

**Parole (Extended Supervision  
Orders) Amendment Bill**

Government Bill

As reported from the committee of the whole  
House



**Parole (Extended Supervision Orders)  
Amendment Bill**

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**Key to symbols used in reprinted bill**

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

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*Hon Peseta Sam Lotu-Iiga*

## **Parole (Extended Supervision Orders) Amendment Bill**

Government Bill

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

**1 Title**

This Act is the Parole (Extended Supervision Orders) Amendment Act **2014**.

**2 Commencement**

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

**3 Principal Act**

This Act amends the Parole Act 2002 (the **principal Act**).

**Part 1**

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**Amendments to principal Act**

**4AA Section 4 amended (Interpretation)**

In section 4(1), insert in its appropriate alphabetical order:  
“intensive monitoring condition means the special condition described in **section 107IAB(2)**”.

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

(1) Replace section 15(2)(c) with:

“(c) provide for the reasonable concerns of victims of the offender; or

“(d) comply, in the case of an offender subject to an extended supervision order, with an order of the court, made under **section 107IAB**, to impose an intensive monitoring condition.”

- (2) After section 15(3)(f), insert:
- “(g) an intensive monitoring condition, which must, and may only, be imposed if a court orders (under **section 107IAB**) the imposition of an intensive monitoring condition.” 5

**5 Section 107A amended (Overview of Part)**

- (1) In section 107A(a), replace “certain sexual offences” with “certain offences”.
- (2) In section 107A(b), replace “may last for up to 10 years” with “may last for not more than 10 years at a time”. 10

**6 Section 107B amended (Meaning of relevant offence)**

- (1) In the heading to section 107B, after “**offence**”, insert “, **relevant sexual offence, and relevant violent offence**”.
- (2) Replace section 107B(1) to (2A) with:
- “(1) In this Part, **relevant offence** means any of the following: 15
- “(a) an offence specified in **subsection (2), (2A)**, or (3):
- “(b) an attempt to commit any offence specified in **subsection (2) or (2A)** (but only if the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt): 20
- “(c) a conspiracy to commit any offence specified in **subsection (2) or (2A)**:
- “(d) an offence committed overseas that would come within the description of any offence described in **subsection (2) or (2A)**, or **paragraph (b) or (c)** of this subsection, if it had been committed in New Zealand: 25
- “(e) an offence that is equivalent to an offence specified in **subsection (2) or (2A)** but that was committed against a provision of the Crimes Act 1961 that has been repealed. 30
- “(2) In this Part, an offence against any of the following sections of the Crimes Act 1961 is a **relevant sexual offence**:
- “(a) section 128B(1) (sexual violation):
- “(b) section 129(1) (attempted sexual violation):
- “(c) section 129(2) (assault with intent to commit sexual violation): 35



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- “(d) section 129A(1) (sexual connection with consent induced by certain threats):
  - “(e) section 129A(2) (indecent act with consent induced by certain threats), but only if the victim of the offence was under the age of 16 at the time of the offence: 5
  - “(f) section 130(2) (incest):
  - “(g) section 131(1) and (2) (sexual connection with dependent family member):
  - “(h) section 131(3) (indecent act on dependent family member), but only if the victim of the offence was under the age of 16 at the time of the offence: 10
  - “(i) section 131B (meeting young person following sexual grooming):
  - “(j) section 132(1), (2), and (3) (sexual conduct with child under 12): 15
  - “(k) section 134(1), (2), and (3) (sexual conduct with young person under 16):
  - “(l) section 135 (indecent assault):
  - “(m) section 138(1), (2), and (4) (sexual exploitation of person with significant impairment): 20
  - “(q) section 142A (compelling another person to do indecent act with animal):
  - “(r) section 143 (bestiality):
  - “(s) section 144A(1) (sexual conduct with children and young people outside New Zealand): 25
  - “(t) section 144C(1) (organising or promoting child sex tours):
  - “(u) section 208 (abduction for purposes of marriage or sexual connection).
  - “(2A) In this Part, an offence against any of the following sections of the Crimes Act 1961 is a **relevant violent offence**: 30
    - “(a) section 172(1) (murder):
    - “(b) section 173 (attempt to murder):
    - “(c) section 174 (counselling or attempting to procure murder): 35
    - “(d) section 176 (accessory after the fact to murder):
    - “(e) section 177 (manslaughter):
    - “(f) section 188(1) and (2) (wounding with intent):

