



NZLS EST 1869

NZLS CLE Ltd
CONTINUING LEGAL EDUCATION
NEW ZEALAND LAW SOCIETY



FORUM

PAROLE BOARD HEARINGS FORUM

September 2020

IN THIS FORUM:

- *How the parole process works*
- *The role of the Parole Board*
- *What is considered at a parole hearing?*

PAROLE BOARD HEARINGS FORUM

INTRODUCTION



The parole system assesses whether eligible prisoners can be released (based on risk) and oversees their transition from prison to community. Parole hearings are conducted in an inquisitorial manner and prisoners must request permission for a lawyer to appear. There are approximately 8,000 parole hearings every year, but lawyers appear at only a small percentage of them so there are significant opportunities for practitioners to play a greater role in this process. This forum will provide practical insights on the Parole Board hearing process and the role of the parole lawyer. The superb line-up of speakers will share their expertise and experience in working in this area.

CHAIR



Sir Ronald Young, Chairperson, New Zealand Parole Board, Wellington

Sir Ron was appointed chair of the New Zealand Parole Board in August 2018. He retired as a Judge of the High Court in 2015 after a total of more than 27 years as a judge including 14 years' service on the High Court Bench. Before that he had been the Chief District Court Judge, the list Judge for many years in the High Court Wellington and as President of the Electoral Commission from 2000 to 2003.

PROGRAMME

8.30-8.35 INTRODUCTION TO THE DAY: Chair – Sir Ron Young

8.35-9.05 **SESSION 1: AN INTRODUCTION TO PAROLE AND THE PAROLE BOARD**

An introduction and overview of parole and the parole process – looking at this from the lawyer's perspective as well as from the Parole Board's.

Presenters *Judith Fyfe*
Sir Ron Young

9.05-9.35

SESSION 2: MĀORI STRATEGY – HŌKAI RANGI

The strategy reflects a five-year change programme, Hōkai Nuku, to deliver major improvement to the Corrections system. Hōkai Rangi was developed directly with Māori and focuses on changes in the way Corrections will develop prison services and its workforce and, work with iwi and community partners. These changes are intended to help meet the government's priorities to reduce overrepresentation of Māori in prison, improve public safety and reduce re-offending rates overall.

Presenter

Topia Rameka

9.35-10.05

SESSION 3: PAROLE BOARD

Sir Ron will discuss the changes he has introduced and is introducing for the Parole Board.

Presenter

Sir Ron Young

10.05-10.30

MORNING TEA

10.30-12.30

SESSION 4: PAROLE – RISK

Part one – Statistics and risk

Statistics – this is what we know and the success of the various rehabilitative programmes.

Risk – How is it calculated, who by and what does it mean? Static risk assessment and dynamic risk assessment – what lawyers need to know.

Case management – The case manager's job is aimed at reducing the risk of reoffending. How do they do that?

Part two – Section 21 Hearings – How do lawyers advocate positively for their clients in respect of risk factors. A panel of experienced parole lawyers share their expertise.

Presenters

Hannah Bentley

Dr Peter Johnston

David Riley

Sarah Saunderson Warner

Dr Juanita Smith

Lucy Smith

Michael Starling

12.30-1.30

LUNCH

1.30-2.00

SESSION 5: THE INTERSECTION OF MENTAL HEALTH AND PAROLE

Many parolees have mental health issues and managing the safety of the parolee and that of the community can be a fine balance.

Presenter

Dr Jeremy Skipworth

2.00-2.45

SESSION 6: RECALLS

Recalls are problematic and tricky legal issues – what needs to be established before the Parole Board before a parolee is recalled?

Lawyers appearing for the applicant and for the respondent – what they do and how to prepare for hearing.

Panelists

Janine Bonifant

Sally Carter

Sue Earl

Neville Trendle

Sir Ron Young

2.45-3.05

AFTERNOON TEA

3.05-4.05

SESSION 7: EXTENDED SUPERVISION ORDERS – ESOS

What are ESOs, how do they work, and what are the common issues in defending or arguing ESOS.

