Parole Amendment Act 2006

Public Act 2006 No 88
Date of assent 18 December 2006

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal Act amended	2
4	Interpretation	2
5	New section 13A inserted	2
	13A Procedure of Board during epidemic	2
6	New section 27A inserted	3
	27A Consideration of offenders for parole during epidemic	3
7	New section 40A inserted	4
	40A Applications for home detention during epidemic	4
8	New section 56A inserted	5
	56A Application of section 56 during epidemic	5
9	New section 65A inserted	5
	65A Application of section 65 during epidemic	5
10	New section 107GA inserted	7
	107GA Application of section 107G during epidemic	7

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Parole Amendment Act 2006.

2 Commencement

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

3 Principal Act amended

This Act amends the Parole Act 2002.

4 Interpretation

Section 4(1) is amended by inserting the following definition after the definition of determinate sentence:

"**epidemic management notice** means a notice under section 8(1) of the Epidemic Preparedness Act 2006 stating that the application of this Act is modified in order to deal with the practical effects of the outbreak of the disease referred to in the notice".

5 New section 13A inserted

The following section is inserted after section 13:

"**13A Procedure of Board during epidemic**

"(1) While an epidemic management notice is in force, any decision or action that may or must be made or taken by the Board under this Act may, if the chairperson or a panel convenor is satisfied that it is desirable,—

"(a) be made or taken by the Board on the basis of documents only, without the presence or submission of any person who would otherwise have the right to be present or make a submission; or

"(b) be made or taken by the chairperson or the panel convenor, acting alone, either—

"(i) in the usual way; or

"(ii) on the basis of documents only, without the presence or submission of any person who would otherwise have the right to be present or make a submission.

"(2) Subsection (1) overrides every provision of this Act to the contrary.

"(3) The taking of a decision in accordance with subsection (1) is not an unattended hearing; and the provisions of this Act relating to unattended hearings (or to decisions on whether a hearing will be unattended or attended) do not apply to it.

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

6 New section 27A inserted

The following section is inserted after section 27:

"**27A Consideration of offenders for parole during epidemic**

"(1) This subsection applies to a requirement in any of sections 21 to 27 for the Board to consider an offender for parole that (but for this section) would have the effect of requiring the Board to consider an offender for parole

"(a) while an epidemic management notice is in force; or

"(b) after an epidemic management notice has expired, but while (in the Board's opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of offenders who, by virtue of one of those requirements, should have been considered for parole before the offender.

"(2) It is a sufficient compliance with a requirement to which subsection (1) applies if the Board considers the offender concerned for parole as soon after he or she should have been considered as is reasonably practicable in the circumstances.

"(3) The circumstances include—

"(a) the number of appropriately qualified employees of the chief executive available to produce reports for the Board:

"(b) the number of appropriately qualified employees of the chief executive available to participate in hearings of the Board:

"(c) the number of Board members available to conduct hearings:

"(d) the number of offenders who have not yet been considered for parole as required by any of sections 21 to 27:

"(e) the number and seriousness of the other matters pending before the Board.

"(4) In deciding the order in which it should consider for parole offenders who, by virtue of subsection (2), may be considered for parole as soon after they should have been considered as is reasonably practicable in the circumstances, the Board—

"(a) must first consider how much time has passed since each of them should have been considered; but

"(b) may then consider them for parole in any order it thinks appropriate.

"(5) If the notice applies to only stated parts of New Zealand, subsections (1) to (4) apply within those parts only."

7 New section 40A inserted

The following section is inserted after section 40:

"**40A Applications for home detention during epidemic**

"(1) This subsection applies to an application for home detention if section 33(4) has the effect of requiring the Board to consider it—

"(a) while an epidemic management notice is in force; or

"(b) after an epidemic management notice has expired, but while (in the Board's opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of offenders whose applications for home detention should, by virtue of section 33(4), have been considered before it.