- “(g) section 189(1) (injuring with intent to cause grievous bodily harm):
- “(h) section 191(1) and (2) (aggravated wounding or injury):
- “(i) section 198(1) and (2) (discharging firearm or doing dangerous act with intent): 5
- “(j) section 198A(1) and (2) (using firearm against law enforcement officer, etc):
- “(k) section 198B (commission of crime with firearm):
- “(l) section 199 (acid throwing):
- “(m) section 209 (kidnapping): 10
- “(n) section 234(2) (robbery):
- “(o) section 235 (aggravated robbery):
- “(p) section 236(1) and (2) (assault with intent to rob).”
- (3) In section 107B(2B), replace “For the purposes of subsection (2A)” with “For the purposes of **subsection (1)(e)**”. 15

## 7 Section 107C replaced (Meaning of eligible offender)

Replace section 107C with:

### “107C Meaning of eligible offender

- “(1) In this Part, **eligible offender** means an offender who—
- “(a) is not subject to an indeterminate sentence but is a person who has been sentenced to imprisonment for a relevant offence (and that sentence has not been quashed or otherwise set aside) and has not ceased, since his or her latest conviction for a relevant offence (that has not been quashed or otherwise set aside), to be subject to any or all of the following: 20
- “(i) a sentence of imprisonment (whether for a relevant offence or otherwise):
- “(ii) release conditions (whether suspended or not):
- “(iii) an extended supervision order; or 30
- “(b) is a person who—
- “(i) has arrived in New Zealand within 6 months of ceasing to be subject to any sentence, supervision conditions, or order imposed on the person for a relevant offence by an overseas court; and 35
- “(ii) has, since that arrival, been in New Zealand for less than 6 months; and
- “(iii) resides or intends to reside in New Zealand.

“(2) To avoid doubt, and to confirm the retrospective application of this provision, despite any enactment or rule of law, an offender may be an eligible offender even if he or she committed a relevant offence, was most recently convicted, or became subject to release conditions or an extended supervision order before this Part and any amendments to it came into force.” 5

**8 Section 107D amended (Meaning of sentencing court)**

In section 107D, replace “offence for which the offender is subject to a sentence of imprisonment” with “offence for which the offender was most recently subject to a sentence of imprisonment”. 10

**8A Section 107E repealed (Obligation to assess eligible offenders)**

Repeal section 107E.

**9 Section 107F amended (Chief executive may apply for extended supervision order)** 15

(1) Replace section 107F(1) with:

“(1) The chief executive may apply to the sentencing court for an extended supervision order in respect of an eligible offender,— 20

“(a) where the offender is subject to a sentence of imprisonment, at any time before the later of—

“(i) the sentence expiry date of the sentence to which the offender is subject that has the latest sentence expiry date, regardless of whether that sentence is for a relevant offence; and 25

“(ii) the date on which the offender ceases to be subject to any release conditions; or

“(b) where the offender is subject to an extended supervision order, at any time before the expiry of the order; or 30

“(c) where the offender is a person described in **section 107C(1)(b)**, at any time within 6 months of the person’s arrival in New Zealand.”