Presenters

Andrew Bailey

Sally Carter

Neville Trendle

4.05-4.15

SESSION 8: PAROLE LAWYERS NETWORK

Julia, convenor of the Parole Law Committee, Wellington Branch NZLS, will introduce the Parole Lawyers Network and resources available to parole lawyers.

Presenter

Julia Robertson

4.15-4.20

SUMMARY OF THE DAY – CHAIR: SIR RON YOUNG

PRESENTERS



Andrew Bailey, Barrister, Christchurch

Andrew specialises in criminal, parole and mental health law. A substantial part of his work is appellate related. He regularly appears before the New Zealand Parole Board and has a particular interest in Extended Supervision Orders (ESOs) as well as Public Protection Orders (PPOs). Andrew's ESO related work extends to judicial reviews and applications for the cancellation of ESOs.

Hannah Bentley, Principal Advisor Rehabilitation and Learning, Department of Corrections, Ara Poutama Aotearoa, Wellington

Prior to her current role with Corrections, Hannah worked as an advisor in the Education Programmes Team and then moved into Case Management. She holds a Master's Degree in Criminology which explored female prisoner reintegration, focusing on women's lives before, during and after imprisonment.



Janine Bonifant, Barrister Brandon Street Chambers, Wellington

Janine commenced practice in the Taranaki, before moving to Hamilton where she was recruited as a Crown Prosecutor. She then moved to take up the deputy's role at the then new Tasman Crown Solicitor's office before switching back to defence work as the Deputy Public Defender for Wellington. Janine has chosen to return to the independent Bar and brings with her a wealth of experience in the public and private sectors. Janine has also served on a number of New Zealand Law Society committees.



Sally Carter, Partner, Luke Cunningham Clere, Wellington

Sally is an experienced advocate appearing for the Crown in serious criminal prosecutions in the District Court, High Court and Court of Appeal. She also appears before the Parole Board on behalf of Corrections. Sally advises and appears for a number of regulatory bodies, the Commissioner of Police in proceeds of crime applications and professional bodies before disciplinary tribunals. She is an external moderator for the Institute of Professional Legal studies. Sally is also a member of the Serious Fraud Office Panel of Prosecutors. Before joining the team she worked as a crown prosecutor in the South island. Previously Sally was a Barrister in England where her practice comprised predominantly of criminal cases (both prosecution and defence) as well as undertaking work in public and family law.

PRESENTERS



Sue Earl, Barrister, Auckland

Sue was the first lawyer to act only for prisoners and she set the pathway for other lawyers to consider specialising in parole law. She was admitted as a Barrister and Solicitor to the High Court of New Zealand in 1997 and has practiced primarily as a criminal defence barrister since that time. Sue has 14 years extensive experience representing prisoners who have appeared before the New Zealand Parole Board. This includes parole applications, recall hearings, postponement orders, extended supervision orders and applications for orders that the offender not be released before the applicable release date. Sue has a background in teaching with a BA majoring in Women's Studies and Social Policy. She is a member of the NZLS Wellington Branch Parole Law Committee.



Judith Fyfe, Barrister, Wellington

Judith was admitted in 1997 and has practised primarily as a specialised forensic lawyer in private practice. Since 2008 she has represented prisoners on matters relating to parole before the New Zealand Parole Board. Judith has a background in journalism and broadcasting and was a member of the Copyright Tribunal (Judicial) from 2005-2010. She is a member of the NZLS Wellington Branch Parole Law Committee.



Dr Peter Johnston, GM Research and Analysis, Department of Corrections, Ara Poutama Aotearoa, Wellington

Dr Johnston has been with the Department of Corrections for just over 30 years. As a Departmental psychologist he was involved in setting up the Kia Marama special treatment unit at Rolleston Prison in 1989. He then moved to the Prison Service, where he was involved in setting up prisoner assessment centres, overseeing offender rehabilitation programmes, and designing an end-to-end case management system. In his current role as GM Research and Analysis (since 2004) he leads a team of ten staff who undertake research and evaluation, and in-depth analysis of criminal justice data, to shed light on trends in the offender population, measure the impacts of rehabilitation, and support new policy initiatives.



