



Parole Regulations 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 13th day of June 2002

Present:

The Right Hon Helen Clark presiding in Council

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

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Regulations

- 1 Title**
These regulations are the Parole Regulations 2002.

2 Commencement

These regulations come into force on 30 June 2002.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
Act means the Parole Act 2002
controlling officer means the person referred to in section 127 of the Criminal Justice Act 1985
Parole Board means the New Zealand Parole Board.
- (2) Words and expressions defined in the Act and used in these regulations have the same meaning as in the Act.

4 Prescribed forms

- (1) The forms in the Schedule of these regulations, or forms to like effect, may be used, with or without additional information required for identification or other official purposes included, and with any variations that the circumstances may require, in connection with proceedings under the Act.
- (2) The forms are—
 - (a) form 1 (release licence for offender subject to short-term sentence who is released on court-imposed conditions);
 - (b) form 2 (release licence for offender subject to long-term sentence released on parole from prison or from home detention);
 - (c) form 3 (release licence for offender released on compassionate release);
 - (d) form 4 (release licence for offender subject to long-term sentence released from prison or home detention at statutory release date);
 - (e) form 5 (detention licence for offender on home detention);
 - (f) form 6 (notice of revocation of direction to continue serving sentence on home detention);
 - (g) form 7 (recall application);
 - (h) form 8 (interim recall order);
 - (i) form 9 (warrant to arrest and detain offender following interim recall order);
 - (j) form 10 (notice to offender of recall application);
 - (k) form 11 (final recall order);

- (l) form 12 (notice to offender of final recall order):
- (m) form 13 (warrant to arrest and detain released offender following final recall order):
- (n) form 14 (order that offender not be released).

5 Determination of key dates and non-parole periods

- (1) The key dates and non-parole period of a sentence of imprisonment must be determined by reference to the offender's sentence or sentences determined in days.
- (2) For this purpose, as soon as practicable after an offender is admitted to a penal institution under a sentence of imprisonment, the chief executive must ensure that the length of every sentence to which the offender is subject is determined in days.
- (3) For the purpose of determining the key dates and non-parole period of a sentence of imprisonment,—
 - (a) the start date of a sentence of imprisonment counts as 1 day;
 - (b) if the calculation of a key date or a non-parole period results in a fraction of a day, the key date or date of expiry of the non-parole period, as the case may be, is that day.

6 Offender must be informed of parole eligibility date, statutory release date, and final release date

- (1) As soon as practicable, the chief executive must ensure that the offender is informed in writing, in a form approved by the chief executive, of the offender's—
 - (a) parole eligibility date (if any); and
 - (b) statutory release date (if any); and
 - (c) final release date (if any).
- (2) The chief executive must ensure that an offender is informed as soon as practicable of a change in his or her parole eligibility date, statutory release date, or final release date, as the case may be, and told the reasons for the change.

7 Notice of conditions of release

- (1) This regulation applies when an offender is released from prison or from home detention subject to conditions imposed by a court under section 93 of the Sentencing Act 2002 or by the Parole Board under the Parole Act 2002.

- (2) Before or as soon as practicable after the offender is released, the superintendent of the prison must ensure that the following information is made available to the controlling officer of the probation area where the offender will reside:
- (a) the date of release of the offender; and
 - (b) the offender's release conditions; and
 - (c) the date on which the conditions cease to apply.

8 Final release date of offender subject to pre-cd sentence

When the final release date of an offender who is subject to a pre-cd sentence is determined under section 91 of the Criminal Justice Act 1985 (as it read before it was repealed by the Sentencing Act 2002), the chief executive must ensure that the final release date is determined in accordance with regulation 8A of the Criminal Justice Regulations 1985 (as it read before it was revoked by the Criminal Justice Amendment Regulations 2002) and any other provision of those regulations that is relevant to that determination.

9 Regulations apply to offenders already detained

These regulations apply to every pre-cd sentence, and to every offender who is subject to a pre-cd sentence, except to the extent that the Act provides otherwise.