(2) Replace section 107F(2) with:

- “(2) An application under this section must be accompanied by a report by a health assessor (as defined in section 4 of the Sentencing Act 2002).
- “(2A) Every health assessor’s report must address one or both of the following questions: 5
- “(a) whether—
- “(i) the offender displays each of the traits and behavioural characteristics specified in **section 107IAA(1)**; and
- “(ii) there is a high risk that the offender will in future commit a relevant sexual offence: 10
- “(b) whether—
- “(i) the offender displays each of the behavioural characteristics specified in **section 107IAA(2)**; and 15
- “(ii) there is a very high risk that the offender will in future commit a relevant violent offence.”
- (3) In section 107F(3), replace “in addressing the matters listed in subsection (2)” with “in addressing any matter to be referred to in the health assessor’s report”. 20

**9A New section 107FA inserted (Sentencing court may make interim supervision order)**

After section 107F, insert:

**“107FA Sentencing court may make interim supervision order**

- “(1) This section applies if, before an application for an extended supervision order is finally determined, 1 or more of the following events occur: 25
- “(a) the offender who is the subject of the application is released from detention:
- “(b) the offender who is the subject of the application ceases to be subject to an extended supervision order: 30
- “(c) the offender who is the subject of the application fails to appear at the hearing of the application and is brought before the court under a warrant issued under section 107G(3): 35
- “(d) an offender who is a person described in **section 107C(1)(b)** arrives in New Zealand.

- “(2) The sentencing court may, on application by the chief executive, order that, until the application for an extended supervision order is finally determined, the offender is subject to the supervision conditions specified in the order.
- “(3) When the court makes an order under **subsection (2)** (an **interim supervision order**), it may impose any of the standard conditions that are (under section 107JA), or special conditions that may be (under section 107K), imposed under an extended supervision order. 5
- “(4) If, under an interim supervision order, the court imposes an intensive monitoring condition or residential restrictions, the period for which the interim supervision order is in force is not to be taken into account for the purpose of the limits specified in section 107K(3)(b) and **(ba)**. 10
- “(5) The court may suspend an interim supervision order subject to any conditions that the court thinks fit. 15
- “(6) An interim supervision order ceases to have effect when the application for an extended supervision order is finally determined or discontinued.”
- 9B New section 107GAA inserted (Procedure where hearing contingent on outcome of PPO application)** 20  
After section 107G, insert:
- “107GAA Procedure where hearing contingent on outcome of PPO application**
- “(1) This section applies to an application for an extended supervision order made in respect of an eligible offender who is also the subject of a PPO application that has not been determined or withdrawn. 25
- “(2) For an application to which this section applies,—
- “(a) the sentencing court is (despite anything in section 107D) the High Court; and 30
- “(b) the sentencing court must not hear the application until—
- “(i) the proceeding on the PPO application has been completed and the court has declined to make a public protection order against the offender; or 35
- “(ii) the PPO application has been withdrawn; or

- “(iii) the public protection order made against the offender has been cancelled as a result of a successful appeal against the order; and  
“(c) the notice given under section 107G(1)(d) must inform the offender of the effect of this provision. 5
- “(3) The application is taken to be withdrawn if the court has made a public protection order against the offender and all avenues for appeal are exhausted or the period in which an appeal may be filed expires.
- “(4) Where the court has declined to make a public protection order and the court proceeds to hear the application for an extended supervision order, that application must, if practicable, be heard by the same Judge that heard the PPO application. 10
- “(5) In this section, **PPO application** means an application for a public protection order under **section 8** of the **Public Safety (Public Protection Orders) Act 2014**.” 15
- 10 Section 107H amended (Hearings relating to extended supervision orders)**  
Repeal section 107H(1)(c).
- 11 Section 107I amended (Sentencing court may make extended supervision order)** 20
- (1) In section 107I(1), replace “pose a real and ongoing risk of committing sexual offences against children or young persons” with “pose a real and ongoing risk of committing serious sexual or violent offences”. 25
- (2) Replace section 107I(2) with:
- “(2) A sentencing court may make an extended supervision order if, following the hearing of an application made under section 107F, the court is satisfied, having considered the matters addressed in the health assessor’s report as set out in section 107F(2A), that— 30
- “(a) the offender has, or has had, a pervasive pattern of serious sexual or violent offending; and
- “(b) either or both of the following apply:
- “(i) there is a high risk that the offender will in future 35  
commit a relevant sexual offence:

“(ii) there is a very high risk that the offender will in future commit a relevant violent offence.”

(3) Repeal section 107I(6).

