

# Short-Form Supplementary Departmental Disclosure Statement

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Parole (Extended Supervision Orders) Amendment Bill
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A short form supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Parole (Extended Supervision Orders) Amendment Bill, dated 12 March 2014, which can be found at this link <http://disclosure.legislation.govt.nz/assets/disclosures/bill-government-2014-195.pdf>

This supplementary disclosure statement was prepared by the Department of Corrections.

The Department of Corrections certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

18 November 2014.

## Significant Legislative Features

### Offences, penalties and court jurisdictions

<b>1. Do the proposed amendments create, amend, or remove:</b>	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

### Privacy issues

<b>2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?</b>	NO

### Compulsory acquisition of private property

<b>3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?</b>	NO

### Charges in the nature of a tax

<b>4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	NO

### Retrospective effect

<b>5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?</b>	YES
<p>The SOP amends the Parole Act to prohibit a person subject to an Extended Supervision Order (ESO) from associating with any child without the approval of an employee of the Department probation. This is in addition to the current requirement that the person who is to supervise the contact with a child must be approved by an employee of the Department probation.</p> <p>This new requirement will apply to people who offended or were made subject to an ESO before the amendment comes into force and to that extent may be a retrospective restriction on their right to free association. The retrospective application of the amendment is justified to protect children from individuals who pose a high risk of serious sexual or violent harm to them.</p>	

### Strict liability or reversal of the burden of proof for offences

<b>6. Do the proposed amendments:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>7. Do the proposed amendments create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>

### Significant decision-making powers

<b>8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>Yes</b>
<p>The SOP amends the Parole Act to prohibit a person subject to an Extended Supervision Order (ESO) from associating with any child without the approval of an employee of the Department. This will enable the Department to manage the frequency or circumstances of contact between a high risk offender on an ESO and a child under 16.</p> <p>This power may restrict the right to free association of a person subject to an ESO where contact with the person seeking to associate with a child, including son or daughter of that person, if they are considered likely to pose a high risk of serious sexual or violent harm to the child. It is justified in those situations by the need to protect children from serious sexual or violent harm.</p>	

### Powers to make delegated legislation

<b>9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>NO</b>

<b>10. Do the proposed amendments create or amend any other powers to make delegated legislation?</b>	<b>NO</b>

### Any other unusual provisions or features

<b>11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>