"(2) In relation to an application for home detention to which subsection (1) applies, it is a sufficient compliance with section 33(4) if the Board considers it as soon after it should have been considered as is reasonably practicable in the circumstances.

"(3) The circumstances include—

"(a) the number of appropriately qualified employees of the chief executive available to produce reports for the Board:

"(b) the number of appropriately qualified employees of the chief executive available to participate in hearings of the Board:

"(c) the number of Board members available to conduct hearings:

"(d) the number of applications for home detention that have not yet been considered:

"(e) the number and seriousness of the other matters pending before the Board.

"(4) In deciding the order in which it should consider applications for home detention that, by virtue of subsection (2), may be considered as soon after they should have been considered as is reasonably practicable in the circumstances, the Board—

"(a) must first consider how much time has passed since each of them should have been considered; but

"(b) may then consider them in any order it thinks appropriate.

"(5) If the notice applies to only stated parts of New Zealand, subsections (1) to (4) apply within those parts only."

8 New section 56A inserted

The following section is inserted after section 56:

"**56A Application of section 56 during epidemic**

While an epidemic management notice is in force, a probation officer who has made an application to the Board under section 56(2) for the variation of a release condition or detention condition imposed by the Board may himself or herself vary the condition; and the variation has effect until the application has been heard and disposed of."

9 New section 65A inserted

The following section is inserted after section 65:

"**65A Application of section 65 during epidemic**

"(1) This subsection applies to a recall application if, but for this section, section 65(1) or (2) would have the effect of requiring the Board to determine it—

"(a) while an epidemic management notice is in force; or

"(b) after an epidemic management notice has expired, but while (in the Board's opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of offenders in respect of whom a recall ap-

plication should, by virtue of section 65(1) or (2), have been considered before it.

"(2) In relation to an application for a recall application to which subsection (1) applies, it is a sufficient compliance with section 65(1) or (2) (as the case requires) if the Board considers it as soon after it should have been considered as is reasonably practicable in the circumstances.

"(3) This subsection applies to the hearing of a recall application if the Board wishes to adjourn it, without the offender's consent,—

"(a) while an epidemic management notice is in force; or

"(b) after an epidemic management notice has expired, but while (in the Board's opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of matters pending before the Board.

"(4) The Board may, without the offender's consent, adjourn the hearing of a recall application to which subsection (3) applies for any period (not exceeding 21 days) it thinks appropriate in the circumstances.

"(5) The circumstances referred to in subsections (2) and (4) include—

"(a) the number of appropriately qualified employees of the chief executive available to provide administrative support to the Board:

"(b) the number of appropriately qualified employees of the chief executive available to produce reports for and participate in hearings of the Board:

"(c) the number of Board members available to conduct hearings:

"(d) the number and nature of the other matters pending before the Board.

"(6) The Board may decide the order in which it should consider recall applications that, by virtue of subsection (2), may be considered as soon after they should have been considered as is reasonably practicable in the circumstances in any order it thinks appropriate.

"(7) If the notice applies to only stated parts of New Zealand, subsections (1) to (6) apply within those parts only."

10 New section 107GA inserted

The following section is inserted after section 107G:

"**107GA Application of section 107G during epidemic**

"(1) This subsection applies to the hearing of an application for an extended supervision order relating to an offender who has been remanded in custody following arrest under a warrant issued under section 107G(3) if the Court wishes to adjourn it—

"(a) while an epidemic management notice is in force; or

"(b) after an epidemic management notice has expired, but while (in the Court's opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of matters pending before the Court.

"(2) The Court may, without the offender's consent, adjourn the hearing of an application for an extended supervision order to which subsection (1) applies for any period (not exceeding 21 days) it thinks appropriate in the circumstances."

Legislative history

6 December 2006	Divided from Law Reform (Epidemic Preparedness) Bill (Bill 39-2) as Bill 39-3D
12 December 2006	Third reading