**12 New sections 107IAA and to 107IAB inserted**

After section 107I, insert: 5

**“107IAA Matters court must be satisfied of when assessing risk**

“(1) A court may determine that there is a high risk that an eligible offender will commit a relevant sexual offence only if it is satisfied that the offender—

“(a) displays an intense drive, desire, or urge to commit a relevant sexual offence; and 10

“(b) has a predilection or proclivity for serious sexual offending; and

“(c) has limited self-regulatory capacity; and

“(d) displays either or both of the following: 15

“(i) a lack of acceptance of responsibility or remorse for past offending:

“(ii) an absence of understanding for or concern about the impact of his or her sexual offending on actual or potential victims. 20

“(2) A court may determine that there is a very high risk that an eligible offender will commit a relevant violent offence only if it is satisfied that the offender—

“(a) has a severe disturbance in behavioural functioning established by evidence of each of the following characteristics: 25

“(i) intense drive, desires, or urges to commit acts of violence; and

“(ii) extreme aggressive volatility; and

“(iii) persistent harbouring of vengeful intentions towards 1 or more other persons; and 30

“(b) either—

“(i) displays behavioural evidence of clear and long-term planning of serious violent offences to meet a premeditated goal; or 35

“(ii) has limited self-regulatory capacity; and

“(c) displays an absence of understanding for or concern about the impact of his or her violence on actual or potential victims.

“**107IAAB Chief executive may apply for imposition of intensive monitoring condition** 5

“(1) When the chief executive makes an application under section 107F for an extended supervision order, he or she may at the same time apply to the sentencing court for an order requiring the Board to impose an intensive monitoring condition on the offender under **section 107IAB**. 10

“(2) If the chief executive makes an application under this section, the sentencing court is, for the purpose of that application and the corresponding application under section 107F, and despite anything in section 107D, taken to be the High Court.

“**107IAB Court may order imposition of intensive monitoring condition** 15

“(1) When a sentencing court makes an extended supervision order in respect of an offender, the court may at the same time, on application by the chief executive made under **section 107IAAB(1)**, make an order requiring the Board to impose an intensive monitoring condition on the offender. 20

“(2) An intensive monitoring condition is a condition requiring an offender to submit to being accompanied and monitored, for up to 24 hours a day, by an individual who has been approved, by a person authorised by the chief executive, to undertake person-to-person monitoring. 25

“(3) The order must specify the maximum duration of the intensive monitoring condition, which must be no longer than 12 months.

“(4) If the court makes an order under this section, the Board must impose an intensive monitoring condition on the offender as a special condition. 30

“(5) The court may not make an order under this section in respect of an offender more than once, even if the offender is subject to repeated extended supervision orders. 35



“(6) However, the court may make an order under this section in respect of an offender who was subject to an extended supervision order before the commencement of this section even if, under that order, the offender was at any time subject to a condition imposed by the Board under section 107K(2).” 5

**12A Section 107JA amended (Standard extended supervision conditions)**

(1) Replace section 107JA(1)(i) with:

“(i) the offender must not associate with, or contact, a person under the age of 16 years, except— 10

“(i) with the prior written approval of a probation officer; and

“(ii) in the presence and under the supervision of an adult who—

“(A) has been informed about the relevant offending; and 15

“(B) has been approved in writing by a probation officer as suitable to undertake the role of supervision:”.

(2) After section 107JA(2), insert: 20

“(3) The condition in **subsection (1)(i)** applies to extended supervision orders made before and after the commencement of **section 12A** of the **Parole (Extended Supervision Orders) Amendment Act 2014**.”

**13 Section 107K amended (Board may impose special conditions)** 25

(1) Repeal section 107K(2).

(2) In section 107K(3)(a), replace “paragraph (b)” with “paragraphs (b) and **(ba)**”.