Schedule Forms

Form 1

Release licence for offender subject to short-term sentence
who is released from prison or home detention on
court-imposed conditions

Section 53(1), Parole Act 2002

To *[full name]*:

Today, *[date]*, you are released from **[name of prison]* or **home* detention where you have been serving a sentence(s) of imprisonment for a term of *[specify period]*, which started on *[date]*, for the offence(s) of *[specify offence(s)]*.

**Delete if inapplicable.*

Conditions of release

You are subject to the standard release conditions set out in section 14(1) of the Parole Act 2002 (which are also set out on this form). These standard release conditions apply from the date of your release and cease to apply on *[date]*.

**In addition to the standard release conditions, you are subject to special conditions. These conditions apply from the date of your release and cease to apply on [date]: [state conditions].*

**Delete if inapplicable.*

Recall to prison

You are **not** liable to be recalled to prison to continue serving your sentence.

Offence to breach conditions

If you breach any of the conditions of your release without reasonable excuse, you may be charged with an offence under section 96(1) of the Sentencing Act 2002. If you are convicted, you may be sentenced to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$2,000.

Form 1—*continued***Variation of conditions**

You may apply to the court that imposed your conditions of release to vary, suspend, or discharge any of your release conditions. For further information, speak to your probation officer.

Dated at [*name of prison*] on [*date*].

.....
(for) superintendent

Standard release conditions

You must comply with the following standard release conditions:

- (a) you must report in person to a probation officer in the probation area in which you are to reside as soon as practicable, and not later than 72 hours, after the release; and
- (b) you must report to a probation officer as and when required to do so by a probation officer, and must notify the probation officer of your residential address and the nature and place of your employment when asked to do so; and
- (c) you must not move to a new residential address in another probation area without the prior written consent of the probation officer; and
- (d) if consent is given under paragraph (c), you must report in person to a probation officer in the new probation area in which you are to reside as soon as practicable, and not later than 72 hours, after your arrival in the new area; and
- (e) if you intend to change your residential address within a probation area, you must give the probation officer reasonable notice before moving from your residential address (unless notification is impossible in the circumstances) and you must advise the probation officer of your new address; and
- (f) you must not reside at any address at which a probation officer has directed you not to reside; and
- (g) you must not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage; and
- (h) you must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate; and

Form 1—*continued*

- (i) you must take part in a rehabilitative and reintegrative needs assessment if and when directed to do so by a probation officer.

Form 2

Release licence for offender subject to long-term sentence
released on parole from prison or from home detention*Section 53(1), Parole Act 2002***To [full name]:**

Today, [date], you are released on parole from *[name of prison] or *home detention where you have been serving a sentence of—

*imprisonment for a term of [specify period]; or

*imprisonment for life; or

*preventive detention—

that started on [date] for the offence(s) of [specify offence(s)].

*Delete if inapplicable.

Conditions of release

You are released on parole from *[name of prison] or *home detention on the conditions imposed by the Parole Board under section 29 of the Parole Act 2002.

The Parole Board imposed the standard release conditions set out in section 14(1) of the Parole Act 2002 (which are also set out on this form). These conditions apply from the date of your release and cease to apply on *[date]/*continue to apply for life.

*In addition to the standard conditions of release, the Parole Board imposed special conditions. These conditions apply from the date of your release and *apply for life/*cease to apply on [date]: [state conditions].

*Delete if inapplicable.

Recall to prison

You are liable to be recalled to continue serving your sentence until *[date]/*for life if the Parole Board is satisfied on reasonable grounds that 1 or more of the grounds for recall set out in section 61 of the Parole Act 2002 is established. The grounds for recall that may apply to you are that—

- (a) you pose an undue risk to the safety of the community or any person or class of persons; or
 - (b) you have breached your release conditions; or
 - (c) you have committed an offence punishable by imprisonment;
- or

Form 2—continued

- (d) if you are subject to a special condition that requires your attendance at a residential programme,—
 - (i) you are jeopardising the safety of any person at the residence, or the order or security of the residence; or
 - (ii) you have failed to remain at the residence for the duration of the programme; or
 - (iii) the programme has ceased to operate, or your participation in it has been terminated for any reason.

*Delete if inapplicable.

