

**Reprint
as at 22 August 2017**



Parole Regulations 2002 (SR 2002/179)

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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

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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 27 of the Corrections Act 2004

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.

Regulation 3(1) **controlling officer**: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2013 No 81).

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 from prison on court-imposed conditions):
- (b) form 2 (release licence for offender subject to long-term sentence released on parole from prison):
- (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 at statutory release date):
- (e) form 7 (recall application):
- (f) form 8 (interim recall order):

- (g) form 9 (warrant to arrest and detain released offender following interim recall order):
- (h) form 10 (notice to offender of recall application):
- (i) form 11 (final recall order):
- (j) form 12 (notice to offender of final recall order):
- (k) form 13 (warrant to arrest and detain released offender following final recall order):
- (l) form 14 (order that offender not be released):
- (m) *[Revoked]*
- (n) *[Revoked]*
- (o) *[Revoked]*
- (p) form 18 (application for confidentiality order):
- (q) form 19 (confidentiality order):
- (r) form 20 (Parole Board initiated interim recall order):
- (s) form 21 (warrant to arrest and detain released offender following Parole Board initiated interim recall order).

Regulation 4(2): substituted, on 1 October 2007, by regulation 4 of the Parole Amendment Regulations 2007 (SR 2007/257).

Regulation 4(2)(m): revoked, on 12 December 2014, by section 31(2) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Regulation 4(2)(n): revoked, on 12 December 2014, by section 31(2) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Regulation 4(2)(o): revoked, on 12 December 2014, by section 31(2) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Regulation 4(2)(p): added, on 14 December 2007, by regulation 4 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Regulation 4(2)(q): added, on 14 December 2007, by regulation 4 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Regulation 4(2)(r): added, on 14 December 2007, by regulation 4 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Regulation 4(2)(s): added, on 14 December 2007, by regulation 4 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

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 prison 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.

Regulation 5(2): amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

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 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 manager 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.

Regulation 7(1): amended, on 1 October 2007, by regulation 5 of the Parole Amendment Regulations 2007 (SR 2007/257).

Regulation 7(2): amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

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.

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Form 1

Release licence for offender subject to short-term sentence released from
prison on conditions

Section 53(1), Parole Act 2002

To *[full name]*:

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

Conditions of release

You are released from *[name of prison]* on the conditions imposed under section 93 of the Sentencing Act 2002.

*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.

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) manager

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
- (fa) you must not leave or attempt to leave New Zealand without the prior written consent of a probation officer; and
- (fb) you must, if a probation officer directs, allow the collection of biometric information; 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.

Schedule form 1: substituted, on 1 October 2007, by regulation 6 of the Parole Amendment Regulations 2007 (SR 2007/257).

Schedule form 1 heading: amended, on 14 December 2007, by regulation 5(1) of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Schedule form 1: amended, on 22 August 2017, by section 55 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Schedule form 1: amended, on 14 December 2007, by regulation 5(2) of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Form 2

Release licence for offender subject to long-term sentence released on parole
from prison

Section 53(1) and (3), Parole Act 2002

To *[full name]*:

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

*imprisonment for a term of *[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]* 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 *apply for life/*cease to apply on *[date]* (except during any period when all or any of the conditions are suspended by the Parole Board under section 29(2) of the Parole Act 2002).

*In addition to the standard release conditions, 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]*.

*In addition to the standard release conditions, the Parole Board has imposed the special condition of residential restrictions. The following requirements apply from the date of your release and *apply for life/*cease to apply on *[date]*:

*(a) you are required to stay at *[address]* and remain within the area defined by the probation officer at the following times: *[times]*:

or

*(a) you are required to stay at *[address]* and remain within the area defined by the probation officer at all times:

(b) you are under the supervision of a probation officer and are required to co-operate with, and comply with any lawful direction given by, that probation officer:

(c) you are required to submit, in accordance with the directions of a probation officer, to the electronic monitoring of compliance with these requirements:

(d) you are required to keep this licence in your possession and must produce it if requested to do so by a constable or a probation officer.

*Delete if inapplicable.

Recall to prison

You are liable to be recalled to continue serving your sentence *for life/*until [*date*] 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 (whether or not you have been convicted of it); or
- (d) if you are subject to the special condition of residential restrictions,—
 - (i) you are jeopardising the safety of any person at your residence; or
 - (ii) a suitable residence in an area in which the residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available; or
 - (iii) you no longer wish to be subject to residential restrictions; or
- (e) 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) manager

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
- (fa) you must not leave or attempt to leave New Zealand without the prior written consent of a probation officer; and
- (fb) you must, if a probation officer directs, allow the collection of biometric information; 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.

Schedule form 2: substituted, on 1 October 2007, by regulation 6 of the Parole Amendment Regulations 2007 (SR 2007/257).

