

Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Bill

Member's Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Bill. We were unable to reach agreement on whether to recommend that the bill be passed. Labour and Green Party members of the committee did not think that the bill should be passed. However, if the bill were to proceed, we have proposed some amendments. We recommend all amendments unanimously.

About the bill as introduced

This is a Member's bill in the name of Todd Stephenson MP. Its objective is to provide a requirement for individuals in a corrections facility to complete skills and rehabilitation programmes before being considered for parole.

The bill would amend the Parole Act 2002 to impose the following conditions on an offender who, by the time of their parole hearing, had not completed a rehabilitative programme identified in their management plan:¹

- The offender could not be considered for parole by the New Zealand Parole Board.
- To provide time for the offender to complete the relevant programme, the Parole Board would need to set a new date by which they must be considered for parole. This date could not be more than 12 months after the date that the offender was due to be considered for parole.

¹ Management plans are made under section 51 of the Corrections Act 2004.

- The hearing could be brought forward if the manager of the prison considered that the offender had completed the relevant programme.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Report of the Attorney-General under the New Zealand Bill of Rights Act

On 18 April 2024, the Attorney-General presented a report on the bill to the House of Representatives under section 7 of the New Zealand Bill of Rights Act 1990 (NZBORA) and Standing Order 269. Section 7 requires the Attorney-General to bring to the attention of the House any provision that appears to be inconsistent with any of the rights and freedoms contained in NZBORA. Under Standing Order 269(1), the Attorney-General must indicate the provision to the House and how it appears to be inconsistent with NZBORA.

Section 22 of NZBORA provides that everyone has the right not to be arbitrarily arrested or detained. The Attorney-General noted that the effect of the bill on section 22 would depend on whether a prisoner's sentence of imprisonment was finite or indeterminate. She explained that the United Nations Human Rights Commission and the European Court of Human Rights have developed a broad approach to arbitrary detention when considering indeterminate sentences of imprisonment. The initial minimum period of imprisonment is treated as reflecting the appropriate punishment. Any longer period beyond that is justified only for public safety reasons and becomes arbitrary if not periodically reviewed by an independent body.

In New Zealand, the Attorney-General noted, the courts have not adopted all aspects of the international approach when interpreting section 22 of NZBORA. However, the Court of Appeal has observed that periodic reviews by the Parole Board are necessary to avoid preventive detention becoming arbitrary.

The Attorney-General concluded that the bill appears to be inconsistent with the right in section 22 of NZBORA not to be arbitrarily arrested or detained. However, it would be consistent with NZBORA if its scope were amended to exclude those prisoners subject to preventive detention. We would support this proposed amendment if the bill were to proceed, and discuss it in more detail later in this commentary.

Our consideration of potential amendments

Many submitters expressed concern that the bill, as introduced, could result in unintended consequences. These could be adverse for the effectiveness of rehabilitation and reintegration, and ultimately for public safety. Some of the potential unintended consequences are as follows:

- The bill could exacerbate the existing challenges faced by the Department of Corrections in providing rehabilitative programmes. The challenges include

staffing shortages, programme availability, and an increasing prison population that is placing additional pressure on limited resources.

- Offenders who are unable to access rehabilitative programmes through no fault of their own may have to remain in custody for longer than necessary.
- Offenders may withhold information from case managers as a way of avoiding having programmes included in their management plans.
- The bill could diminish the discretion and independence of the Parole Board.

We share submitters' concerns about the potential for unintended consequences. We also understand that the Parole Board already essentially fulfils the policy intent of the bill. At parole hearings, Board panels rigorously review prisoner rehabilitation programmes with prisoners. The panels also provide expert advice to offenders and Corrections staff about what a prisoner needs to accomplish to receive parole.

We spent some time discussing different approaches that could be taken to incentivise prisoners to participate in rehabilitative programmes rather than making participation mandatory. One way of doing so would be to insert a new guiding principle in section 7 of the Parole Act. This would require the Parole Board to be informed about the offender's engagement and progress in any rehabilitative programmes. However, we note that such a proposal would be outside the scope of the bill. This is because the proposal to incentivise prisoners rather than to require completion of rehabilitative programmes would undermine the bill's objective.

We also considered whether the Department of Corrections could be legally required to provide literacy and numeracy programmes to prisoners. We received advice that literacy and numeracy programmes are an important component of Corrections' education programmes. However, legally requiring them could create a risk that these programmes were prioritised over interventions that would better address prisoners' other needs. It could also result in Corrections being unable to tailor programmes to individual need. For example, a person might need their substance abuse or mental health issues addressed before engaging in literacy or numeracy programmes.