(3) After section 107K(3)(b), insert: 30

“(ba) any intensive monitoring condition may apply only within the first 12 months of the term of the order; and

“(bb) any condition requiring the offender to participate in a programme (as referred to in section 15(3)(b)) must not— 35

- “(i) require that the offender be, or result in the offender being, supervised, monitored, or subject to other restrictions, for longer each day than is necessary to ensure the offender’s attendance at classes or participation in other activities associated with the programme; or 5
- “(ii) require the offender to reside with, or result in the offender residing with, any person, persons, or agency in whose care the offender is placed; and” 10
- (4) After section 107K(3), insert:
- “(3A) **Subsection (3B)** applies if the Board has imposed or imposes on an offender any of the following special conditions:
- “(a) a condition requiring the offender to submit to being accompanied and monitored for up to 24 hours a day under section 33(2)(c) and subsection (2) (imposed before the commencement of the **Parole (Extended Supervision Orders) Amendment Act 2014**): 15
- “(b) a condition of long-term full-time placement in the care of an appropriate agency, person, or persons for the purposes of a programme under sections 15(3)(b) and 16(c) and subsection (1) (imposed before the commencement of the **Parole (Extended Supervision Orders) Amendment Act 2014**): 20
- “(c) an intensive monitoring condition imposed under subsection (1) in accordance with an order made by the court under **section 107IAB(1)**. 25
- “(3B) When this subsection applies, the standard condition in **section 107JA(1)(i)**—
- “(a) is suspended during the period in which the special condition is in force; and 30
- “(b) is for that period replaced by the condition specified in **subsection (3C)**.
- “(3C) For the purposes of **subsection (3B)(b)**, the condition is that the offender must not associate with, or contact, a person under the age of 16 years, except— 35
- “(a) with the prior written approval of an employee of the chief executive authorised by the chief executive to grant such approval; and

“(b) in the presence and under the supervision of an adult who—  
“(i) has been informed about the relevant offending;  
and  
“(ii) has been approved in writing by a probation officer as suitable to undertake the role of supervision.”

5

**14 Section 107L amended (Commencement and expiry of extended supervision order)**

(1) Replace section 107L(1)(b) with: 10

“(b) if the order is in respect of an offender who is already subject to an extended supervision order, on the expiry of that order, unless an earlier date is specified in the new order; or

“(c) in any other case,— 15

“(i) on the date that the order is made; or

“(ii) if a different date is specified in the order, on the specified date.”

(2) Replace section 107L(3) with:

“(3) An extended supervision order expires on the earliest of the following: 20

“(a) the date on which the order is cancelled:

“(b) the date on which the term of the order expires:

“(c) if the offender becomes subject to a new extended supervision order before the expiry of an earlier extended supervision order, the commencement of the new extended supervision order.” 25

**15 Cross-heading above section 107M replaced**

Replace the cross-heading above section 107M with:

*“Cancellation, variation, and suspension”.* 30

**16 Section 107M amended (Sentencing court may cancel extended supervision order)**

(1) In section 107M(1), replace “on the grounds that the offender is no longer likely to commit any of the relevant offences referred to in section 107B(2) within the term of the order” with 35

“on the grounds that the offender poses neither a high risk of committing a relevant sexual offence, nor a very high risk of committing a relevant violent offence, within the remaining term of the order”.

- (2) Replace section 107M(4) with: 5
- “(4) The sentencing court may order the cancellation of an extended supervision order only if the applicant satisfies the court, on the basis of the matters set out in **section 107IAA**, that the offender poses neither a high risk of committing a relevant sexual offence, nor a very high risk of committing a relevant violent offence, within the remaining term of the order.” 10
- 17 Section 107N repealed (Extension of short extended supervision order)**  
Repeal section 107N. 15
- 18 Section 107O amended (Board may vary conditions of extended supervision order)**  
After section 107O(1), insert:
- “(1A) However, the Board may not vary any condition of an extended supervision order in a way that would be contrary to any order made under **section 107IAB** requiring the imposition of an intensive monitoring condition.” 20
- 19 Section 107R amended (Appeals against decisions of sentencing court)**  
In section 107R(1), replace “section 107I, section 107M, or section 107N” with “section 107I, **107IAB**, 107M, or **107RA**”. 25
- 20 New sections 107RA and 107RB inserted**  
After section 107R, insert:
- “107RA Review by court**
- “(1) A sentencing court must, on or before the review date specified in **subsection (2)**, commence a review of an extended supervision order in order to ascertain whether there is— 30
- “(a) a high risk that the offender will commit a relevant sexual offence within the remaining term of the order; or