Schedule form 2: amended, on 22 August 2017, by section 55 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Schedule form 2: amended, on 22 January 2014, by regulation 4(1) of the Parole Amendment Regulations 2013 (SR 2013/490).

Schedule form 2: amended, on 22 January 2014, by regulation 4(2) of the Parole Amendment Regulations 2013 (SR 2013/490).

Schedule form 2: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 3

Release licence for offender released on compassionate release

Section 53(1) and (3), Parole Act 2002

To *[full name]*:

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

*imprisonment for a term of *[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]* on the conditions imposed by the Parole Board under section 41(3) 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 *apply for life/*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 *apply for life/*cease to apply on *[date]*: *[state conditions]*.

*In addition to the standard release conditions, the Parole Board has imposed the special condition of residential restrictions. The following requirements apply from the date of your release and *apply for life/*cease to apply on *[date]*:

*(a) you are required to stay at *[address]* and remain within the area defined by the probation officer at the following times: *[times]*:

or

*(a) you are required to stay at *[address]* and remain within the area defined by the probation officer at all times:

(b) you are under the supervision of a probation officer and are required to co-operate with, and comply with any lawful direction given by, that probation officer:

(c) you are required to submit, in accordance with the directions of a probation officer, to the electronic monitoring of compliance with these requirements:

(d) you are required to keep this licence in your possession and must produce it if requested to do so by a constable or a probation officer.

*Delete if inapplicable.

Recall to prison

You are liable to be recalled to continue serving your sentence *for life/*until [*date*] 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 (whether or not you have been convicted of it); or
- (d) if you are subject to the special condition of residential restrictions,—
 - (i) you are jeopardising the safety of any person at your residence; or
 - (ii) a suitable residence in an area in which the residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available; or
 - (iii) you no longer wish to be subject to residential restrictions; or
- (e) 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) manager

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
- (fa) you must not leave or attempt to leave New Zealand without the prior written consent of a probation officer; and
- (fb) you must, if a probation officer directs, allow the collection of biometric information; 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.

Schedule form 3: substituted, on 1 October 2007, by regulation 6 of the Parole Amendment Regulations 2007 (SR 2007/257).

Schedule form 3: amended, on 22 August 2017, by section 55 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Schedule form 3: amended, on 22 January 2014, by regulation 5(1) of the Parole Amendment Regulations 2013 (SR 2013/490).

Schedule form 3: amended, on 22 January 2014, by regulation 5(2) of the Parole Amendment Regulations 2013 (SR 2013/490).

Schedule form 3: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 4

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

Section 53(1) and (3), Parole Act 2002

To *[full name]*:

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

Conditions of release

You are released from *[name of prison]* 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]* (except during any period when all or any of the conditions are suspended by the Parole Board under section 18(2AA) of the Parole Act 2002).

*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]*.

*In addition to the standard release conditions, the Parole Board has imposed the special condition of residential restrictions. The following requirements apply from the date of your release and cease to apply on *[date]*:

*(a) you are required to stay at *[address]* and remain within the area defined by the probation officer at the following times: *[times]*:

or

*(a) you are required to stay at *[address]* and remain within the area defined by the probation officer at all times:

(b) you are under the supervision of a probation officer and are required to co-operate with, and comply with any lawful direction given by, that probation officer:

(c) you are required to submit, in accordance with the directions of a probation officer, to the electronic monitoring of compliance with these requirements:

(d) you are required to keep this licence in your possession and must produce it if requested to do so by a constable or a probation officer.

*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.

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) manager

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
- (fa) you must not leave or attempt to leave New Zealand without the prior written consent of a probation officer; and
- (fb) you must, if a probation officer directs, allow the collection of biometric information; 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.

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Schedule form 4: amended, on 22 January 2014, by regulation 6(1) of the Parole Amendment Regulations 2013 (SR 2013/490).

Schedule form 4: amended, on 22 January 2014, by regulation 6(2) of the Parole Amendment Regulations 2013 (SR 2013/490).

Schedule form 4: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 5

Detention licence for offender on home detention

[Revoked]

Schedule form 5: revoked, on 1 October 2007, by regulation 7 of the Parole Amendment Regulations 2007 (SR 2007/257).

Form 6

Notice of revocation of direction to continue serving sentence on home detention

[Revoked]

Schedule form 6: revoked, on 1 October 2007, by regulation 7 of the Parole Amendment Regulations 2007 (SR 2007/257).

Form 7
Recall application*Section 60, Parole Act 2002*

To the Parole Board:

I [full name] of [address], *chief executive/*probation officer/*Commissioner of Police apply for an order that [full name], of [address], [occupation] (the **offender**), who was released from [name of prison] on [date] in respect of a sentence(s) of imprisonment for a term of [period] for the offence(s) of [specify offence(s)], be recalled to continue serving the sentence(s).