Offence to breach conditions

If you breach any of the conditions of your release without reasonable excuse, you may be charged with an offence under section 71(1) of the Parole Act 2002. If you are convicted, you may be sentenced to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$2,000.

Variation of conditions

You may apply to the Parole Board at any time for the variation or discharge of any of your release conditions. For further information, speak to your probation officer.

Dated at [*name of prison*] on [*date*].

.....
(for) superintendent

Standard release conditions

You must comply with the following standard release conditions:

- (a) you must report in person to a probation officer in the probation area in which you are to reside as soon as practicable, and not later than 72 hours, after the release; and
- (b) you must report to a probation officer as and when required to do so by a probation officer, and must notify the probation officer of your residential address and the nature and place of your employment when asked to do so; and
- (c) you must not move to a new residential address in another probation area without the prior written consent of the probation officer; and

Form 2—*continued*

- (d) if consent is given under paragraph (c), you must report in person to a probation officer in the new probation area in which you are to reside as soon as practicable, and not later than 72 hours, after your arrival in the new area; and
- (e) if you intend to change your residential address within a probation area, you must give the probation officer reasonable notice before moving from your residential address (unless notification is impossible in the circumstances) and you must advise the probation officer of your new address; and
- (f) you must not reside at any address at which a probation officer has directed you not to reside; and
- (g) you must not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage; and
- (h) you must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate; and
- (i) you must take part in a rehabilitative and reintegrative needs assessment if and when directed to do so by a probation officer.

Form 3
Release licence for offender released on
compassionate release
Section 53(1), Parole Act 2002

To *[full name]*:

Today, *[date]*, you are released on compassionate release from
**[name of prison]* or *home detention where you have been serving
a sentence of—

*imprisonment for a term of *[specify period]*; or

*imprisonment for life; or

*preventive detention—

that started on *[date]* for the offence(s) of *[specify offence(s)]*.

*Delete if inapplicable.

Conditions of release

You are released on compassionate release from **[name of prison]*
or *home detention on the conditions imposed by the Parole Board
under section 41(3) of the Parole Act 2002.

*The Board imposed the standard release conditions set out in
section 14(1) of the Parole Act 2002 (which are also set out on this
form). These conditions apply from the date of your release and
*cease to apply on *[date]*/*apply for life.

*In addition to the standard conditions of release, the Parole Board
imposed special conditions. These conditions apply from the date of
your release and cease to apply on *[date]*: *[state conditions]*.

*Delete if inapplicable.

Recall to prison

You are liable to be recalled to continue serving your sentence until
**[date]*/*for life if the Parole Board is satisfied on reasonable
grounds that 1 or more of the grounds for recall set out in section 61
of the Parole Act 2002 is established. The grounds for recall that
may apply to you are that—

- (a) you pose an undue risk to the safety of the community or any
person or class of persons; or
- (b) you have breached your release conditions; or
- (c) you have committed an offence punishable by imprisonment;
or

Form 3—*continued*

- (d) if you are subject to a special condition that requires your attendance at a residential programme,—
- (i) you are jeopardising the safety of any person at the residence, or the order or security of the residence; or
 - (ii) you have failed to remain at the residence for the duration of the programme; or
 - (iii) the programme has ceased to operate, or your participation in it has been terminated for any reason.

*Delete if inapplicable.

Offence to breach conditions

If you breach any of the conditions of your release without reasonable excuse, you may be charged with an offence under section 71(1) of the Parole Act 2002. If you are convicted, you may be sentenced to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$2,000.

Variation of conditions

You may apply to the Parole Board at any time for the variation or discharge of any of your release conditions. For further information, speak to your probation officer.

Dated at [*name of prison*] on [*date*].