Topia Rameka, Deputy Chief Executive, Māori, Department of Corrections, Ara Poutama Aotearoa, Wellington

Topia has significant expertise in corporate and iwi governance, the development of Māori enterprise, utilities and natural resource management, and holds strong relationships with iwi business and key stakeholders. He was a member of Corrections' Māori leadership board, Te Poari Hautū Rautaki Māori, which worked alongside frontline staff, service providers, academics and other Māori experts to assist in the development of the final Hōkai Rangi strategy.

PRESENTERS



David Riley, Psychologist, Wairarapa

David worked for four decades as a psychologist in Corrections, including 10 years as Director of the Service. In addition to programme design and evaluation of psychological treatment, he initiated and co-led (in collaboration with the Mathematics Department of Canterbury University) the research which provided Corrections with its computer-scored risk measure (RoC/RoI). He also worked on developing a risk measure of sex offender recidivism. David has authored book chapters and papers in journals on these subjects, both locally and overseas.



Julia Robertson, Barrister, Quay Legal, Wellington

Julia was admitted in 2011 after graduating from Victoria University of Wellington and gained experience in criminal and family law in firms and as in-house counsel. In August 2017 she joined Quay Legal as a Barrister Sole and now specialises in criminal defence and parole work. Julia is a member of the NZLS Wellington Branch Criminal Law Committee and is the Convenor of the NZLS Wellington Branch Parole Law Committee. In her defence work she often appears in the Family Violence Court in Porirua and has a strong sense of the broader social justice issues facing those who come into contact with the court.



Sarah Saunderson Warner, Barrister, Dunedin

Sarah was admitted in 2002 and commenced her legal career employed as a Barrister by a prominent Queen's Counsel. She joined Aspinall Joel in 2004 and entered the partnership in 2006. In 2015, Aspinall Joel merged with Gallaway Cook Allan and Sarah commenced practice as a Barrister. Her focus is now on criminal law and she represents clients in all areas of criminal law, from pleas in mitigation to jury trials and appeals, and prisoners appearing before the New Zealand Parole Board. Sarah is a member of the Otago Southland Community Response Forum, the NZLS Criminal Law Committee and is a Faculty Member for the NZLS CLE Litigation Skills Programme. She is a regular guest lecturer at the University of Otago Faculty of Law.



Dr Jeremy Skipworth, Forensic Psychiatrist, Auckland

Dr Skipworth is a forensic psychiatrist, who also works at the Mason Clinic in Auckland where he was Clinical Director from 2010-2019. He has clinical experience in both acute and rehabilitation forensic settings, as well as in prisons and the community. He was Deputy Director of Mental Health at the Ministry of Health from 2003-2007. Dr Skipworth has lectured on medico-legal report writing, giving expert evidence, and applying the law to mental health issues. In 2011 he completed his PhD in capacity based mental health law, and has published in international journals relating to his particular areas of interest, which include risk assessment, rehabilitation, and mental health law reform. He was appointed to the New Zealand Parole Board in 2008, and since that time has principally been involved in hearings concerning indefinitely sentenced prisoners.

PRESENTERS



Dr Juanita Smith, Principal Advisor Psychology Practice, Office of the Chief Psychologist, Department of Corrections, Ara Poutama Aotearoa, Wellington

Dr Smith is the Principal Advisor Psychology Practice for Ara Poutama Aotearoa/Corrections. She is a clinical psychologist with extensive experience in forensic risk assessment, mental health and neuropsychology settings. She has written (and supervised) reports for the New Zealand Parole Board (NZPB), District and High Courts. She presently oversees Health Assessment reports for the Courts and has produced guidance to the psychology field on risk assessment and communication, assessment of murder and provision of neurocognitive reports to the NZPB.