*Delete if inapplicable.

***Grounds of application by chief executive (or probation officer)**

The ground(s) for the application is (or 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:
- * (c) the offender has committed an offence punishable by imprisonment (whether or not this has resulted in a conviction):
- * (d) the offender is subject to the special condition of residential restrictions and—
 - * (i) is jeopardising the safety of any person at his (or her) residence; or
 - * (ii) a suitable residence in an area in which a residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available; or
 - * (iii) no longer wishes to be subject to residential restrictions:
- * (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 any 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
 - * (iii) the programme has ceased to operate, or the offender's participation in it has been terminated.

*Delete if inapplicable.

***Ground of application by Commissioner of Police**

The ground for the application is that the offender poses an undue risk to the safety of the community or any person or class of persons.

*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 (*or* apply) in this case.

*Delete if inapplicable.

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

.....
Applicant

Schedule form 7: substituted, on 1 October 2007, by regulation 8 of the Parole Amendment Regulations 2007 (SR 2007/257).

Form 8
Interim recall order

Section 62(1), Parole Act 2002

Today, I, [full name], *Chairperson/*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] in respect of a sentence(s) of imprisonment for a term of [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 subject to the special condition of residential restrictions, and—
 - * (i) a suitable residence in an area in which a residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available; or
 - * (ii) the offender no longer wishes to be subject to residential restrictions:

*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

Schedule form 8: substituted, on 1 October 2007, by regulation 8 of the Parole Amendment Regulations 2007 (SR 2007/257).

Form 9

Warrant to arrest and detain released offender following interim recall order

Section 63(1), Parole Act 2002

To every constable and to the manager of [*name of prison*]:

[*Full name*] of [*address*], [*occupation*] (the **offender**), was released from [*name of prison*] on [*date*] in respect of a sentence(s) of imprisonment for a term of [*period*] for the offence(s) of [*specify offence(s)*].

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 constables, are directed to arrest the offender and to deliver (or return) the offender to the manager of [*name of prison*].

And you, the manager, 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

Schedule form 9: substituted, on 1 October 2007, by regulation 8 of the Parole Amendment Regulations 2007 (SR 2007/257).

Schedule form 9: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

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].

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 [name of prison] on [date] in respect of a sentence(s) of imprisonment for a term of [period] for the offence(s) of [specify offence(s)].

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:
- *(c) the offender has committed an offence punishable by imprisonment (whether or not this has resulted in a conviction):
- *(d) the offender is subject to the special condition of residential restrictions and—
 - *(i) is jeopardising the safety of any person at his (or her) residence; or
 - *(ii) a suitable residence in an area in which a residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available; or
 - *(iii) no longer wishes to be subject to residential restrictions:
- *(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 any 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
 - *(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

Schedule form 11: substituted, on 1 October 2007, by regulation 9 of the Parole Amendment Regulations 2007 (SR 2007/257).

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 constable and to the manager of [*name of prison*]:

[*Full name*] of [*address*], [*occupation*] (the **offender**), was released from [*name of prison*] on [*date*] in respect of a sentence(s) of imprisonment for a term of [*period*] for the offence(s) of [*specify offence(s)*].

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

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 constables, are directed to arrest the offender and to deliver the offender to the manager of [*name of prison*].

And you, the manager, 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

Schedule form 13: substituted, on 1 October 2007, by regulation 10 of the Parole Amendment Regulations 2007 (SR 2007/257).

Schedule form 13: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

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 Convenor of the
Parole Board

Form 15
Application for extended supervision order

[Revoked]

Schedule form 15: revoked, on 12 December 2014, by section 31(3) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Form 16
Extended supervision order

[Revoked]

Schedule form 16: revoked, on 12 December 2014, by section 31(3) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Form 17
Application for extension of short extended supervision order

[Revoked]

Schedule form 17: revoked, on 12 December 2014, by section 31(3) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Form 18
Application for confidentiality order

Section 13AA, Parole Act 2002

To the Chairperson or Panel Convenor of the Parole Board:

I [full name] of [address], *chief executive/*Commissioner of Police, apply for an order to be made under section 13AB of the Parole Act 2002 that the following information be kept confidential and not be disclosed or published: [specify information].

*Delete if inapplicable.

Grounds for application

The grounds for the application are that—

- (a) the information specified above is relevant to a matter concerning [full name of offender] that is before the Parole Board or will be before the Parole Board (being a current matter); and
- (b) disclosure of the information may—
 - (i) endanger the safety of the person who is the source of the information or of any other person; or
 - (ii) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Affidavit in support of application

I attach to this application 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 grounds set out above apply in this case.

Dated at [place] on [date].

