose is where the hearing is solely to set release conditions as the offender is approaching the end of their sentence and therefore must be released. There are around 500 of these hearings each year and the Act requires them to be held in the same way as parole hearings. This is inefficient given there is no substantive matter of release to be considered and the release conditions will already have been discussed with the offender as part of the case management process. The Bill provides that offenders need not be present at hearings held solely for the purpose of setting release conditions. The panel convenor would, however, be able to invite the offender to attend, and offenders could choose to appear.

*Implications for victims*

The proposed changes will remove processes that give victims the right to make submissions on whether a hearing is to be attended or unattended, or request a review of such a decision. This is because the Act will no longer include a process for making such decisions. The Bill makes no changes to the rights of victims to make oral or written submissions in relation to substantive matters being considered by the Board. As parole hearings are generally held as attended hearings, the proposed changes do not disadvantage victims in any practical way.

**Attendance at hearings by remote access**

The Act provides that authorised persons may attend a parole hearing "other than in person (for instance, by telephone or video link)". The Board is making increasing use of video conference technology, which provides a cost-effective means for offenders and others to at-

tend parole hearings as it can significantly reduce travel and accommodation costs.

The Act is not explicit on whether offenders, in particular, can "attend" in this manner at other types of hearings, such as the variation and discharge of conditions, recall applications, or the making of an order to not release an offender at their release date.[3]

For the avoidance of doubt, the Bill makes it clear that an offender—or other authorised person—can attend any type of hearing other than in person, for instance, by telephone or video link.

### Term of standard release conditions

In releasing an offender on parole, the Board is required to impose standard release conditions and may impose special conditions. The Act requires the Board to specify the period for which the standard release conditions are to apply for offenders subject to determinate sentences.[4] This period may not be for less than 6 months or extend for more than 6 months after the offender's statutory release date. When imposing special conditions, the Board must specify the period for which they are to apply, which may not be for a longer period than the offender's standard release conditions.

Problems have arisen where the Board either fails to impose standard release conditions or imposes special conditions for a specified period but does not specify the term of the standard release conditions. This creates administrative difficulties in having to amend the Board's decision and creates a risk that the supervision of paroled offenders will be compromised.

The Bill consequently provides that standard release conditions automatically apply to all offenders released on parole and that a default period for those conditions is provided for offenders on determinate sentences. The default period, where the Board does not specify the period, will be—

- the same period as any special conditions that are imposed; or
- 6 months, where no special conditions are imposed.

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[3] An order to not release an offender at their release date only applies to those sentenced before the Parole Act 2002 came into force.

[4] Standard release conditions apply for life for those subject to the indeterminate sentences of life imprisonment and preventive detention.

## Regulatory impact statement

The Department of Corrections produced a regulatory impact statement on 13 March 2012 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- http://public.corrections.govt.nz/policy-and-legislation/regulatory-impact-statments
- http://www.treasury.govt.nz/publications/informationreleases/ris

## Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides that the Act comes into force 6 months after the date on which it receives the Royal assent.

*Clause 3* provides that the Act amends the Parole Act 2002 (the **principal Act**). References to sections in the clause by clause analysis below are references to the principal Act.

## Part 1
## Amendments to Part 1 of Parole Act 2002

*Clause 4* inserts the definition of risk milestone in section 4(1). The term is used in *new section 21A* as inserted by *clause 10* and in section 50(1) as amended by *clause 20*.

*Clause 5*: one of the changes made by this Bill is to remove from the principal Act the distinction between attended and unattended hearings and *clause 5* amends section 13A to tidy away section 13A(3) which refers to unattended hearings in the context of decisions or actions of the Board while an epidemic management notice is in force. Current section 13A(4) becomes *new section 13A(3)*.

*Clauses 6 to 8*: the amendments made to sections 15, 18, and 19 by *clauses 6, 7, and 8* respectively anticipate the amendments made by *clause 14* which inserts *new sections 29* and *29AA*. As explained below, *new section 29* automatically imposes the standard release conditions on every offender who is released on parole.

*Clause 9*: this clause amends section 21(2) to provide that the Board must consider every offender who is detained in prison at least once

in every 2 years after the offender's last parole hearing. There is no change to the exceptions in section 21(2)(a) to (c).

*Clause 10* inserts *new section 21A*. This requires the Board, when declining to release an offender on parole, to specify a date by which the offender must be further considered for parole and provides for the next parole hearing to be brought forward if certain risk milestones are achieved earlier than expected.

