



Parole Amendment Act 2015

Public Act 2015 No 4
Date of assent 2 March 2015
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Parole Amendment Act 2015.

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:

“**relevant activity** is an activity or a programme for the rehabilitation or reintegration of offenders that is specified by the Board under section 21A”.

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 14 amended (Standard release conditions)

Insert after section 14(3):

“(4) For the purposes of any provision of this Act relating to the imposition of standard release conditions, those conditions must be treated as if they were imposed by the Board.”

7 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.”

8 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.”

9 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 may—
“(i) specify a period for which the standard conditions are in force; and
“(ii) impose 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)”.

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

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

11 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) where the date specified in paragraph (a) is more than 12 months after the date of the current hearing, may specify the relevant activities (if any) that the Board expects will be completed by the specified date; and
“(c) may specify that the next parole hearing may be brought forward if the manager of the prison in which the offender is detained considers that all of the relevant ac-

tivities have been completed 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.”

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

Replace section 26(2) with:

- “(2) An offender may apply to the Board 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 manager of the prison in which the offender is detained considers that all of the relevant activities specified under section 21A(b) have been completed 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 manager 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).”

13 Section 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 relevant activities (if any) that the Board expects will be completed by the specified date.
- “(5) If the manager of the prison in which the offender is detained considers that all of the relevant activities specified under subsection (4) have been completed 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 manager 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.”

14 Section 27A renumbered

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

15 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 that apply 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, unless

the release conditions are varied or discharged by the Board under section 58.

“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 conditions are in force, and time runs on the suspended conditions during that period.”

16 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”.

17 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.”

18 Sections 45 to 48 repealed

Repeal sections 45 to 48.

19 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:”.

20 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 making its decision.
- “(2) The Board may conduct the remainder of the hearing (including making its decision) without the offender attending, but the offender is entitled to attend and make oral submissions.

“49B Hearing to impose release conditions

- “(1) This 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 has asked to attend and make oral submissions; or
 - “(b) the Board wishes to hear from any other person.”

21 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 relevant activities (if any) specified under section 21A(b); and
 - “(iii) notice that the hearing may be brought forward if all of the relevant activities have been completed 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 relevant activities (if any) specified under section 27(4); and
- “(iii) notice that the hearing may be brought forward if all of the relevant activities have been completed earlier than expected.”

22 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)”.

23 Section 50B amended (Decisions to be notified to certain victims)

- (1) Delete section 50B(1)(b).
- (2) In section 50B(1)(c), replace “50A(2)(c)” with “50A(2)(b)”.

24 Section 60(5)(b) amended (Making recall application)

In section 60(5)(b), after “is made”, insert “but the Board does not make a final recall order”.

25 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 decision under section 21A(b) or 27(4) specifying relevant activities; or

- “(d) 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

26 Section 114 amended (Panel convenors)

Repeal section 114(3)(a).

27 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 a member of the Board, 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.”

Legislative history

26 September 2012	Introduction (Bill 73–1)
19 November 2013	First reading and referral to Law and Order Committee
16 May 2014	Reported from Law and Order Committee (Bill 73–2)
26 November 2014	Second reading
11 February 2015	Committee of the whole House
24 February 2015	Third reading
2 March 2015	Royal assent

This Act is administered by the Ministry of Justice.