.....
Applicant

Schedule form 18: added, on 14 December 2007, by regulation 6 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Form 19
Confidentiality order

Section 13AB, Parole Act 2002

On [date], I [full name], *Chairperson/*Panel Convenor of the Parole Board, considered an application for a confidentiality order to be made under section 13AB of the Parole Act 2002 in regard to a matter concerning [full name of offender] (the **offender**) that is before the Parole Board or will be before the Parole Board (the **current matter**).

*Delete if inapplicable.

Under section 13AB of the Parole Act 2002, I make a confidentiality order in regard to the following information (the **information**) [*specify information**]:

*Information may be identified by reference to 1 or more documents.

Under section 13AB of the Parole Act 2002, I—

- ***(a)** forbid the disclosure or publication of the information other than to—
 - (i) the members of the Parole Board involved in considering and determining the current matter; and
 - (ii) the following officials who require access to the information to perform their functions in relation to the Parole Board's determination of the current matter or the implementation of that determination: [*full name or position of each official*]:
- ***(b)** forbid the disclosure or publication (other than to a person mentioned in paragraph (a)(i) or (ii)) of any particulars that identify, or may lead to the identification of, any person who is the source of the information:
- ***(c)** require the members of the Parole Board involved in considering and determining the current matter to receive the information in the absence of any person other than—
 - (i) any officials who are permitted access to the information under this order and whose presence the members consider necessary; and
 - (ii) the person who is the source of the information, if that person gives oral evidence that is received by the Parole Board.

*Delete if inapplicable.

Grounds for order

The Parole Board makes this order because it is satisfied that—

- (a) the information is relevant to a current matter concerning the offender; and
- (b) disclosure of the information may—
 - (i) endanger the safety of the person who is the source of the information or of any other person; or

- (ii) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

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

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

Schedule form 19: added, on 14 December 2007, by regulation 6 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Form 20
Parole Board initiated interim recall order

Section 29B(5)(c), Parole Act 2002

The Parole Board required [full name] of [address], [occupation], (the **offender**) to attend a hearing on [date] under section 29B(2)(b) of the Parole Act 2002. The hearing related to the monitoring of conditions of the offender's *parole/*compassionate release.

*Delete if inapplicable.

The Parole Board orders, under section 29B(5)(c) of the Parole Act 2002, that the offender be detained in custody pending determination of an application for recall.

Grounds for order

The Parole Board is satisfied that—

- * (a) the offender poses an undue risk to the safety of the community or to any person or class of persons:
- * (b) the offender is likely to abscond before the determination of the application for recall:
- * (c) the offender is subject to the special condition of residential restrictions, and—
 - * (i) a suitable residence in an area in which a residential restriction scheme is operated by the chief executive of the Department of Corrections is no longer available:
 - * (ii) the offender no longer wishes to be subject to residential restrictions.

*Delete if inapplicable.

Dated at [place] on [date].

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

Schedule form 20: added, on 14 December 2007, by regulation 6 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Form 21

Warrant to arrest and detain released offender following Parole Board initiated
interim recall order

Section 29B(5)(c), Parole Act 2002

To every constable and to the manager of [*name of prison*]:

[*Full name*] of [*address*], [*occupation*], (the **offender**), was released from [*name of prison*] on [*date*] in respect of a sentence(s) of imprisonment for a term of [*period*] for the offence(s) of [*specify offence(s)*].

Today I have made a Parole Board initiated interim recall order under section 29B(5)(c) of the Parole Act 2002 for the recall of the offender.

You, the constables, are directed to arrest the offender and to deliver (or return) the offender to the manager of [*name of prison*].

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

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

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

Schedule form 21: added, on 14 December 2007, by regulation 6 of the Parole Amendment Regulations (No 2) 2007 (SR 2007/381).

Schedule form 21: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Marie Shroff,
Clerk of the Executive Council.

Parole Amendment Regulations 2007

(SR 2007/257)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 27th day of August 2007

Present:

His Excellency the Governor-General in Council

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

Regulations

1 Title

These regulations are the Parole Amendment Regulations 2007.

2 Commencement

These regulations come into force on 1 October 2007.

12 Savings

The regulations as they read immediately before the coming into force of these regulations apply to the extent required by sections 72 to 74 of the Parole Amendment Act 2007.

Martin Bell,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 30 August 2007.

Reprints notes

1 *General*

This is a reprint of the Parole Regulations 2002 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42): section 55
Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69): section 31
Parole Amendment Regulations 2013 (SR 2013/490)
Criminal Procedure Act 2011 (2011 No 81): section 413
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Parole Amendment Regulations (No 2) 2007 (SR 2007/381)
Parole Amendment Regulations 2007 (SR 2007/257)
Corrections Act 2004 (2004 No 50): section 207