*Clause 11* replaces section 26(2) with *new subsections (2) and (3)*. *New section 26(2)* largely restates existing section 26(2). *New section 26(3)* requires the Department of Corrections to notify the Board in the case of the early achievement of a risk milestone or a significant change in circumstances relevant to release on parole, and the chairperson or a panel convenor may then refer the offender for consideration for parole by the Board. There is a similar provision contained in *new section 27* in relation to an offender who is subject to a postponement order (*new section 27(5)*).

*Clause 12* replaces section 27 with *new sections 27* and *27A*. *New section 27* deals with the circumstances in which the Board may make an order postponing consideration of an offender for parole. The Board may make the order if the offender is serving an indeterminate sentence or a determinate sentence of 10 years or more, and the Board is satisfied that, absent a significant change in the offender's circumstances, the offender will not be suitable for release for the duration of the postponement order. Consideration of parole may be postponed by up to 5 years (*new section 27(3)*). This is a departure from existing section 27 which allows postponement for 2 or 3 years, depending upon the sentence being served. *New section 27A* deals with the procedure for making a postponement order. This largely carries over existing section 27(4) and (5) but drops the references to attended hearings.

*Clause 13* renumbers existing section 27A as section 27B.

*Clause 14* replaces section 29. *New section 29* deals only with standard release conditions and *new section 29(1)* automatically imposes the standard release conditions on every offender who is released on parole. The existing provisions relating to the imposition by the Board of special release conditions are broken out into *new section 29AA*.

*Clause 15* amends section 29B(4)(b) to align it with *new section 118E* (see *clause 24*).

*Clauses 16 to 18*: following the removal of the distinction between attended and unattended hearings, these clauses make the necessary adjustments to sections 43 and 49, and repeal sections 45 to 48, which become redundant.

*Clause 19* inserts *new sections 49A* and *49B*, which respectively make provision for the procedure when a hearing is adjourned to obtain further information and for the conduct of a hearing held solely for the purpose of imposing special release conditions on an offender under section 18.

*Clause 20* amends section 50(1), which stipulates certain information that must be notified to the persons listed in section 43(2) (the persons who must be notified that a hearing is pending, such as the offender and each victim of the offender). *New section 50(1)(c) and (d)* respectively set out the information that must be notified when the Board has declined to direct the release of the offender on parole or the Board has made a postponement order.

*Clause 21* replaces section 50A(2) so that it omits references to attended and unattended hearings.

*Clause 22* replaces section 67(2) so that it omits references to sections 45 and 46 (which are repealed by *clause 17*).

## Part 2
## Amendments to Part 2 of Parole Act 2002

*Clause 23* repeals section 114(3)(a), which becomes redundant with the removal of the distinction between attended and unattended hearings.

*Clause 24* inserts *new section 118E*, which provides that a person may attend a hearing of the Board in person or by remote access.

*Hon Judith Collins*

# Parole Amendment Bill

Government Bill

## Contents

**The Parliament of New Zealand enacts as follows:**

## 1 Title

This Act is the Parole Amendment Act **2012**.

## 2 Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent.

## 3 Principal Act amended

This Act amends the Parole Act 2002.

# Part 1
# Amendments to Part 1 of Parole Act 2002

**4 Section 4 amended (Interpretation)**

In section 4(1), insert in its appropriate alphabetical order:

"**risk milestone** means a milestone relating to the risk that the offender poses to the safety of the community".

**5 Section 13A amended (Procedure of Board during epidemic)**

Replace section 13A(3) and (4) with:

"(3) If the notice applies to only stated parts of New Zealand, subsections (1) and (2) apply within those parts only."

**6 Section 15 amended (Special conditions)**

Replace section 15(1) with:

"(1) The Board may (subject to subsections (2) and (4)) impose any 1 or more special conditions on an offender."

**7 Section 18 amended (Conditions applying to release at statutory release date)**

Replace section 18(2) with:

"(2) If an offender is released under section 17 at the release date of a long-term sentence,—

"(a) the offender is subject to the standard release conditions for a period of 6 months from the offender's statutory release date; and

"(b) the Board may impose any special conditions for a period of up to 6 months from the offender's statutory release date."

**8 Section 19 amended (Special provision for offenders sentenced to short-term sentences while on parole)**

(1) Replace section 19(4)(a) with:

"(a) the offender is released on parole and the Board must determine—

"(i) the period for which the standard conditions will be in force under section 29(2); and

"(ii) the special conditions under **section 29AA** (if any); but".

