



The Law Association  
TLA Parole Law Committee  
AUCKLAND  
Moira.mcfarland@thelawassociation.co.nz

21 June 2024

Dear Moira,

## **Response to letter**

### **Timing of victim submissions**

Many thanks for your letter of 21 June 2024.

Firstly, with regard to the specific cases you raise, I am having enquiries made and I will respond as soon as I am able, with particulars.

There does seem to be some confusion or misunderstanding about victim contact with the Board. The Board receives contact from the victims in two ways, first by written submissions. These submissions are provided to the Convenor ahead of the hearing. The Convenor makes a decision about whether some, all or none of the victim submission should be shown to the offender in terms of the criteria in the Parole Act. Although the Board tries hard to get victim submissions early, that doesn't always prove possible. It isn't possible for us to ignore victim submissions that are filed "late". I will talk through your concerns with the Parole Board administrators, to see if we can tighten our process, to ensure that where we are providing victim's written submissions, that they get to the counsel and the offender as soon as possible after receipt by us.

As you may know we have been auditing the timeliness of information that the Parole Board provides to Corrections, to understand whether Corrections are providing the information sent by the Parole Board, to the offender, in a timely way. This audit has shown the Board provides the information to Corrections within the agreed timeline, but Corrections doesn't

always perform its function by giving the information to the offender in a timely way. We are using this information to help Corrections improve their process.

The second way in which the Parole Board gets information from victims, is if the victims indicate they would like to see the Board in person (either literally in person or by AVL). This occurs typically on the morning of the day in which the Parole Board is seeing the offender, or in that same week. You will appreciate that the members of the Parole Board who see the victim, should also be those who see the offender. Those members will only be together in the week of hearings. In those circumstances therefore, we have a very narrow opportunity to see a victim before the offenders hearing. And so, when we see a victim prior to a hearing, it is typically on the same day as the offenders hearing. In those circumstances we simply don't have the opportunity to advise the offender of what the victim has said before the offenders hearing. In those circumstances if counsel believe it is unfair to ask the offender to respond immediately an adjournment application would have to be made. I appreciate the unattractiveness of doing so. The Board is open to other suggestions as to how this could be managed differently.

### **Media applications**

I have already started a process to change and increasingly formalise the media application process.

I agree that the media applications should be filed much earlier and that adequate time needs to be given to lawyers to respond, and adequate time needs to be given to Convenors to provide a short but in my view now required, set of reasoning for their decision making. The Convenors are meeting in about 10 days' time, to discuss a new process. Once we have reached what we think is a reasonable draft, we intend to distribute it for comment to the media and to both the NZLS and the Law Association. We will take into account your comments in the draft proposals.

Kind regards.



Sir Ron Young  
Chairperson