.....
(for) superintendent

Standard release conditions

You must comply with the following standard release conditions:

- (a) you must report in person to a probation officer in the probation area in which you are to reside as soon as practicable, and not later than 72 hours, after the release; and
- (b) you must report to a probation officer as and when required to do so by a probation officer, and must notify the probation officer of your residential address and the nature and place of your employment when asked to do so; and
- (c) you must not move to a new residential address in another probation area without the prior written consent of the probation officer; and

Form 3—*continued*

- (d) if consent is given under paragraph (c), you must report in person to a probation officer in the new probation area in which you are to reside as soon as practicable, and not later than 72 hours, after your arrival in the new area; and
- (e) if you intend to change your residential address within a probation area, you must give the probation officer reasonable notice before moving from your residential address (unless notification is impossible in the circumstances) and you must advise the probation officer of your new address; and
- (f) you must not reside at any address at which a probation officer has directed you not to reside; and
- (g) you must not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage; and
- (h) you must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate; and
- (i) you must take part in a rehabilitative and reintegrative needs assessment if and when directed to do so by a probation officer.

Form 4

Release licence for offender subject to long-term sentence
released from prison or home detention at statutory
release date

Section 53(1), Parole Act 2002

To *[full name]*:

Today, *[date]*, you are released from **[name of prison]* or **home* detention where you have been serving a sentence(s) of imprisonment for a term of *[specify period]*, which started on *[date]*, for the offence(s) of *[specify offence(s)]*.

**Delete if inapplicable.*

Conditions of release

You are released from **[name of prison]* or **home* detention on the conditions imposed by the Parole Board under section 18(2) of the Parole Act 2002.

The Parole Board imposed the standard release conditions set out in section 14(1) of the Parole Act 2002 (which are also set out on this form). These conditions apply from the date of your release and cease to apply on *[date]*.

**In addition to the standard release conditions, the Parole Board imposed special conditions. These conditions apply from the date of your release and cease to apply on [date]: [state conditions].*

**Delete if inapplicable.*

Recall to prison

You are **not** liable to be recalled to prison to continue serving your sentence.

Offence to breach conditions

If you breach any of the conditions of your release without reasonable excuse, you may be charged with an offence under section 71(1) of the Parole Act 2002. If you are convicted, you may be sentenced to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$2,000.

Form 4—*continued*

Variation of conditions

You may apply to the Parole Board at any time for the variation or discharge of any of your release conditions. For further information, speak to your probation officer.

Dated at [*name of prison*] on [*date*].

.....
(for) superintendent

Standard release conditions

You must comply with the following standard release conditions:

- (a) you must report in person to a probation officer in the probation area in which you are to reside as soon as practicable, and not later than 72 hours, after the release; and
- (b) you must report to a probation officer as and when required to do so by a probation officer, and must notify the probation officer of your residential address and the nature and place of your employment when asked to do so; and
- (c) you must not move to a new residential address in another probation area without the prior written consent of the probation officer; and
- (d) if consent is given under paragraph (c), you must report in person to a probation officer in the new probation area in which you are to reside as soon as practicable, and not later than 72 hours, after your arrival in the new area; and
- (e) if you intend to change your residential address within a probation area, you must give the probation officer reasonable notice before moving from your residential address (unless notification is impossible in the circumstances) and you must advise the probation officer of your new address; and
- (f) you must not reside at any address at which a probation officer has directed you not to reside; and
- (g) you must not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage; and
- (h) you must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate; and

Form 4—*continued*

- (i) you must take part in a rehabilitative and reintegrative needs assessment if and when directed to do so by a probation officer.

Form 5
Detention licence for offender on home detention
Section 53(3), Parole Act 2002

To *[full name]*:

The Parole Board has, under section 35(1) of the Parole Act 2002, directed you to *continue serving your sentence on home detention/*or* *serve your sentence on home detention.

*Today, *[date]*, you are released from *[name of prison]* where you have been serving a sentence(s) of imprisonment for a term of *[specify period]*, which started on *[date]*, for the offence(s) of *[specify offence(s)]*, to continue serving your sentence on home detention.

*The commencement of your sentence was deferred. Now you are not required to serve your sentence at a prison where you would otherwise have been required to serve a sentence(s) of imprisonment for a term of *[specify period]* for the offence(s) of *[specify offence(s)]*. Instead, you must serve your sentence on home detention from *[date]*.

*Delete if inapplicable.

Residence

Your address of residence on home detention is *[address]*.