- “(b) a very high risk that the offender will commit a relevant violent offence within the remaining term of the order.
- “(2) The review date of an extended supervision order is,—
- “(a) if an offender has not ceased to be subject to an extended supervision order since first becoming subject to an extended supervision order, the date that is 15 years after the date on which the first extended supervision order commenced; and 5
- “(b) thereafter, 5 years after the imposition of any and each new extended supervision order. 10
- “(3) A review under this section must be commenced by way of an application by the chief executive, which may be made at any time within 4 months before the review date.
- “(4) For the purpose of a review under this section, sections 107F (except **subsection (1)**), 107G, 107GA, and 107H apply (with any necessary modification) as if the review were an application for an extended supervision order. 15
- “(5) Following the review, the court must either confirm the order or cancel it.
- “(6) The court may only confirm the order if, on the basis of the matters set out in **section 107IAA**, it is satisfied that there is— 20
- “(a) a high risk that the offender will commit a relevant sexual offence within the remaining term of the order; or
- “(b) a very high risk that the offender will commit a relevant violent offence within the remaining term of the order. 25
- “(7) For any period during which time has ceased to run on an extended supervision order under section 107P, time also ceases to run on the period specified in **subsection (2)** for the purpose of calculating the review date of an extended supervision order. 30
- “**107RB Biennial review of high-impact conditions**
- “(1) In this section, a **high-impact condition**, in relation to an extended supervision order imposed on an offender, means either of the following: 35
- “(a) a residential condition that requires the offender to stay at a specified residence for more than a total of 70 hours during any week:

- “(b) a condition requiring the offender to submit to a form of electronic monitoring that enables the offender’s whereabouts to be monitored when the offender is not at his or her residence.
- “(2) The Board must review every high-impact condition of an offender’s extended supervision order every 2 years after the later of the following:
  - “(a) the date on which the high-impact condition was imposed:
  - “(b) the date on which the high-impact condition was confirmed or varied, whether under section 107O or this section.
- “(3) Before a review under this section,—
  - “(a) the chief executive must make a recommendation to the Board on whether the condition is still appropriate and, if not, whether the condition should be discharged or varied and, if it should be varied, how; and
  - “(b) the Board must advise the offender that a review is to take place and that he or she may make a written submission to the Board; and
  - “(c) the Board may seek information from any other person it considers has, or may have, an interest in the application.
- “(4) The review may be determined without the Board hearing from any person, unless—
  - “(a) the Board wishes to hear from any person orally; or
  - “(b) the Board is contemplating making a high-impact condition more onerous, in which case it must give the offender an opportunity to appear before the Board.
- “(5) Following the review, the Board may confirm, discharge, or vary the condition.
- “(6) Section 58(4) applies if the Board directs the variation or discharge of a high-impact condition section.
- “(7) For any period during which time has ceased to run on an extended supervision order under section 107P, time also ceases to run on the period of 2 years specified in **subsection (2)** for the purpose of calculating the date or dates by which the Board must conduct a review under this section.”

- 21 Section 107U amended (Rules about court practice and procedure)**  
In section 107U, replace “section 107I, section 107M, or section 107N” with “section 107I, 107M, or **107RA**”.
- 22 Sections 107Y and 107Z repealed** 5  
Repeal sections 107Y and 107Z.
- 23 New sections 107ZA and 107ZB inserted**  
After the cross-heading below section 107X, insert:
- “107ZA Extension of certain orders that are in force before this section comes into force** 10
- “(1) This section applies where—
- “(a) an offender is subject to an extended supervision order that—
- “(i) was imposed before this section comes into force; and 15
- “(ii) has an expiry date that is on or before the date that is 6 months after this section comes into force; and
- “(b) an application is made for a new extended supervision order in respect of the offender before the expiry date of the extended supervision order. 20
- “(2) When this section applies, the expiry date of the offender’s existing extended supervision order is deemed to be the earliest of the following:
- “(a) the date (if any) on which the application for a new extended supervision order is declined. 25
- “(b) the date on which any new extended supervision order comes into force:
- “(c) the date that is 6 months after this section comes into force. 30
- “(3) To avoid doubt, an offender referred to in **subsection (1)** remains subject to his or her extended supervision order until the applicable expiry date referred to in **subsection (2)**.