(2) In section 19(5), replace "imposed release conditions as required by subsection (4)(a)" with "made a determination required under **subsection (4)(a)**".

**9 Section 21 amended (Consideration for parole of offenders detained in prison)**

In section 21(2), replace "every 12 months" with "every 2 years".

**10 New section 21A inserted (Board must specify date by which offender must be further considered for parole)**

After section 21, insert:

"**21A Board must specify date by which offender must be further considered for parole**

When the Board declines to release an offender on parole, the Board in its decision—

"(a) must specify a date (the **specified date**) by which the offender must be further considered for parole; and

"(b) may specify the risk milestones (if any) that the Board expects will be achieved by the specified date; and

"(c) may specify that the next parole hearing may be brought forward if the Department of Corrections considers that all of the risk milestones have been achieved earlier than the specified date; and

"(d) may give notice to the offender that the Board may consider making a postponement order at the next parole hearing."

**11 Section 26 amended (Other times when Board may consider offenders for parole)**

Replace section 26(2) with:

"(2) An offender may apply at any time for consideration for parole and the chairperson or a panel convenor may refer an offender for consideration for parole under subsection (1).

"(3) If the Department of Corrections considers that all of the risk milestones specified under **section 21A(b)** have been

achieved earlier than the date specified under **section 21A(a)** or considers that there has been a significant change in the circumstances of an offender that are relevant to release of the offender on parole,—

"(a) the Department must notify the Board as soon as practicable; and

"(b) the chairperson or a panel convenor may refer the offender for consideration for parole under subsection (1)."

**12 Sections 27 replaced (Postponement of consideration for parole)**

Replace section 27 with:

"**27 Board may make postponement order**

"(1) The Board may make an order postponing consideration of an offender for parole if—

"(a) the offender is serving—

"(i) an indeterminate sentence; or

"(ii) a determinate sentence of 10 years or more; and

"(b) the Board is satisfied that, in the absence of a significant change in the offender's circumstances, the offender will not be suitable for release for the duration of the postponement order.

"(2) The postponement order must specify a date (the **specified date**) by which the next parole hearing must be held.

"(3) The specified date must be within 5 years of the offender's most recent parole hearing.

"(4) In making a postponement order, the Board may specify the risk milestones (if any) that the Board expects will be achieved by the specified date.

"(5) If the Department of Corrections considers that all of the risk milestones specified under **subsection (4)** have been achieved earlier than the specified date or considers that there has been a significant change in the circumstances of an offender subject to a postponement order that are relevant to release of the offender on parole,—

"(a) the Department must notify the Board as soon as practicable; and

"(b) the chairperson or a panel convenor may refer the offender for consideration for parole at a date earlier than the specified date.

"(6) An offender subject to a postponement order may at any time apply to the Board requesting consideration for parole on the grounds that there has been a significant change in his or her circumstances.

"**27A Procedure for making postponement order**

"(1) The Board may make a postponement order if the Board—

"(a) has given the offender notice that complies with **subsection (3)**; and

"(b) has given the offender an opportunity to make written submissions to the Board about whether the postponement order should be made; and

"(c) at a hearing, has given the offender (in person or through counsel) an opportunity to make oral submissions.

"(2) For the purposes of **subsection (1)(c)**, the hearing may be—

"(a) a parole hearing, at which the Board also considers the offender for parole; or

"(b) a special hearing convened for the purpose of considering whether to make a postponement order.

"(3) Notice by the Board of its intention to consider making a postponement order—

"(a) must be in writing; and

"(b) must be given to the offender at least 14 days before the hearing referred to in **subsection (1)(c)**; and

"(c) may be given to the offender in the Board's decision from a prior parole hearing."

**13 Section 27A renumbered**

Section 27A, as in force before the commencement of this Act, is renumbered "Section 27B".

**14 Section 29 replaced (Release conditions applying to parole)**

Replace section 29 with:

"**29 Standard release conditions**

"(1) The standard release conditions apply to every offender who is released on parole.

"(2) In the case of an offender who is subject to 1 or more determinate sentences, the Board may specify a period for which the standard release conditions are in force.

"(3) However, the period specified under **subsection (2)** may not be less than 6 months and may not extend for more than 6 months after the offender's statutory release date.

"(4) The standard release conditions imposed under **subsection (1)** are in force,—

"(a) in the case of an offender who is subject to 1 or more determinate sentences,—

"(i) if the Board specifies a period under **subsection (2)**, for the specified period:

"(ii) if the Board imposes any special conditions on the offender under **section 29AA(1)**, for the period that the special conditions are in force:

"(iii) if the Board does not specify a period, and does not impose any special conditions, for 6 months:

"(b) in the case of an offender who is subject to an indeterminate sentence, for the rest of the offender's life.