Conditions of detention

You are subject to the standard detention conditions set out in section 36(2) of the Parole Act 2002 (which are also set out on this form). These conditions apply from *[date]*.

Your standard detention conditions cease to apply on **[date]*/**your* release on parole (if granted) or your statutory release date (if parole not granted).

*In addition, the Parole Board has imposed special conditions. These conditions apply from *[date]*: *[state conditions]*.

Your special detention conditions cease to apply on **[date]*/**your* release on parole (if granted) or your statutory release date (if parole not granted).

*Delete if inapplicable.

Form 5—*continued***Recall to prison**

You are liable to be recalled to continue serving your sentence in prison if the Parole Board is satisfied on reasonable grounds that 1 or more of the grounds for recall set out in section 61 of the Parole Act 2002 is established. The grounds for recall that may apply to you are that—

- (a) you pose an undue risk to the safety of the community or any person or class of persons; or
- (b) you have breached your detention conditions; or
- (c) you have committed an offence punishable by imprisonment; or
- (d) you are jeopardising the safety of any person at your residence; or
- (e) a suitable residence in the area where a home detention scheme is operated by the chief executive of the Department of Corrections is no longer available because of changed circumstances.

Offence to breach conditions

If you breach any of the conditions of your detention without reasonable excuse, you may be charged with an offence under section 71(1) of the Parole Act 2002. If you are convicted, you may be sentenced to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$2,000.

Variation of conditions

You may apply to the Parole Board at any time for the variation or discharge of any of your detention conditions. For further information, speak to your probation officer.

Application by offender for return to prison

While you are on home detention you may apply to the Parole Board at any time for a direction returning you to a prison.

***Expiry**

*You are an offender serving a long-term sentence and accordingly the direction for home detention expires after 12 months on [date]. With your consent, the Parole Board may extend the direction for home detention for 1 further period of up to 12 months.

*Delete if inapplicable.

Form 5—*continued*

Dated at [*name of prison*] on [*date*].

.....
(for) superintendent

Standard detention conditions

- 1 You must comply with the following standard detention conditions:
 - (a) you must be under the supervision of a probation officer and must co-operate with, and comply with any lawful direction given by, that probation officer; and
 - (b) you must not, at any time, leave the residence where you are detained on home detention except in the circumstances set out in paragraph 2; and
 - (c) you must keep this document in your possession (detention licence for offender on home detention issued under section 53(3) of the Parole Act 2002) and, if requested to do so by a member of the police or a probation officer, you must produce this document for inspection.

- 2 You may leave the residence in which you are on home detention only—
 - (a) to seek urgent medical or dental treatment; or
 - (b) to avoid or minimise a serious risk of death or injury to you or any other person; or
 - (c) with the approval of a probation officer,—
 - (i) to seek or engage in employment; or
 - (ii) to attend training or other rehabilitative or reintegrative activities or programmes; or
 - (iii) to attend a restorative justice conference or other process relating to your offending; or
 - (iv) to carry out any undertaking arising from any restorative justice process; or
 - (v) for any other purpose specifically approved by the probation officer.

Form 6

Notice of revocation of direction to continue serving
sentence on home detention*Section 37(3), Parole Act 2002*

To [full name] of [address], [occupation] (the **offender**):

You were detained on home detention at [place] in respect of a sentence of imprisonment for a term of [specify period] for the offence(s) of [specify offence(s)].

Following your application for return to prison, the Parole Board on [date] revoked its direction dated [date] that you continue serving your sentence on home detention.

You must, when required to do so, accompany a probation officer to [name of prison] to resume detention.

And to the superintendent of [name of prison]:

You are directed to receive the offender into your custody and detain the offender for the purposes of the sentence.

Dated at [place] on [date].

.....
(for) Parole Board

Form 7
Recall application
Section 60, Parole Act 2002

To the Parole Board:

I [*full name*] of [*address*], chief executive (or probation officer) apply for an order that [*full name*], of [*address*], [*occupation*] (the **offender**),—

*who was released from [*name of prison*] on [*date*]; or

*who has been on home detention at [*place*]—

in respect of a sentence(s) of imprisonment for a term of [*specify period*] for the offence(s) of [*specify offence(s)*], be recalled to continue serving that sentence.

