



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Parole Amendment Bill: Approval for Introduction

Portfolio Corrections

On 17 August 2023, the Cabinet Legislation Committee:

- 1 **noted** that on 7 August 2023, Cabinet agreed to amend the Parole Act 2002 [CAB-23-MIN-0351]:
 - 1.1 to enable programme conditions and residential conditions to be delivered by the same provider;
 - 1.2 to include provisions for retrospective legislation to capture offenders currently managed under an extended supervision order (ESO), alongside future offenders;
 - 1.3 to include clarification that programme conditions must not have the effect of subjecting the offender to restrictions equivalent to 24-hour monitoring or full-time residential restrictions;
 - 1.4 to ensure that conditions are not more restrictive than necessary, the Parole Act 2002 require the New Zealand Parole Board to undertake two yearly reviews of any offenders on an ESO who are subject to a combination of programme and residential conditions and that the offender participate in these reviews;

9(2)(h)

- 3 **noted** that on 7 August 2023, Cabinet agreed that, subject to availability, the amendment bill should be introduced and passed through all stages on the same day, either under urgency or by agreement of the Business Committee, with this to take place in the final sitting block of the Parliamentary term [CAB-23-MIN-0351];

Additional clarifications were identified during drafting

- 4 **noted** that on 7 August 2023, Cabinet authorised the Minister of Corrections, in consultation with the Minister of Justice, to make further decisions in line with the policy decisions agreed by Cabinet [CAB-23-MIN-0351];
- 5 **noted** that paragraph 1.3 above, which relates to 24-hour monitoring, does not include electronic monitoring;

- 6 **noted** that to give effect to paragraphs 1.3 and 5 above, the amendment bill clarifies that where offenders are on a combination of residential conditions or restrictions and programme conditions, the Parole Board must at least every two years conduct reviews to consider whether the programme condition:
- 6.1 continues to offer the offender rehabilitation and reintegration that reduces the risk of further offending;
- 6.2 requires that the offender be subject to supervision and monitoring for no longer each day than is necessary to ensure attendance and participation in their programme

9(2)(h)

- 8 **noted** that paragraph 1.2 above is intended only to capture offenders currently on an ESO who have both residential and programme conditions in place when the amendments come into force, as well as future offenders with these conditions, and not also offenders on an ESO who have previously had both residential and programme conditions;

Introduction

- 9 **approved** the Parole Amendment Bill [PCO 25761] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 10 **agreed** that the Bill will be introduced between 29, and 31 August 2023, and that it be progressed through all stages under urgency or by agreement of the Business Committee on the same day as its introduction;
- 11 **agreed** that the Bill come into force on the day after Royal Assent.

Rebecca Davies
Committee Secretary

Present:

Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Dr Ayesha Verrall
Hon Andrew Little
Hon Kieran McAnulty
Hon Willow-Jean Prime
Hon Dr Duncan Webb
Hon Rachel Brooking
Hon Jo Luxton
Tangi Utikere, MP (Chief Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Secretary's Note: this minute was revised to update paragraph 9.