Lucy Smith, Barrister, Auckland

Lucy graduated from Auckland University in 2006 with an LLB, and was admitted to the Bar in February 2007. She was initially an employed barrister working with Jeremy Sutton in Manukau, and then was employed by the Public Defence Service in the Manukau and North Shore offices from October 2008 to August 2011 before going to the independent Bar. Between March 2014 and December 2016 Lucy worked at the New Zealand Law Society (Legal Standards Officer, Lawyers Standards Committee) and as an employed barrister in a firm. She returned to the independent Bar in January 2017 and specialises in criminal defence and parole work. Lucy's office is in Albany on the North Shore, Auckland.

Michael Starling, Barrister, Christchurch

Neville Trendle, Panel Conveyor New Zealand Parole Board, Wellington

Neville has been a member of the Parole Board since May 2008. He is a former Assistant Police Commissioner (2000-2001) and barrister with 40 years' experience working in and around the criminal justice system.

LEARNING OBJECTIVES

By attending this forum you will have a better understanding of the parole process, the role of the Parole Board and what is considered at a parole hearing.

WHO SHOULD ATTEND

Criminal lawyers who are interested in parole.

CANCELLATION AND REFUND POLICY Please note: Minimum and maximum numbers apply. Registrations will be accepted on a first-come/first-served basis. Registrations close 10 working days before the presentation date (the closing date). NZLS CLE Ltd reserves the right to cancel any session that does not reach the budgeted minimum number of registrations. This decision will be made on the closing date and a full refund will be made to each registrant of the cancelled session. If you cancel your registration before the closing date, a refund will be made, less a \$100 administration fee. After the closing date, there will be no refund. You may transfer your registration to another person until five working days before the presentation. Please advise NZLS CLE Ltd in writing of the change.

Last Name	First Name	Title
Firm/Organisation		
Address		
PO Box:	DX:	
Street Address:		
Suburb:		
Town/City:		
Postcode:		
Phone:		
Email:		
Dietary Requirements:		

FEE (Incl GST) - includes book and all catering

NZLS/Associate members	<input type="checkbox"/>	\$495
Non-members	<input type="checkbox"/>	\$555
Live Stream	<input type="checkbox"/>	\$475

BOOK - pricing for forum registrants only

Books are now available in **Hard Copy** AND/OR **PDF**. Please indicate your choice.

Hard Copy OR	<input type="checkbox"/>	\$ no extra charge
PDF OR	<input type="checkbox"/>	\$ no extra charge
Both Hard Copy and PDF	<input type="checkbox"/>	+ \$30

Forum Fee	Book - Both Hard Copy and PDF	Total Due
\$ _____	+	\$ _____ = \$ _____

PAYMENT

PAY BY ENCLOSED CHEQUE: Payable to 'NZLS CLE Ltd'

PAY BY DIRECT CREDIT: Acc. Name NZLS CLE Ltd. Acc. Number 12-3192-004-9995-00
(Include your surname & name of organisation as the reference)

PAY BY CREDIT CARD

Card Number:
 - -

Expiry:

Card security code:

Name on Card:

Visa

Signature:

Mastercard

Amex

REGISTER ME FOR

- WELLINGTON**
JAMES COOK HOTEL GRAND
CHANCELLOR
 30 SEPTEMBER
- LIVE WEB STREAM**
YOUR COMPUTER
 30 SEPTEMBER
- Please note:** Live Web Stream registrations close 3pm Tuesday 29 September

REGISTER

ONLINE AT:
www.lawyerseducation.co.nz

POST TO:
 NZLS CLE Ltd, PO Box 5041,
 Wellington 6140, DX SP20202

FAX TO:
 04 463 2986

INQUIRIES
0800 333 111
registrations@lawyerseducation.co.nz

BOOK

Books are available in Hard Copy, PDF or Both. Please indicate your choice.

- **Hard Copy**
Your book will be given to you when you register on the day.
- **PDF**
You will be emailed a PDF copy of the book 3 working days before the event.
- **Both Hard Copy & PDF**
You will be emailed a PDF copy of the book 3 working days before the event, and can collect the hard copy book when you register on the day.

PRIVACY ACT 1993

The information requested on this registration form is for NZLS CLE Ltd and the sponsors only.

I do not wish the sponsors to receive my contact details.