



25 March 2024

**To:** Auckland and New Zealand Law Societies Parole Committees

**Copy to:**

**Subject:** Response to correspondence.

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## MEMORANDUM

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Dear Parole Board Committee members of the Law Association,

Thank you for your recent email.

Several responses.

The five-day requirement was when introduced intended to be five working days. The arrangement was; the Parole Board would provide counsel with a copy of the relevant material for the Parole Board hearing on the Friday, two weeks before the Monday of the Parole Board week. It was therefore assumed to be one week for counsel to obtain instructions and see their client and prepare their submissions, and one week for the Parole Board to receive the submissions (along with late papers) for a further review of the file.

So, my proposal would give counsel essentially two extra days, the Monday and Tuesday of the second week. Even if the existing five-day rule had included the weekend, submissions would need to be filed by the Tuesday 5 p.m. to allow for five clear days before the Monday of the hearing week.

I appreciate from time to time, that there will be reasons why late papers will be filed, I have indicated that in my note already. I said in the note, that if counsel explain why they are late in their memorandum (briefly), then of course we will accept counsel's

assurances.

It is not really possible for me to pre-predict what might be acceptable in terms of the delay.

Obviously, I don't want to do involve the Legal Services Agency. But in your response, there has been no acknowledgement of a poor performance by some lawyers nor any alternative solution. As you all know, I have repetitively asked both the Law Association and New Zealand Law Society to email their members to remind them of the importance of timeliness for the filing of submissions and asked that they comply with the rules.

Many lawyers have not done so.

I am open to an alternative solution as to how the Law Societies and the Parole Board can work together to improve counsel's performance but as I've said, this problem has gone on for years without improvement and indeed if anything, deterioration. The volume of material that the Parole Board is now getting, is creating a real crisis in workload for the Board. We are typically receiving between 30-50 late papers per week. What I don't want to see is a loss of PB members overwhelmed by the work load. Be assured I am taking late programme issues up with Corrections and others, who are providing this late information.

To me it doesn't seem unreasonable, for the Parole Board to set a standard. The previous standard was set in consultation with counsel. Nor does it seem unreasonable for me to expect compliance most of the time.

And so, the challenge I address to the Law Association and all lawyers is, for you to suggest a way of trying to ensure that lawyers comply. Because the reality is, my requests for compliance have not been met with improvement and as I said if anything deterioration.

As you know I've asked both you and the NZ Law Society to notify counsel who appear before the Board, about my concerns regarding failure to comply with timeliness standards for filing submissions. It would be helpful for me if you could send me a copy of the past memorandum that have been sent to counsel, passing on my comments and I imagine, urging them to comply.

I look forward to hearing from you.

Kind regards.

A handwritten signature in black ink, appearing to be 'R Young', written in a cursive style.

Sir Ron Young  
Chairperson NZPB