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CORRECTIONAL SERVICES (PAROLE) REGULATIONS 2014**Table of provisions**

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CORRECTIONAL SERVICES (PAROLE) REGULATIONS 2014

IN exercise of the powers conferred under section 75 of the *Correctional Services Act 2008*, the Minister makes the following Regulations:

Part 1 Preliminary matters

1. Citation

These Regulations may be cited as the *Correctional Services (Parole) Regulations 2014*.

2. Interpretation

In these Regulations:

‘applicant’ means a convicted prisoner who has lodged an application for parole;

‘application’ means an application for parole;

‘approved form’ means a form approved by the Commissioner under regulation 26;

‘Board’ means the Parole Board established under section 73 of the Act;

‘Board report’, in relation to an application, means the report prepared by the Board in relation to the application under regulation 14;

‘Chairperson’ means the Chairperson of the Board appointed under section 73(2)(a) of the Act;

‘Commandant’s report’, in relation to an application, means the report prepared by the Commandant under regulation 6 on receiving the application;

‘member’ means a person appointed to the Board under section 73 of the Act, and includes the Chairperson;

'parole' means the early release of a convicted prisoner subject to conditions;

'parole period', in relation to a parolee, means the time between the beginning of the parole and the expiry of the parolee's effective sentence;

'parolee' means a person on parole, during the parole period;

'Secretary' means the Secretary to the Board appointed under regulation 4.

Part 2 Parole Board

3. Qualifications for membership

- (1) The Minister may only appoint a person to be the Chairperson under section 73(2)(a) of the Act if the Judicial and Legal Services Commission approves the appointment.
- (2) The Minister may only appoint a person to be the member mentioned in section 73(2)(b) of the Act if the Medical and Dental Board confirms the person's qualifications for appointment and approves the appointment.
- (3) The Minister may only appoint a person to be a member mentioned in section 73(2)(c) or (d) of the Act if:
 - (a) the person is a qualified social worker, trained counsellor, a Minister of religion or a community, youth or woman leader; and
 - (b) the person is not a public officer, police officer or correctional services officer; and
 - (c) the Commissioner confirms the person's qualifications for appointment.
- (4) The Minister must appoint the members on a part-time basis.

4. Secretary to Board

- (1) The Commissioner must appoint a correctional services officer as Secretary to the Board.
- (2) The Secretary, in addition to any other functions conferred under this or any other written law, has the following functions:
 - (a) to provide administrative and secretariat services to the Board;
 - (b) to maintain an effective and secure filing and case management system;
 - (c) to arrange Board meetings and to distribute information and papers to the members;
 - (d) to receive applications and list them for hearing before the Board;
 - (e) to keep accurate records of Board meetings;
 - (f) to ensure the confidentiality of Board records and files;
 - (g) to provide regular reports, as requested, to the Commissioner in relation to the functions and operations of the Board.

Part 3 Applications for parole**5. Who may apply for parole**

- (1) A convicted prisoner who is serving a life sentence and who has served at least 10 years of his or her effective sentence may apply to the Board, in the approved form, for parole.
- (2) A convicted prisoner, other than a prisoner serving a life sentence, who has served at least 8 years of his or her effective sentence, may apply to the Board, in the approved form, for parole.

6. Commandant's report

- (1) An application must be lodged with the Commandant of the correctional centre where the applicant is detained.
- (2) On receiving the application, the Commandant must:
 - (a) prepare a report for the Board in relation to the application in the approved form; and
 - (b) forward the application and the report to the Commissioner as soon as practicable.
- (3) On receiving the application and report, the Commissioner:
 - (a) may add further comments to the report; and
 - (b) must lodge the application and report with the Secretary as soon as practicable.

7. Listing of application

The Secretary must:

- (a) list an application for consideration by the Board at the next scheduled Board meeting after the application is lodged with the Secretary; and
- (b) inform the applicant of the date of the meeting.

8. Limitation on repeat applications

- (1) This section applies if:
 - (a) the Board rejects an application by deciding not to recommend to the Minister that the applicant be granted parole; or
 - (b) the Minister rejects the Board's recommendation that an applicant be granted parole.
- (2) The applicant may not lodge another application within 12 months after the rejection.

Part 4 Board Meetings**9. When Board must meet**

- (1) The Board must meet every 3 months to consider new or adjourned pending applications.
- (2) A Board meeting may be cancelled or deferred if there are no new applications or adjourned pending applications to consider.