*Delete if inapplicable.

Grounds of application

The ground(s) for the application are that—

- ***(a)** the offender poses an undue risk to the safety of the community or any person or class of persons:
- ***(b)** the offender has breached his or her release conditions or detention conditions:
- ***(c)** the offender has committed an offence punishable by imprisonment:
- ***(d)** the offender is serving his or her sentence by way of home detention and—
 - ***(i)** the offender is jeopardising the safety of a person at his or her residence; or
 - ***(ii)** a suitable residence in the area where a home detention scheme is operated by the chief executive of the Department of Corrections is no longer available because of changed circumstances; or
- ***(e)** the offender is subject to a special condition that requires his or her attendance at a residential programme and the offender—
 - ***(i)** is jeopardising the safety of a person at the residence, or the order or security of the residence; or
 - ***(ii)** has failed to remain at the residence for the duration of the programme; or

Form 7—*continued*

- *(iii) the programme has ceased to operate, or the offender's participation in it has been terminated.

*Delete if inapplicable.

Affidavit in support of application

I attach to this form 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 ground(s) set out above applies in this case.

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

.....
Applicant

Form 8
Interim recall order
Section 62(1), Parole Act 2002

Today, I [*full name*], *Chairperson *or* *Panel Convenor of the Parole Board, having received an application dated [*date*] for the recall of [*full name*] of [*address*], [*occupation*] (the **offender**), who was—

- *released from [*name of prison*] on [*date*]; or
- *detained on home detention at [*place*]—

in respect of a sentence(s) of imprisonment for a term of [*specify period*] for the offence(s) of [*specify offence(s)*]

*Delete if inapplicable.

And being satisfied on reasonable grounds that—

- *(a) the offender poses an undue risk to the safety of the community or to a person or class of persons; or
- *(b) the offender is likely to abscond before the determination of the application for recall; or
- *(c) the offender is on home detention and a suitable residence in the area where a home detention scheme is operating is no longer available:

*Delete if inapplicable.

Now make an interim recall order under section 62(1) of the Parole Act 2002 that the offender be detained in custody pending determination of the application for recall.

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

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

Form 9

Warrant to arrest and detain offender following interim recall order

Section 63(1), Parole Act 2002

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

[*Full name*] of [*address*], [*occupation*] (the **offender**), was—

*released from [*name of prison*] on [*date*]; or

*detained on home detention at [*place*]—

in respect of a sentence(s) of imprisonment for a term of [*specify period*] for the offence(s) of [*specify offence(s)*].

*Delete if inapplicable.

On [*date*], an application was made for an order that the offender be recalled to a prison to continue serving the sentence(s).

Today I have made an interim recall order under section 62(1) of the Parole Act 2002 for the recall of the offender.

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

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

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

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

Form 10
Notice to offender of recall application
Sections 63(3) and 64, Parole Act 2002

To [full name] of [address], [occupation]:

On [date], an application was made to the Parole Board for an order that you be recalled to a prison to continue serving the sentence(s) of imprisonment for a term of [specify period] for the offence(s) of [specify offence(s)].

Copy of recall application

Annexed to this notice is a copy of the recall application and affidavit(s).

***Interim recall order**

*On [date], *the Chairperson *or* *a Panel Convenor of the Parole Board made an interim order for your recall. Annexed to this notice is a copy of the interim recall order.

*Delete if inapplicable.

Right of review of interim recall order

You have the following right of review of the decision to make the interim recall order:

- you may apply to the Parole Board to review the decision:
- you must apply in writing;
- you must apply before [date].

Time and place when application determined

The Parole Board will hear the recall application on [date] at [time] at [place].

Right to appear in person or through counsel or make written submissions

You have the right to appear before the Parole Board and to state your case in person or through counsel. You may also make written submissions, whether or not you choose to appear before the Parole Board.

You must notify the Parole Board whether you wish to make written submissions or to appear in person or to be represented by counsel. You must notify the Parole Board not later than [date].