Proposed amendments

To address the concerns raised, the Member in charge of the bill proposed an amendment to the bill's policy intent. Rather than an offender needing to have completed their rehabilitative programmes before being considered for parole, they would instead need to have made a reasonable effort to undertake or complete all their uncompleted rehabilitative programmes. If it were not possible for them to enrol in or complete their rehabilitative programme, the manager of the prison could allow the offender to appear before the Parole Board.

As previously noted, we were unable to reach agreement on whether to recommend that the bill be passed. However, in case it were to proceed, the rest of this commentary discusses the main amendments that members recommend to give effect to these changes. We do not discuss minor or technical amendments.

Amending the bill's title

We recommend removing the word “mandatory” from the title of the bill. We acknowledge that the proposed amendments retain a mandatory aspect. Offenders would still be required to take steps towards completing certain rehabilitative programmes before they could appear before the Parole Board. However, the extent to which they would need to undertake those programmes would differ from the bill as introduced.

Requiring an offender to make reasonable efforts to complete programmes

We recommend inserting section 24A(1)(b) to require an offender to have made reasonable efforts to undertake or complete the rehabilitative programmes identified in their management plan before being considered for parole.

We were advised that, in the Parole Board's view, the contents of a management plan do not always align with its assessment of what is most important to address the offender's rehabilitative needs. Further, the Parole Board is well placed to offer an alternative assessment of risk and rehabilitative needs for these offenders. This is because it considers a lot of background information about the offender and their management plan before it sees them. Therefore, we recommend inserting section 24A(1)(a) to require the programmes to be relevant to the risk that an offender poses to the safety of the community.

Determining whether an offender has made reasonable efforts

Involving the Parole Board in the determination

We note that determining what constitutes a “reasonable effort” is a subjective assessment. We were advised that Corrections case managers might need more training and support to undertake that assessment. Corrections would also, in effect, be acting as a “gatekeeper” of offenders' access to the Parole Board. This would affect the Board's discretion and independence in making decisions about who can safely be released on parole.

We agree that it would be more appropriate for the Parole Board to be involved in determining whether an offender had made a reasonable effort to undertake or complete their rehabilitative programmes. We note that parole hearings are usually conducted by a panel of three members. For administrative efficiency and simplicity, we consider that the reasonable efforts test should be undertaken by a panel convenor alone rather than the full panel. We recommend inserting new section 24C(3) to enable this. We note that this approach would have substantial cost implications for the Parole Board and Corrections.

The Member in charge of the bill has suggested that a prison manager could deem that it was not possible for an offender to enrol in or complete a rehabilitative programme in some circumstances. Examples of reasons for an inability to comply are availability, no places being available or a lack of resourcing to run the programme.

In these situations, the manager could determine that the offender would still be eligible for parole as if they had complied with the provisions of the bill.

For consistency with the Parole Act, we consider that the Parole Board should be the decision-maker at all stages. Instead of making a determination, the prison manager would provide factual information about the efforts a prisoner had made to undertake a programme and whether it was practicable to complete it. The panel convenor would make the formal decision about whether the test had been met. This is reflected in new sections 24A to 24C.

During our consideration, the Member in charge of the bill expressed concern that the bill could allow an offender to have no programmes identified in their management plan as a way of bypassing the reasonable efforts test. He emphasised that the intent of the bill is for an offender to have at least one rehabilitative programme identified in their plan. The offender must also make reasonable efforts towards completing the programme before the Parole Board could consider them for parole. We consider that offenders who have no programmes identified in their plans should be subject to the reasonable practicability test before being considered for parole. We recommend inserting this requirement as new sections 24B and 24C(2).

Under our proposed amendments, the panel convenor would be applying the reasonable efforts test to offenders with one or more rehabilitative programmes in their plans. They would also be applying the reasonable practicability test for offenders with no rehabilitative programmes identified in their plans. Consequently, in all cases, the panel convenor would decide whether the new test had been met and the offender could proceed to a parole hearing. We recommend amending the bill to make it clear that the reasonable efforts or reasonable practicability tests would apply to all offenders other than those subject to an indeterminate sentence.