10. Payment for attendance

For each day of attendance at a scheduled Board meeting, each member must be paid the amount specified for the member in Schedule 2.

11. Acting Chairperson

If the Chairperson is unable to attend a meeting or is unable to consider a particular matter, the remaining Board members may elect an acting Chairperson to preside over the meeting for the period of the meeting or the consideration of the matter.

12. Disclosure of interest

- (1) A member must disclose to the Board, before the consideration of an application:
 - (a) any family, business or other relationship with the applicant or the family of the applicant; or
 - (b) any knowledge about the applicant that may cause a conflict of interest in considering the application; or
 - (c) any approach, information or submission received by the member by any person in relation to the application.
- (2) If another member considers that a matter disclosed under subregulation (1) may cause a conflict of interest in considering the application, the member with the potential conflict of interest must absent himself or herself from the hearing of the application.

- (3) The Chairperson must make a record of each disclosure under subregulation (1), whether or not the member absents himself or herself from the hearing of the application.

13 Information that may be considered

- (1) The Board must consider and determine an application on the basis of:
 - (a) the material provided in the application and documents provided with the application (including the Commandant's report); and
 - (b) any information it receives under subregulation (2).
- (2) The Board may, if it considers it necessary to do so, request that any of the following persons make a written submission in relation to the application or appear before the Board during consideration of the application:
 - (a) the applicant;
 - (b) any person who has contributed material to the Commandant's report;
 - (c) any victim of the offence for which the applicant was convicted;
 - (d) any person the Board considers may be able to provide relevant information to assist in the Board's determination of the application;
 - (e) any person the Board considers may be suitable to assist with the rehabilitation, reintegration or supervision of the applicant in the community.
- (3) No person appearing before the Board may have legal representation.

- (4) However, a person may obtain legal advice, at their own expense, in relation to the application or decision of the Board before or after the Board meeting.
- (5) Board meetings must not be open to the public.

14. Board report

- (1) The Chairperson must prepare a report of the Board's consideration of each application.
 - (a) addressing each of the matters the Board is required to take into account under regulation 16; and
 - (b) including the Board's decision on the application and the reasons for the decision.
- (2) Without limiting the ways in which the report may be prepared, the report may consist of:
 - (a) handwritten notes; or
 - (b) a transcript of an audio or visual recording of the Board meeting.
- (3) If the Chairperson is temporarily incapacitated and unable to prepare the report, he or she may direct the Secretary to prepare the report.
- (4) The Chairperson must, before signing the report:
 - (a) examine the report; and
 - (b) make any amendments he or she considers necessary to ensure that the report is a true record of the proceedings.

15. Board not bound by rules of evidence

The rules of evidence do not apply to Board meetings and the Board may inform itself of any matter in the way as it thinks fit.

16. Matters that must be considered

When considering an application, the Board must take into account the following matters:

- (a) the applicant's criminal history and the likelihood of the applicant re-offending;
- (b) the nature and circumstances of the offence for which the applicant was convicted, the sentencing remarks made by the trial judge or Court of Appeal and any comment or recommendation made by the trial judge in relation to the application;
- (c) the conduct and character displayed by the applicant in custody;
- (d) the physical and mental health of the applicant;
- (e) the applicant's current family and community support and the likelihood of continued support.
- (f) the applicant's participation in programs to address the applicant's offending behaviour;
- (g) the likelihood of the applicant being successfully reintegrated into the community;
- (h) the views of any victim of the offence for which the applicant was convicted and whether there has been, or is likely to be, any reconciliation between the applicant and the victim;
- (i) any special circumstances relevant to the application.

Part 5 Decisions on applications**17. Decision of Board**

- (1) At a Board meeting, the Board must consider each application listed before it and decide:
 - (a) whether to recommend to the Minister that the applicant be granted parole; or
 - (b) adjourn the matter for consideration at a later meeting.

- (2) If the Board recommends granting parole, the Board must also recommend to the Minister any conditions, in addition to the conditions mentioned in regulation 21(1), it considers should apply to the parole.
- (3) If the Board recommends granting parole, the Secretary must prepare a Parole Order on Form 1 of Schedule 1 and give the Order, together with the Board report in relation to the application, to the Minister.
- (4) If the Board decides not to recommend the parole of the applicant, the application is rejected.

