



Cabinet Legislation Committee

Summary

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Parole (Special Conditions Imposed on Extended Supervision Orders) Amendment Bill: Approval for Introduction

Portfolio	Corrections
Purpose	This paper seeks approval to introduce the Parole (Special Conditions Imposed on Extended Supervision Orders) Amendment Bill (the Bill).
Previous Decisions	<p>On 7 August 2023, Cabinet agreed to the policy intent of the Bill, which will [CAB-23-MIN-0351]:</p> <ul style="list-style-type: none"> • enable programme conditions and residential conditions to be delivered by the same provider • include provisions for retrospective legislation to capture the 26 ESO offenders affected by the June 2023 High Court judgment, alongside future offenders • clarify that programme conditions must not have the effect of subjecting the offender to full-time residential restrictions or intensive monitoring, as defined in the Parole Act • require the New Zealand Parole Board (the Parole Board) to undertake two yearly reviews of any offenders on an extended supervision order (ESO) who are subject to a combination of programme and residential conditions, and that the offender participate in these reviews to ensure that the Parole Board regularly considers whether conditions still match the risk level of the offender.
Proposal	The Bill responds to a recent High Court decision, <i>New Zealand Parole Board v Attorney-General</i> . It gives effect to the decisions above by amending the Parole Act 2002 in respect of offenders on an extended supervision order ESO.
Impact Analysis	A Regulatory Impact Statement (RIS) was provided when policy decisions were sought.
Compliance	A Departmental Disclosure Statement is attached .
Timing Matters	Introduced between 29 and 31 August, to be passed through all stages on the

same day, either under urgency or by agreement of the Business Committee.

Communications None indicated.

Consultation Paper prepared by Corrections. Crown Law, MoJ, Police, Oranga Tamariki and the Treasury were consulted. New Zealand Parole Board were also consulted.

The Minister indicates that the Cabinet Legislation Committee (LEG) was consulted. The Minister also indicates that discussion will occur with the government caucus. 9(2)(g)(i)

The Minister of Corrections recommends that the Committee:

- 1 note 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 note 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 note 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 note that paragraph 1.3 above, which relates to 24-hour monitoring, does not include electronic monitoring;

- 6 note that to give effect to paragraphs 1.3 and 5 above, the 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)

Introduction

- 8 approve the Parole (Special Conditions Imposed on Extended Supervision Orders) Amendment Bill [PCO 25761/8.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 9 agree 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;
- 10 agree that the Bill come into force on the day after Royal Assent.

Rebecca Davies
Committee Secretary

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