Enabling the panel convenor to meet with the offender and the offender to make written submissions to the panel convenor

We acknowledge that the test would be very subjective, with a significant outcome. We understand that the Chair of the Parole Board has indicated that the determination could not be made without hearing from the offender at the hearing. We also recognise that the principles of natural justice require that the decision-maker should hear from a person when deciding whether they have made reasonable efforts. Therefore, we recommend inserting new sections 24C(4)(a), (b), and (d) and 24C(5) to enable the offender to both make written submissions to the panel convenor and appear before them to make oral submissions.

Notifying victims of the process

We note that the Parole Act requires victims to be notified before and after parole hearings. We consider that the bill should enable victims to be involved in the process. We recommend inserting new sections 24C(4)(c) and 24E to enable this. Our proposed amendment would require victims to be notified before each reasonable efforts test, and told the outcome afterwards. It would also enable victims to make

a written submission, which could help the panel convenor assess whether the identified programmes are relevant.

Sequencing of the reasonable efforts test

We acknowledge that the reasonable efforts test could be inaccurate if it were made too far in advance of the date that an offender was due to be considered for parole. An offender would also need to have passed the test before the parole hearing was scheduled. We recommend inserting section 24C(1), (2), and (3) to set out the new procedural time frames. These provisions would:

- link the deadline for the prison manager providing the report to the panel convenor to the date that the offender is due to be considered for parole
- link the requirement for the panel convenor to conduct the reasonable efforts test to the date they received the report from the prisoner manager, which should be as soon as practicable after receiving the report
- require the report to be provided to the Parole Board no more than 4 weeks and no less than 2 weeks before the offender is due to be considered for parole.

Enabling the panel convenor to suggest specified programmes

We consider that the panel convenor should be enabled to provide certain advice to the offender and Corrections staff present at the reasonable efforts hearing. The advice is the specified rehabilitative programmes the convenor thinks are relevant to reduce the offender's public safety risk. This would replicate the existing power in section 21A of the Parole Act that enables the Parole Board to specify relevant activities that it expects will be completed by a certain date when they decline parole. We recommend inserting section 24D(1)(b) to this effect.

Appealing a decision to the High Court

We consider that the reasonable efforts test should be consistent with the review mechanisms in the Parole Act. Section 68 of the Act enables an offender to appeal to the High Court against postponement orders, section 107 orders, and final recall orders.² We recommend inserting clause 7, which would amend section 68 to make it clear that an offender could appeal a decision to the High Court.

When the bill would come into force

Clause 2 of the bill as introduced provides that the bill would come into force on the day after the date on which it received Royal assent. We understand that the Parole Board and Corrections would need time to implement administrative processes and make procedural and staffing changes. Therefore, we recommend amending clause 2 to delay commencement by 18 months.

² Section 107 relates to an order that an offender not be released.

Offending before and after commencement

We considered how to make the bill's transitional provisions most consistent with section 25(g) of NZBORA. Under that section, anyone convicted of an offence has the right to the benefit of the lesser penalty if the penalty has been varied between committing the offence and sentencing.

We note that, if the bill is enacted, a notional single sentence may consist of sentences for offending committed both before and after commencement. The Parole Act defines a "notional single sentence" as the "notional single sentence of imprisonment that is created when one determinate sentence is directed to be served cumulatively on another determinate sentence". To ensure that the legislation is consistent with NZBORA, we think that the bill's provisions should not apply to offenders who are subject to a notional single sentence that includes any offending that occurred before the bill commenced. Therefore, we recommend inserting clause 10, which would insert new Part 3 into Schedule 1, to specify that the provisions of the bill would only apply to offenders where all their offending occurred after the bill commenced.

Excluding offenders subject to indeterminate sentences

To ensure that the bill is consistent with section 22 of NZBORA, we support the Attorney-General's recommendation that the bill should be amended to exclude offenders who are subject to preventive detention. For consistency across sentence types, we consider that this exclusion should also extend to those sentenced to an indeterminate sentence who are eligible for parole. We recommend inserting this exclusion as new sections 24A(4), 24B(2), and 24C(7).

Appendix

Committee process

The Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Bill was referred to the committee on 29 February 2024. We invited the Member in charge of the bill to provide an initial briefing on the bill. He did so on 9 May 2024.

We called for submissions on the bill with a closing date of 16 April 2024. We received and considered submissions from 47 interested groups and individuals. We heard oral evidence from 16 submitters at hearings by videoconference and in Wellington.