"**29AA Special release conditions**

"(1) In releasing an offender on parole, the Board may impose any special conditions on that offender that the Board specifies.

"(2) Special conditions imposed under **subsection (1)** are in force for the period that the Board specifies.

"(3) However, special conditions imposed on an offender who is subject to 1 or more determinate sentences may not be in force for a longer period than the offender's standard release conditions are in force.

"(4) Despite **section 29(1)**, if the Board imposes any special condition on the offender that the Board considers incompatible with all or any of the standard release conditions imposed under that section, the Board may suspend the incompatible release conditions during the period in which those special con-

ditions are in force, and time runs on the suspended conditions during that period."

**15 Section 29B amended (Board may monitor compliance with conditions)**

Replace section 29B(4)(b) with:

"(b) is conducted in accordance with any directions given by the Board; and".

**16 Section 43 amended (Start of process)**

(1) Replace the heading to section 43 with "**Preparation for hearings**".

(2) Replace section 43(5) with:

"(5) Any person notified under subsection (2) may write to the Board, by a given date, making submissions on, or giving information relevant to, the substantive matter to be decided."

**17 Sections 45 to 48 repealed**

Repeal sections 45 to 48.

**18 Section 49 amended (Attended hearing)**

(1) Replace the heading to section 49 with "**Hearings**".

(2) In section 49(1), replace "An attended hearing" with "A hearing".

(3) Replace section 49(2)(a) with:

"(a) to determine who may attend:".

**19 New sections 49A and 49B inserted**

After section 49, insert:

"**49A Adjournment to obtain further information**

"(1) This section applies if the Board adjourns a hearing to obtain further information before finalising its decision.

"(2) The Board may conduct the remainder of the hearing (including making its decision) without the offender attending, but the offender may attend and make oral submissions if he or she so chooses.

"**49B Hearing to impose release conditions**

"(1) The section applies if the Board conducts a hearing solely to impose special release conditions on an offender under section 18 or 19.

"(2) The Board may conduct the hearing without the Board hearing from any person orally unless—

"(a) the offender wishes to attend and make oral submissions; or

"(b) the Board wishes to hear from any other person."

**20 Section 50 amended (Decisions must be notified)**

Replace section 50(1)(c) with:

"(c) if the Board has declined to direct the release of the offender on parole,—

"(i) the date by which the offender must be further considered for parole; and

"(ii) the risk milestones (if any) specified under **section 21A(b)**; and

"(iii) notice that the hearing may be brought forward if 1 or more of the risk milestones have been achieved earlier than expected; and

"(d) if the Board has made a postponement order,—

"(i) the date by which the offender must further be considered for parole; and

"(ii) the risk milestones (if any) specified under **section 27(4)**; and

"(iii) notice that the hearing may be brought forward if 1 or more of the risk milestones have been achieved earlier than expected."

**21 Section 50A amended (Submissions from, and interviews with, certain victims)**

(1) Replace section 50A(2) with:

"(2) To avoid doubt, the person—

"(a) may, by writing to the Board, make submissions on, or give information relevant to, the substantive matter to be decided at a hearing referred to in section 42; and

"(b) may, with the leave of the Board, attend and make oral submissions to the Board, in accordance with section 49(4)."

(2) In section 50A(3), delete "or (c)".

**22 Section 67 amended (Review of decisions)**

Replace section 67(2) with:

"(2) No review under this section may be sought of—

"(a) a decision under section 13AB to make, or to refuse to make, a confidentiality order; or

"(b) a decision under section 13AE to vary or rescind, or to refuse to vary or rescind, a confidentiality order; or

"(c) a review under section 107(6) of—

"(i) an order made under that section; or

"(ii) an order made under section 105 of the Criminal Justice Act 1985 (as provided for in section 97(8))."

## Part 2
## Amendments to Part 2 of Parole Act 2002

**23 Section 114 amended (Panel convenors)**

Repeal section 114(3)(a).

**24 New section 118E and cross heading inserted**

After section 118D, insert:

"*Attendance at hearings*

"**118E Attendance at hearings**

"(1) For the purpose of any hearing of the Board, a person (including the offender and counsel representing the offender) attends the hearing if he or she is present at the hearing, whether in person or by way of remote access, such as by telephone, video, or Internet link.

"(2) A person may only attend a hearing by remote access if the Board agrees."

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