



Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Act 2016

Public Act 2016 No 87
Date of assent 15 November 2016
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Act 2016.

2 Commencement

- (1) This Act comes into force on the earlier of the following:
 - (a) a date appointed by the Governor-General by Order in Council:
 - (b) the day immediately after the expiry of the 6-month period.
- (2) The **6-month period** is the period of 6 months that commences on the date on which this Act receives the Royal assent.

3 Principal Act

This Act amends the Returning Offenders (Management and Information) Act 2015 (the **principal Act**).

4 Section 4 amended (Interpretation)

In section 4(1), insert in its appropriate alphabetical order:

drug or alcohol condition means a special condition under section 15(3)(ba) of the Parole Act (as that provision is applied with all necessary modifications by sections 26(4), 27, and 34 of this Act)

5 Section 26 amended (Returning prisoner must comply with special conditions imposed by court)

After section 26(5)(b), insert:

(c) a drug or alcohol condition, sections 16A to 16E, 71A, 72A, and 74A to 74C, and any rules made under section 74A, of the Parole Act apply with all necessary modifications.

6 Schedule 1 amended

In Schedule 1, after Part 1, insert the Part 2 set out in the Schedule of this Act.

Schedule

New Part 2 inserted into Schedule 1

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Part 2	
Provisions relating to Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Act 2016	
2	Interpretation <p>In this Part,—</p> <p>commencement date means the date on which the Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Act 2016 comes into force</p> <p>pre-commencement drug or alcohol condition means a condition—</p> <ol style="list-style-type: none">(a) that is imposed before the commencement date under section 26(1), 27(1), or 33(1); and(b) that prohibits a returning offender from doing 1 or more of the following:<ol style="list-style-type: none">(i) using (as defined in section 4(1) of the Parole Act) a controlled drug;(ii) using a psychoactive substance;(iii) consuming alcohol.
3	Testing and monitoring of returning offender subject to pre-commencement drug or alcohol condition <ol style="list-style-type: none">(1) This clause applies if a returning offender is subject to a pre-commencement drug or alcohol condition.(2) On and from the commencement date, sections 16B to 16E, 71A, 72A, 74A, and 74B, and any rules made under section 74A, of the Parole Act apply in respect of the returning offender—<ol style="list-style-type: none">(a) as if the pre-commencement drug or alcohol condition were a drug or alcohol condition imposed by a court on or after the commencement date; and(b) as if the court had complied with section 16A(3) of the Parole Act in respect of the condition.

Legislative history

2 November 2016	Divided from Drug and Alcohol Testing of Community-based Offenders, Bailees, and Other Persons Legislation Bill (Bill 238–2) as Bill 238–3E
8 November 2016	Third reading
15 November 2016	Royal assent

This Act is administered by the Ministry of Justice.