Advice on the bill was provided by the Department of Corrections. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

We considered the bill alongside the Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Bill.

Committee membership

James Meager (Chairperson)

Hon Ginny Andersen

Jamie Arbuckle

Cameron Brewer

Tākuta Ferris

Paulo Garcia

Dr Tracey McLellan

Rima Nakhle

Tamatha Paul

Todd Stephenson

Hon Dr Duncan Webb

Related resources

The documents we received as advice and evidence are available on the Parliament website.

**Parole (Mandatory Completion of Rehabilitative
Programmes) Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Todd Stephenson

Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

1	Title	
	This Act is the Parole (Mandatory Completion of Rehabilitative Programmes) Amendment Act 2024 .	
2	Commencement	5
	This Act comes into force on the day after the date on which it receives the <u>18 months after</u> Royal assent.	
3	Principal Act	
	This Act amends the Parole Act 2002 (the principal Act).	
	<u>Part 1</u>	10
	<u>Amendments to Part 1</u>	
4	Section 4 amended (Interpretation)	
	In section 4(1), insert in its <u>their</u> appropriate alphabetical order:	
	<u>case management plan</u> , in relation to an offender, means the <u>case management plan devised for the offender under section 51 of the Corrections Act 2004</u>	15
	<u>rehabilitative programme</u> has the same meaning as in section 3(1) of the Corrections Act 2004	
5	New sections <u>24A to 24E</u> inserted (Consideration of offenders with uncompleted rehabilitative programmes)	20
	After section 24, insert:	
24A	Consideration of offenders with uncompleted rehabilitative programmes	
(1)	An offender who has not completed a rehabilitative programme that has been identified in their management plan under section 51 of the Corrections Act 2004 by the date on which they are due to be considered for parole must not be considered by the Board for parole.	25

- (2) ~~When **subsection (1)** applies, the Board must specify a date (the **specified date**) by which the offender must be considered for parole, which must not be more than 12 months after the date they were due to be considered for parole.~~
- (3) ~~The offender's next parole hearing may be brought forward if the manager of the prison in which the offender is detained considers that the relevant rehabilitative programme has been completed earlier than the specified date.~~ 5
- (1) The Board may not consider for parole an offender who has at least 1 rehabilitative programme identified in their case management plan that—
- (a) is relevant to the risk that they pose to the safety of the community; and
- (b) they have not made reasonable efforts to undertake or complete by the date on which they are due to be considered for parole. 10
- (2) **Subsection (3)** applies if the chairperson or a panel convenor considers that it was not and is not reasonably practicable for the offender to undertake or complete a rehabilitative programme by the date on which they are due to be considered for parole. 15
- (3) If this subsection applies, the offender must, for the purposes of **subsection (1)**, be treated as having made reasonable efforts to undertake or complete the rehabilitative programme by the date on which they are due to be considered for parole.
- (4) This section does not apply to an offender who is subject to an indeterminate sentence. 20
- (5) If there is an inconsistency between this section and section 21, 21A, 22, 24, 25, 26, or 27, this section prevails.
- 24B Consideration of offenders with no rehabilitative programmes identified in case management plan** 25
- (1) The Board may not consider for parole an offender who has no rehabilitative programmes identified in their case management plan unless the chairperson or a panel convenor considers that it was not and is not reasonably practicable for at least 1 rehabilitative programme to be identified in that plan by the date on which the offender is due to be considered for parole. 30
- (2) This section does not apply to an offender who is subject to an indeterminate sentence.
- (3) If there is an inconsistency between this section and section 21, 21A, 22, 24, 25, 26, or 27, this section prevails.
- 24C Procedure for determining whether Board is prohibited from considering offender for parole by section 24A or 24B** 35
- (1) At least 2 weeks, but not more than 4 weeks, before the date on which an offender who has at least 1 rehabilitative programme identified in their case management plan is due to be considered by the Board for parole, the manager