Form 10—*continued*

If you do not wish to appear in person, the Parole Board may determine the application in your absence. You will then be notified of the result of the application.

Legal aid

You may be eligible for legal aid for the recall proceedings.

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

.....
(for) Parole Board

Form 11
Final recall order
Section 66(1), Parole Act 2002

On [*date*], the Parole Board heard an application for the recall of [*full name*] of [*address*], [*occupation*] (the **offender**) who was,—

*released from [*prison*]; or

*detained on home detention at [*place*]—

in respect of a sentence(s) of imprisonment for a term of [*specify period*] for the offence(s) of [*specify offence(s)*].

*Delete if inapplicable.

The Parole Board orders, under section 66(1) of the Parole Act 2002, that the offender be recalled to continue serving his (*or her*) sentence in prison.

Grounds for order

The Parole Board makes the order for the recall of the offender because, after a hearing on the application for recall, it is satisfied on reasonable grounds that—

***(a)** the offender poses an undue risk to the safety of the community or to a person or class of persons:

***(b)** the offender has breached his or her release conditions or detention conditions:

***(c)** the offender has committed an offence punishable by imprisonment:

***(d)** the offender is serving his or her sentence by way of home detention and—

***(i)** the offender is jeopardising the safety of a person at his or her residence; or

***(ii)** a suitable residence in the area where a home detention scheme is operated by the chief executive of the Department of Corrections is no longer available because of changed circumstances:

***(e)** the offender is subject to a special condition that requires his or her attendance at a residential programme and—

***(i)** is jeopardising the safety of a person at the residence, or the order or security of the residence; or

***(ii)** has failed to remain at the residence for the duration of the programme; or

Form 11—*continued*

- *(iii) the programme has ceased to operate, or the offender's participation in it has been terminated.

*Delete if inapplicable.

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

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

Form 12
 Notice to offender of final recall order
Section 13(7), Parole Act 2002

To *[full name]* of *[address]*, *[occupation]*:

On *[date]*, the Parole Board made a final recall order for you to be recalled to continue serving your sentence in prison.

A copy of the final order is annexed to this form.

Right of review of recall order

You have the following right of review of the decision to make the recall order:

- you may apply to the Board to review the decision:
- you must apply in writing:
- you must apply before *[date]*.

Right of appeal of decision on review

You have the following right of appeal of the review of the decision to make the recall order:

- you may appeal to the High Court on the grounds that the recall order ought not to have been made:
- you must bring the appeal within 28 days of the date of the decision on review, unless the High Court gives you a longer time to appeal.

Legal aid

You may be eligible for legal aid for the right of appeal.

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

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

Form 13

Warrant to arrest and detain released offender following final recall order

Section 66(3), Parole Act 2002

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

[*Full name*] of [*address*], [*occupation*] (the **offender**), was—

*released from the prison on [*date*]; or

*detained on home detention at [*place*]—

in respect of a sentence of imprisonment for a term of [*specify period*] for the offence(s) of [*specify offence(s)*].

*Delete if inapplicable.

On [*date*], an application was made for an order that the offender be recalled to a prison to continue serving the sentence.

Today the Parole Board has made a final recall order under section 66(1) of the Parole Act 2002 for the recall of the offender.

You, the members of the police, are directed to deliver the offender to the superintendent of [*name of prison*].

And you, the superintendent, are directed to receive the offender into your custody and to detain the offender for the purposes of the sentence.

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

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

Form 14
 Order that offender not be released
Section 107, Parole Act 2002

On [date], the Parole Board heard an application that [full name] (the **offender**) who is subject to a determinate pre-cd sentence for a specified offence not be released before the applicable release date.

The Parole Board orders, under section 107 of the Parole Act 2002, that the offender not be released before the applicable release date.

Dated at [place] on [date].

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

Marie Shroff,
 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 30 June 2002, prescribe forms for use in connection with proceedings under the Parole Act 2002. They also provide for—

- the calculation of dates and periods as required by the Act; and
- information as to dates to be provided to an offender; and
- notice to the appropriate probation officer when an offender is released subject to conditions.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 June 2002.

These regulations are administered in the Department of Corrections and the Ministry of Justice.
