

Parole Amendment Bill (No 2)

(Divided from the Victims of Crime Reform Bill)

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Victims of Crime Reform Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Victims' Rights Amendment Bill comprising clauses 1 and 2 and Part 1
 - Children, Young Persons, and Their Families Amendment Bill (No 4) comprising Part 2
 - this bill comprising Part 3
 - Sentencing Amendment Bill (No 2) comprising Part 4
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Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

text deleted

Hon Judith Collins

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Parole Amendment Act **2014**.

2 Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent. 5

40 Principal Act amended

This **Part** amends the Parole Act 2002.

41 Interpretation

The definition of **victim** in section 4(1) is amended by omitting “current address, under section 31” and substituting “address, under **section 32B**”.

41A Start of process

Section 43 is amended by inserting the following subsection after subsection (2):

“(2A) When, under **subsection (2)(b)**, the Board gives notice to a victim that a hearing is pending, the Board must also prepare and send to the victim an explanation of the hearing process and how the victim may participate in that process.”

42 Information for victims

(1) Section 44 is amended by inserting the following paragraph after paragraph (c):

“(d) an explanation of the hearing process and how the victim may participate.”

(2) Section 44 is amended by adding the following subsection as subsection (2):

“(2) The Department of Corrections must prepare and send to the victim the information specified in subsection (1) before—

“(a) the parole hearing; and

“(b) each subsequent parole hearing, if at the earlier parole hearing the Board does not direct that the offender be released on parole.”

42A Decision on type of hearing

Section 45 is amended by repealing subsection (7) and substituting the following subsection:

“(7) Notification under subsection (5) or (6) must include,—

“(a) if the hearing is to be an unattended one,—

- “(i) a summary of the reasons for the decision that the hearing will be unattended; and
- “(ii) advice on the right under section 46 to seek a review of the decision; and
- “(iii) advice to the offender and victim on the right under **section 47** to have an interview; and 5
- “(b) if the hearing is to be an attended one,—
 - “(i) notice of the date of the hearing; and
 - “(ii) relevant information about the rights of people attending.” 10

42B Review of decision on type of hearing

- (1) Section 46 is amended by repealing subsection (1) and substituting the following subsections:
- “(1) A person who has received notice under section 45(5) that the hearing will be an unattended one and who is dissatisfied with the decision may seek a review of that decision. 15
 - “(1A) A review is sought under **subsection (1)** by writing to the Board within 10 days of the date of the notification given under section 45(5).”
 - (2) Section 46(5) is amended by omitting “offender” and substituting “person”. 20

42C New section 47 substituted

Section 47 is repealed and the following section substituted:

- “47 Interviews before hearings**
- “(1) If a hearing is to be an unattended hearing, the offender and every victim of the offender must be given the opportunity to have an interview before the hearing with 1 member of the panel allocated to conduct the hearing. 25
 - “(2) The member conducting the interview may conduct the interview at whatever place and in whatever manner he or she considers appropriate, subject to this section. 30
 - “(3) In relation to an interview with a victim,—
 - “(a) the victim may have a support person with him or her, and the support person may, with the consent of the victim and the permission of the member conducting the interview, speak on behalf of the victim; and 35

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- “(b) if there are special circumstances, and with the consent of the victim and the prior written approval of the Board, the victim may be represented at the interview by another person who must attend the interview in place of the victim; and 5
- “(c) the interview may not take place at a prison, unless the victim (or his or her representative) consents.
- “(4) At an interview with an offender, the offender may have a support person with him or her, and the support person may, with the consent of the offender and the permission of the member 10 conducting the interview, speak in support of the offender.”

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Legislative history

16 April 2014

Divided from Victims of Crime Reform Bill (Bill 319–2) as Bill 319–3C