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Part 1 cl 5

- of the prison in which the offender is detained must provide a report to the Board that—
- (a) lists all of the rehabilitative programmes identified in the offender’s case management plan; and
 - (b) in relation to each of the rehabilitative programmes listed, states whether the offender has or has not completed the programme; and 5
 - (c) in relation to each of the rehabilitative programmes listed that the offender has not completed (if any), states, with reasons, whether the manager considers that the programme is relevant to the risk that the offender poses to the safety of the community; and 10
 - (d) in relation to each of the rehabilitative programmes listed that the offender has not completed (if any), describes the efforts the offender has made to—
 - (i) undertake the programme, if the offender has not started the programme; or 15
 - (ii) complete the programme, if the offender has started the programme; and
 - (e) identifies each rehabilitative programme listed that the manager considers was not and is not reasonably practicable for the offender to undertake or complete by the date on which they are due to be considered for parole (if any); and 20
 - (f) in relation to each rehabilitative programme identified under **paragraph (e)** (if any), states the reasons why the manager considers that it was not and is not reasonably practicable for the offender to undertake or complete the programme by the date on which they are due to be considered for parole. 25
- (2) At least 2 weeks, but not more than 4 weeks, before the date on which an offender who has no rehabilitative programmes identified in their case management plan is due to be considered by the Board for parole, the manager of the prison in which the offender is detained must provide a report to the Board that states— 30
- (a) that the offender has no rehabilitative programmes identified in their case management plan; and
 - (b) why no rehabilitative programmes are identified in the offender’s case management plan. 35
- (3) As soon as practicable after the Board receives a report under **subsection (1) or (2)** in relation to an offender, the chairperson or a panel convenor must determine whether the Board is prohibited from considering the offender for parole by **section 24A or 24B.**
- (4) Before making a determination under **subsection (3)**, the chairperson or panel convenor must— 40

- (a) notify the offender in writing that the chairperson or panel convenor is required to make a determination under **subsection (3)**; and
- (b) give the offender an opportunity to make written submissions to the chairperson or panel convenor; and
- (c) take all reasonable steps to— 5
- (i) notify every victim of the offender that the chairperson or panel convenor is required to make a determination under **subsection (3)**; and
- (ii) provide those victims with a list of any rehabilitative programmes identified in the offender’s case management plan that indicates, in relation to each of the programmes listed, whether the offender has completed the programme; and 10
- (iii) give those victims an opportunity to make written submissions to the chairperson or panel convenor; and
- (d) convene a hearing for the purpose of determining whether the Board is prohibited from considering the offender for parole by **section 24A or 24B**. 15
- (5) Section 49(1) to (3) applies, with any necessary modifications, to a hearing convened under **subsection (4)(d)**.
- (6) A determination under **subsection (3)** must be made on the basis of all the relevant information available to the chairperson or panel convenor at the time. 20
- (7) This section does not apply to an offender who is subject to an indeterminate sentence.
- 24D** **When offender who has not made reasonable efforts to undertake or complete rehabilitative programmes may be considered for parole** 25
- (1) If the chairperson or a panel convenor determines under **section 24C(3)** that the Board is prohibited from considering an offender for parole by **section 24A or 24B**, the chairperson or panel convenor—
- (a) must specify a date (the **specified date**) by which the Board must, if not still prohibited from doing so by **section 24A or 24B**, consider the offender for parole; and 30
- (b) may specify any rehabilitative programmes that the chairperson or panel convenor considers the offender should complete to reduce the risk that they pose to the safety of the community.
- (2) The specified date must not be more than 12 months after the date on which the offender was due to be considered for parole. 35
- (3) **Subsection (4)** applies if the manager of the prison in which the offender is detained considers that the offender has, before the specified date, completed—

- (a) all of the rehabilitative programmes specified under **subsection (1)(b)** (if any); and
- (b) if the offender had at least 1 rehabilitative programme identified in their case management plan on the most recent date on which they were due to be considered for parole, all of the rehabilitative programmes that— 5
- (i) were identified in their case management plan on that date; and
- (ii) they had not made reasonable efforts to undertake or complete by that date; and
- (iii) are relevant to the risk that they pose to the safety of the community. 10
- (4) If this subsection applies,—
- (a) the manager must notify the Board as soon as practicable; and
- (b) the chairperson or a panel convenor may, by notice in writing to the manager and the offender, bring forward the date by which the Board must, if not still prohibited from doing so by **section 24A or 24B**, consider the offender for parole. 15
- 24E Notification after determination made under section 24C**
- (1) As soon as practicable after making a determination under **section 24C(3)** in relation to an offender, the chairperson or panel convenor must—
- (a) advise the offender and the manager of the prison in which the offender is detained of the matters set out in **subsection (2)**; and 20
- (b) take all reasonable steps to advise every victim of the offender of the matters set out in **subsection (2)** (other than the matters set out in **subsection (2)(b)(i) and (ii)**).
- (2) The matters are as follows: 25
- (a) whether the chairperson or panel convenor has determined that the Board is prohibited from considering the offender for parole by **section 24A or 24B**;
- (b) if the chairperson or panel convenor has determined that the Board is prohibited from considering the offender for parole by **section 24A or 24B**,— 30
- (i) the rehabilitative programmes identified in the offender’s case management plan that the offender has not completed and that the chairperson or panel convenor considers are relevant to the risk that the offender poses to the safety of the community (if any); and 35
- (ii) the rehabilitative programmes identified in the offender’s case management plan that the chairperson or panel convenor considers that the offender has not made reasonable efforts to under-