**“107ZB Modification of conditions on extended supervision orders in force before this section comes into force**

- “(1) This section applies to an offender who is subject to an extended supervision order—
- “(a) that was imposed before this section comes into force; 5  
and
  - “(b) that includes a condition, imposed under section 15(3)(b), requiring the offender to participate in a programme; and
  - “(c) where the terms of that condition— 10
    - “(i) require that the offender be, or result in the offender being, supervised, monitored, or subject to other restrictions, for longer each day than is necessary to ensure the offender’s attendance at classes or participation in other activities associated with the programme; or 15
    - “(ii) require the offender to reside with, or result in the offender residing with, any person, persons, or agency in whose care the offender is placed.
- “(2) Where this section applies, the Board must, within 2 years after the date on which this section comes into force, review the condition imposed under section 15(3)(b) on the offender and either cancel the condition, or adjust it so that it complies with **section 107K(3)(bb)**. 20
- “(3) If the Board has not conducted and completed the review required under this section by the close of the day that is 2 years after the date on which this section comes into force, the condition requiring the offender to participate in a programme is cancelled.” 25

**Part 2** 30

**Technical and consequential amendments**

**24 Amendment to Corrections Act 2004**

- (1) This section amends the Corrections Act 2004.
- (2) In section 65(2)(ab), delete “or for the extension of an extended supervision order”. 35



- 25 Amendment to Privacy Act 1993**
- (1) This section amends the Privacy Act 1993.
- (1A) In Schedule 5, under the heading *Police records*, item relating to protection orders, third column, after paragraph (d), insert:  
“(e) an extended supervision order.” 5
- (1B) In Schedule 5, under the heading *Police records*, item relating to restraining orders, third column, after paragraph (d), insert:  
“(e) an extended supervision order.”
- (1C) In Schedule 5, under the heading *Police records*, item relating to non-contact orders, third column, after paragraph (d), insert: 10  
“(e) an extended supervision order.”
- (2) In Schedule 5, under the heading *Department of Corrections records*, after the item relating to community-based sentences, sentences of home detention, and conditions of release, insert:
- |                             |  |   |
|-----------------------------|--|---|
| Extended supervision orders | Details of extended supervision orders made under Part 1A of the Parole Act 2002 | Police (access is for the purpose of managing the conditions of the extended supervision order) |
|-----------------------------|--|---|
- 26 Amendments to Parole Regulations 2002** 15
- (1) This section amends the Parole Regulations 2002.
- (2) Revoke regulation 4(2)(m), (n), and (o).
- (3) In the Schedule, revoke forms 15, 16, and 17.
- 27 Consequential amendments to Court of Appeal (Criminal) Rules 2001** 20
- (1) This section amends the Court of Appeal (Criminal) Rules 2001.
- (2) In rule 3(1), definition of **extended supervision order appeal**, replace “section 107M, or section 107N” with “**section 107IAB**, section 107M, or **section 107RA**”. 25
- (3) In the Schedule, form 7, after the first bullet point, insert:  
“• *making an order under **section 107IAB** of the Parole Act 2002 requiring the imposition of an intensive monitoring condition; or*”.
- (4) In the Schedule, form 7, replace the last bullet point with: 30

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- “• *confirming an extended supervision order following a review under **section 107RA** of the Parole Act 2002.*”

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**Legislative history**

17 April 2014	Introduction (Bill 195-1)
3 July 2014	First reading and referral to Law and Order Committee
5 November 2014	Reported from Law and Order Committee (Bill 195-2)
26 November 2014	Second reading
2 December 2014	Committee of the whole House

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