



THE PENAL INSTITUTIONS (PRE-RELEASE HOSTELS) REGULATIONS 1981

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 16th day of March 1981

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 21 of the Penal Institutions Amendment Act 1978, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Penal Institutions (Pre-release Hostels) Regulations 1981.

(2) These regulations shall come into force on the 1st day of April 1981.

2. Interpretation—In these regulations, unless the context otherwise requires, “the Act” means the Penal Institutions Amendment Act 1978.

3. Admission register—(1) In every hostel there shall be an admission register, in which there shall be entered in respect of each resident the following particulars:

- (a) Information concerning his identity:
- (b) The authority for the transfer of the resident (inmate) to the hostel:

(c) The day and hour of his admission and discharge:

(d) Such other particulars as the Secretary may from time to time direct.

(2) Except where otherwise allowed by law, no resident shall be received in a hostel without a written direction for his transfer to the hostel, details of which direction shall be entered in the admission register under subclause (1) (b) of this regulation.

4. Discharged resident may remain in interests of health—Any person who is entitled to be released from the hostel shall be formally discharged, but may be permitted by the Warden to remain in the hostel so long as a registered medical practitioner certifies in writing that it is in the interests of that person's health that he should remain.

5. Female resident with child—Any female resident who gives birth to a child, or who on admission has a child less than 6 months old, may keep the child with her until proper provision is made for its care.

6. Transfer of resident from hostel—(1) Except as provided in subclause (2) of this regulation, where a resident is transferred from a hostel pursuant to a direction given under section 11 of the Act or an order made under section 19 (3) (c) of the Act, he shall be accompanied by the Warden or an officer of the hostel.

(2) Where the Warden believes that the resident to be transferred may be a risk to the community at large or may resort to violence to effect his escape from lawful custody, the Warden may request the Superintendent of an institution to provide one or more officers to escort the resident, and the Superintendent shall comply with that request.

(3) Where the resident is escorted by an officer of a penal institution, the following provisions shall apply:

(a) The resident shall be exposed to public view as little as possible:

(b) As far as practicable, the resident shall be prevented from communicating with any member of the public:

(c) The officer in charge of the escort may use mechanical restraint if he considers that course advisable in the circumstances:

(d) No officer on escort duty shall drink intoxicating liquor or permit the resident to do so, nor shall he enter or permit the resident to enter any licensed premises except in case of necessity.

7. Obedience by residents—(1) Every resident shall promptly obey every lawful order that is given to him.

(2) Any resident who considers himself aggrieved by an order shall nevertheless obey, but may, on the first convenient occasion, complain to the Warden or a Visiting Justice.

8. Requests to see Warden—Within 48 hours of the request being made, the Warden shall interview every resident who requests him to do so.

9. Interviews with Visiting Justices—Every resident shall have the right to have an interview with a Visiting Justice visiting the hostel.

10. Prohibited articles—No resident shall bring into the hostel, or have in his possession in the hostel, any motor vehicle, animal, or liquor, without the permission of the Warden.

11. Resident reported for offence—When a complaint relating to an offence against discipline under section 18 of the Act is made against any resident, the complaint shall be heard as soon as possible.

12. Procedure on charge—(1) Whenever any resident is charged with an offence against discipline under section 18 of the Act, he shall be notified of the charge a sufficient time before the hearing to enable him to prepare his defence.

(2) Where the Visiting Justice hearing the charge is satisfied that the resident has not had a proper opportunity to prepare his defence, the hearing of the charge shall be adjourned.

13. Procedure at hearing—(1) At the commencement of the hearing, the charge shall be read to the resident who shall then be asked how he pleads.

(2) If the resident pleads guilty, he shall be given an opportunity to make an explanation before any penalty is imposed.

(3) If the resident pleads not guilty, the case against him shall be presented, and he shall then be given an opportunity to present his own case and to call witnesses on his behalf.

(4) Any witnesses may be cross-examined.

(5) If, after hearing all the evidence, the Visiting Justice is satisfied that the case against the resident is proved, he shall so inform the resident, and, before imposing any penalty, he shall give the resident an opportunity to make an explanation.

14. Release of resident—(1) On his admission to a hostel, a resident shall be informed of his expected release date (as endorsed on his file in accordance with regulation 55B (6) of the Penal Institutions Regulations 1961 by the Superintendent of the institution from which the resident comes).

(2) Thereafter the resident shall be informed of his expected release date once a week upon request.

(3) Without limiting subclause (2) of this regulation, whenever a resident's expected release date is changed for any reason, he shall be informed as soon as practicable of the change and the reasons for it.

(4) Not later than 24 hours before 7 o'clock in the morning of the day of a resident's expected release date, the Secretary shall fix that day as the actual date for the release of the resident.

(5) Except as provided in subsections (4A) and (5) of section 31 of the Penal Institutions Act 1954, and subject to section 29 (5) of that Act, a resident who is eligible to be released under that section shall be released on the date fixed by the Secretary under subclause (4) of this regulation.

15. Payment of accumulated earnings—(1) On the release of any resident on probation, he shall be paid such portion of his accumulated earnings as the Warden approves, and any balance shall be paid through the probation officer supervising him at such times during the period of probation and in such amounts as the probation officer thinks fit.

(2) On the release of any other resident, he shall be paid the full amount of his accumulated earnings.

P. G. MILLEN,
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 are made pursuant to section 21 of the Penal Institutions Amendment Act 1978.

Regulation 1 relates to the Title and commencement, and regulation 2 is an interpretative provision.

Regulation 3 provides for the keeping of an admission register in each hostel, and prescribes the particulars to be entered in the register.

Regulation 4 allows a resident to remain in a hostel beyond his normal release date where it is necessary for his health to do so.

Regulation 5 allows a female resident to keep her infant child with her in certain circumstances until appropriate arrangements can be made for the child's care.

Regulation 6 prescribes certain rules where a resident is sent back to a penal institution from a hostel.

Regulation 7 requires residents to obey orders, but provides for a right of complaint to the Warden or a Visiting Justice.

Regulation 8 entitles a resident to be interviewed by the Warden on request, and regulation 9 gives him the right to speak to a Visiting Justice when he visits the hostel.

Regulation 10 prohibits the importation into and the possession in a hostel of certain articles.

Regulations 11 to 13 prescribe the procedure to be followed where a resident is charged with a disciplinary offence.

Regulation 14 provides for the determination of a resident's date of release.

Regulation 15 provides for the payment of accumulated earnings on a resident's release.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 March 1981.

These regulations are administered in the Department of Justice.