	<p>take or complete by the date on which they are due to be considered for parole (if any); and</p> <p>(iii) the date specified under section 24D(1)(a); and</p> <p>(iv) the rehabilitative programmes (if any) specified under section 24D(1)(b); and</p> <p>(v) that the date by which the Board must, if not still prohibited from doing so by section 24A or 24B, consider the offender for parole may be brought forward if section 24D(4) applies.</p>	5
6	<p>Section 26 amended (Other times when Board may consider offenders for parole)</p> <p>In section 26(3),—</p> <p>(a) after “relevant activities specified under section 21A(b)”, insert “or the relevant rehabilitative programme to which section 24A(1) applies”; and</p> <p>(b) after “under section 21A(a)”, insert “or section 24A(2) (as the case may be)”.</p>	10
6	<p>Section 67 amended (Review of decisions)</p> <p>After section 67(2)(c), insert:</p> <p>(ca) a decision under section 24D(1)(b) specifying rehabilitative programmes; or</p>	15
7	<p>Section 68 amended (Appeal to High Court against postponement orders, section 107 orders, and final recall orders)</p> <p>(1) Replace the heading to section 68 with “Appeal to High Court against certain orders and determinations”.</p> <p>(2) After section 68(1), insert:</p> <p>(1A) An offender who is the subject of a determination under section 24C(3) may, within 28 days of the date of the decision on a review under section 67 (or whatever longer time the court permits), appeal to the High Court against the decision.</p> <p>(3) In section 68(2), after “order”, insert “or determination”.</p> <p>(4) In section 68(3), after “order”, insert “or determination”.</p>	20
8	<p>Section 69 amended (Procedure on appeal against postponement orders, section 107 orders, and final recall orders)</p> <p>(1) Replace the heading to section 69 with “Procedure on appeal against certain orders and determinations”.</p> <p>(2) In section 69(4), replace “order” with “order or determination” in each place.</p>	30
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9 Section 70 amended (Powers of court on appeal)

After section 70(2), insert:

- (3) On an appeal against a determination under **section 24C(3)**, the court may—
- (a) confirm the determination; or
 - (b) quash the determination and direct the Board to, as soon as practicable, consider the offender for parole; or 5
 - (c) refer the matter back to the Board with a direction to reconsider and decide the matter, in which case it must—
 - (i) advise the Board of its reasons for doing so; and
 - (ii) give the Board any directions that it thinks just concerning any aspect of the reconsideration. 10

Part 2**Amendments to Schedule 1****10 Schedule 1 amended**

- (1) In Schedule 1, Part 1, clause 1, replace “schedule” with “Part”. 15
- (2) In Schedule 1,—
- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Schedule
New Part 3 inserted into Schedule 1

s 10(2)

	<u>Part 3</u>	
	<u>Provision relating to Parole (Completion of Rehabilitative Programmes) Amendment Act 2024</u>	5
7	<u>Sections 24A to 24E do not apply to offender subject to sentence for offence committed before commencement date</u>	
(1)	<u>Sections 24A to 24E</u> (as inserted by <u>section 5</u> of the amendment Act) do not apply to an offender who is subject to—	10
	(a) <u>a sentence of imprisonment (whether imposed before, on, or after the commencement date) for an offence committed before the commencement date; or</u>	
	(b) <u>2 or more cumulative sentences that form a notional single sentence, if at least 1 sentence in the series of sentences that form the notional single sentence is a sentence described in paragraph (a).</u>	15
(2)	<u>In this clause,—</u>	
	<u>amendment Act</u> means the Parole (Completion of Rehabilitative Programmes) Amendment Act <u>2024</u>	
	<u>commencement date</u> means the date on which this clause comes into force.	20

Legislative history

15 February 2024
29 February 2024

Introduction (Bill 15-1)
First reading and referral to Justice Committee