

## **Epidemic Preparedness (Epidemic Management—COVID-19—Parole Act 2002) Notice 2022**

This notice is given by the Prime Minister under section 8(1)(b) of the Epidemic Preparedness Act 2006—

- a. with the agreement of the Minister of Justice and the Minister of Corrections; and
- b. being satisfied that the effects of the outbreak of COVID-19 make it, or are likely to make it, reasonably necessary to give the notice.

### **Notice**

#### **1. Title**

This notice is the Epidemic Preparedness (Epidemic Management—COVID-19—Parole Act 2002) Notice 2022.

#### **2. Commencement**

This notice comes into force on **16 March 2022**.

#### **3. Notice Applies to COVID-19**

This notice applies in relation to COVID-19 (the “disease”), as identified in the Epidemic Preparedness (COVID-19) Notice 2020 ([New Zealand Gazette, 24 March 2020, Notice No. 2020-go1368](#)).

#### **4. Parole Act 2002 Measures Activated by Notice**

(1) The application of the Parole Act 2002 is modified in order to deal with the practical effects of the outbreak of the disease.

(2) However, this notice activates only sections 27B and 65A of that Act.

Dated at Wellington this 14th day of March 2022.

Rt HON JACINDA ARDERN, Prime Minister.

### **Explanatory Note**

*This note is not part of the notice, but is intended to indicate its general effect.*

This is an epidemic management notice under the Epidemic Preparedness Act 2006.

It is given in response to the outbreak of COVID-19, as identified in the Epidemic Preparedness (COVID-19) Notice 2020.

This notice, which comes into force on 16 March 2022, activates certain dormant sections of the Parole Act 2002.

#### *Parole Act 2002 Sections Activated by this Notice*

This notice activates only sections 27B and 65A of the Parole Act 2002.

#### *Section 27B (Consideration of Offenders for Parole During Epidemic)*

Section 27B applies to a requirement in any of sections 21 to 27 of that Act for the New Zealand Parole Board (the Parole Board) to consider an offender for parole that (but for section 27B) would have the effect of requiring the Parole Board to consider an offender for parole—

- while an epidemic management notice is in force (section 27B(1)(a)); or
- after an epidemic notice has expired, but while (in the Parole Board’s opinion) there remains as an effect of the outbreak of the disease referred to in the notice a specified backlog of offenders (section 27B(1)(b)).

Under section 27B(2), it is a sufficient compliance with that requirement if the Parole Board considers the offender concerned for parole as soon after he or she should have been considered as is reasonably practicable in the circumstances (including those specified in section 27B(3)).

Section 27B(4)(a) also specifies what the Parole Board must and may consider in deciding the order in which it should consider for parole offenders who may be considered for parole under section 27B(2).

#### *Section 65A (Application of Section 65 During Epidemic)*

Section 65A applies to a recall application required to be determined (within times stated in section 65(1) or (2)) or to the adjournment of the hearing of a recall application (within adjournment power restrictions in section 65(5))—

- while an epidemic management notice is in force (section 65A(1)(a) or (3)(a)); or
- after an epidemic management notice has expired but while (in the Parole Board’s opinion) there remains as an effect of the outbreak of the disease referred to in the notice a specified backlog of offenders or matters (section 65A(1)(b) or (3)(b)).

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Under section 65A(2), it is a sufficient compliance with section 65(1) or (2) (as the case requires) if the Board considers a recall application as soon after it should have been considered as is reasonably practicable in the circumstances (including those specified in section 65A(5)).

Under section 65A(4), the Board may, without the offender's consent, adjourn the hearing of a recall application for a period (not exceeding 21 days) the Board thinks appropriate in the circumstances, including those listed in section 65A(5) (section 65A(4), which modifies section 65(5), under which no adjournment may be for more than 8 days, unless the offender consents to a longer period).

### *Other Sections Already Activated (by 2020 Notice)*

This notice should be read with the Epidemic Preparedness (Epidemic Management—COVID-19—Parole Act 2002 and Sentencing Act 2002) Notice 2020 ([New Zealand Gazette, 30 March 2020, Notice No. 2020-go1474](#)) (the "2020 notice").

The 2020 notice, which came into force at 1.00pm on 30 March 2020, activated—

- certain other dormant sections (sections 13A and 56A) of the Parole Act 2002; and
- certain dormant sections (sections 54A, 54L, 67A, 69A, 69J, 80ZH, and 80ZI) of the Sentencing Act 2002.

### *Other Section Not Yet Activated (by this Notice or 2020 Notice)*

Neither this notice, nor the 2020 notice, activates the other dormant section of the Parole Act 2002 (namely, section 107GA).

### *Review of Epidemic Management Notices*

This notice and the 2020 notice must be reviewed, and revoked if no longer necessary, under section 10 of the Epidemic Preparedness Act 2006.

This notice is administered by the Ministry of Health and the Ministry of Justice.