

Parole Amendment Regulations (No 2) 2007

Preamble

At Wellington this 10th day of December 2007

Pursuant to section 74 of the Parole Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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- 1 Title**
These regulations are the Parole Amendment Regulations (No 2) 2007.

- 2 Commencement**
These regulations come into force on 14 December 2007.

- 3 Principal regulations amended**
These regulations amend the Parole Regulations 2002.

4 Prescribed forms

Regulation 4(2) is amended by adding the following paragraphs:

“

- “(p) form 18 (application for confidentiality order):
- “(q) form 19 (confidentiality order):
- “(r) form 20 (Parole Board initiated interim recall order):
- “(s) form 21 (warrant to arrest and detain released offender following Parole Board initiated interim recall order).”

5 Form 1 amended

- (1) The heading to form 1 of the Schedule is amended by omitting “who is released from prison on court-imposed conditions” and substituting “released from prison on conditions”.
- (2) Form 1 of the Schedule is amended by omitting “You are released from [*name of prison*] on the conditions imposed by the court under section 93(1) of the Sentencing Act 2002” and substituting “You are released from [*name of prison*] on the conditions imposed under section 93 of the Sentencing Act 2002”.

6 New forms 18 to 21 added

The Schedule of the principal regulations is amended by adding the forms 18 to 21 set out in the Schedule of these regulations.

Schedule

r 6

New forms 18 to 21 added

Form 18

Application for confidentiality order

Section 13AA, Parole Act 2002

To the Chairperson or Panel Convenor of the Parole Board:

I [*full name*] of [*address*], *chief executive/*Commissioner of Police, apply for an order to be made under section 13AB of the Parole Act 2002 that the following information be kept confidential and not be disclosed or published: [*specify information*].

*Delete if inapplicable.

Grounds for application

The grounds for the application are that—

- (a) the information specified above is relevant to a matter concerning [*full name of offender*] that is before the Parole Board or will be before the Parole Board (being a current matter); and
- (b) disclosure of the information may—
 - (i) endanger the safety of the person who is the source of the information or of any other person; or
 - (ii) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Affidavit in support of application

I attach to this application my affidavit sworn at [*place*] on [*date*].

In my affidavit I set out all the information that I believe is relevant to this application and specify the basis on which I am satisfied that the grounds set out above apply in this case.

Dated at [*place*] on [*date*].

.....
Applicant

Form 19 Confidentiality order

Section 13AB, Parole Act 2002

On [*date*], I [*full name*], *Chairperson/*Panel Convenor of the Parole Board, considered an application for a confidentiality order to be made under section 13AB of the Parole Act 2002 in regard to a matter concerning [*full name of offender*] (the **offender**) that is before the Parole Board or will be before the Parole Board (the **current matter**).

*Delete if inapplicable.

Under section 13AB of the Parole Act 2002, I make a confidentiality order in regard to the following information (the **information**) [*specify information**]:

*Information may be identified by reference to 1 or more documents.

Under section 13AB of the Parole Act 2002, I—

***(a)** forbid the disclosure or publication of the information other than to—

- (i) the members of the Parole Board involved in considering and determining the current matter; and
- (ii) the following officials who require access to the information to perform their functions in relation to the Parole Board's determination of the current matter or the implementation of that determination: [*full name or position of each official*]:

***(b)** forbid the disclosure or publication (other than to a person mentioned in paragraph (a)(i) or (ii)) of any particulars that identify, or may lead to the identification of, any person who is the source of the information:

***(c)** require the members of the Parole Board involved in considering and determining the current matter to receive the information in the absence of any person other than—

- (i) any officials who are permitted access to the information under this order and whose presence the members consider necessary; and
- (ii) the person who is the source of the information, if that person gives oral evidence that is received by the Parole Board.

*Delete if inapplicable.

Form 19—*continued***Grounds for order**

The Parole Board makes this order because it is satisfied that—

- (a) the information is relevant to a current matter concerning the offender;
and
- (b) disclosure of the information may—
 - (i) endanger the safety of the person who is the source of the information or of any other person; or
 - (ii) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Dated at [*place*] on [*date*].

.....
Chairperson *or*
Panel Convenor of the
Parole Board

Form 20
Parole Board initiated interim recall order

Section 29B(5)(c), Parole Act 2002

The Parole Board required [full name] of [address], [occupation], (the **offender**) to attend a hearing on [date] under section 29B(2)(b) of the Parole Act 2002. The hearing related to the monitoring of conditions of the offender's *parole/*compassionate release.

*Delete if inapplicable.

The Parole Board orders, under section 29B(5)(c) of the Parole Act 2002, that the offender be detained in custody pending determination of an application for recall.

Grounds for order

The Parole Board is satisfied that—

- * (a) the offender poses an undue risk to the safety of the community or to any person or class of persons:
- * (b) the offender is likely to abscond before the determination of the application for recall:
- * (c) the offender is subject to the special condition of residential restrictions, and—
 - * (i) a suitable residence in an area in which a residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available:
 - * (ii) the offender no longer wishes to be subject to residential restrictions.

*Delete if inapplicable.

Dated at [place] on [date].

.....
Chairperson *or*
Panel Convenor of the
Parole Board

Form 21
Warrant to arrest and detain released offender
following Parole Board initiated interim recall
order

Section 29B(5)(c), Parole Act 2002

To every member of the police and to the manager of [*name of prison*]:

[*Full name*] of [*address*], [*occupation*], (the **offender**), was released from [*name of prison*] on [*date*] in respect of a sentence(s) of imprisonment for a term of [*period*] for the offence(s) of [*specify offence(s)*].

Today I have made a Parole Board initiated interim recall order under section 29B(5)(c) of the Parole Act 2002 for the recall of the offender.

You, the members of the police, are directed to arrest the offender and to deliver (or return) the offender to the manager of [*name of prison*].

And you, the manager, are directed to receive the offender into your custody and to detain the offender pending determination of an application for recall.

Dated at [*place*] on [*date*].

.....
Chairperson *or*
Panel Convenor of the
Parole Board

Rebecca Kitteridge,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 14 December 2007, add 4 new forms to the Parole Regulations 2002 (the principal regulations).

The forms are—

- an application for a confidentiality order; and
- a confidentiality order; and
- a Parole Board initiated interim recall order; and

- a warrant to arrest and detain a released offender following a Parole Board initiated interim recall order.

The regulations also make minor amendments to form 1 of the principal regulations.

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