18. How Board Decisions Made

- (1) The Board must attempt to decide an application by consensus.
- (2) If the Board cannot reach a consensus, the decision is by majority vote.
- (3) The Chairperson has a casting vote as well as a deliberative vote.

19. Decision of Minister

- (1) When the Minister receives a Board report the Minister may:
 - (a) accept the recommendation on the conditions recommended and grant the parole; or
 - (b) reject the recommendation; or
 - (c) refer the report back to the Board for further inquiry or to report on any issues the Minister considers may be relevant.
- (2) If the Minister accepts the recommendation, the Minister must sign and issue the Parole Order provided with the Board report and direct the Commissioner to arrange for the release of the prisoner within 30 days after the Minister's decision.

20. Notice of Decision

- (1) When an application is rejected by the Board under regulation 17 or decided by the Minister under regulation 19, the Chairperson must ensure the applicant is given notice of the decision.
- (2) If the Board recommends the parole of the applicant, the notice must include the recommendations of the Board.
- (3) However, the Chairperson may withhold any information from an applicant if, in the opinion of the Chairperson or the Commissioner, disclosing the information to the applicant would adversely affect the security, discipline or good order of a correctional centre or endanger the applicant or any other person.

21. Conditions of parole

- (1) It is a condition of each grant of parole that:
 - (a) the parolee must produce the Parole Order at the request of a Provincial Secretary, police officer, magistrate or judge; and
 - (b) the parolee must not violate any law, or be charged with the commission of any offence under Solomon Islands law; and
 - (c) before being released from the parolee's correctional centre, the parolee must advise the Parole Board where he or she intends to reside; and
 - (d) after release the parolee must go to the residence mentioned in paragraph (c) as soon as practicable; and
 - (e) before changing their residence, the parolee must notify the Parole Board.
- (2) The Minister may specify additional conditions in the Parole Order.

Part 6 Revocation of Parole Order**22. Automatic Revocation**

If a parolee is convicted of a criminal offence in Solomon Islands during the parole period, the parolee's parole is immediately revoked and the Secretary must prepare and send a Revocation of Parole Order in Form 2 of Schedule 1 to the Minister as soon as possible.

23. Revocation on Recommendation

- (1) The Board may recommend to the Minister that a parolee's parole be revoked if any of the following apply:
 - (a) the parolee breaches a condition of the Parolee Order;
 - (b) the Board receives information about any inaccuracy or false statement in the parolee's application that may have been relevant to the Board's decision to recommend parole;
 - (c) the Board receives any information that the parole may create a risk of harm to any person or to the community;
 - (d) the Minister or Commissioner requests the Board to review the recommendation for parole and, having reviewed the recommendation with reference to the matters mentioned in regulation 16, the Board considers that it is no longer appropriate for the parolee to remain on parole.
- (2) The Minister must make a decision on the recommendation as soon as practicable.

24. Effect of Revocation

- (1) If parole is revoked, the Minister must issue a Revocation of Parole Order on Form 2 of Schedule 1.
- (2) The Order authorises the arrest of the parolee as if the Order were a warrant of arrest issued by a Magistrate.
- (3) If parole is revoked, the prisoner forfeits any remission of the prisoner's sentence previously granted.

Part 7 Miscellaneous Matters

25. Protection from liability

No proceedings lie against the Minister Chairperson, a Board member, the Secretary, or any correctional services officer or employee for or on account of any act or omission done by the person for the purpose of carrying out the purposes of these Regulations, if the person acted in good faith.

26. Approved Forms

The Commissioner may, by order, approve forms for these Regulations.

Part 8 Transitional matters and consequential amendments

27. Existing members

- (1) In this Regulation:
'commencement date' means the date these Regulations commence.
- (2) A person holding office as a member immediately before the commencement date ceases to hold office on the commencement date.

28. Amendment of Correctional Services Regulations 2008

The Correctional Services Regulations 2008 are amended by:

- (a) deleting regulation 198; and
- (b) deleting regulations 201 to 211; and
- (c) deleting Form 1 and Form 3 of the Schedule.

SCHEDULE 1 – FORMS

FORM 1

PAROLE ORDER

(Regulation 19)

Name:

Date Birth:

Proposed address:

Offence/s:

Date of conviction:

Court penalty imposed:

Correctional centre:

The person named in this Order (the '*parolee*') must be released from the correctional centre within 30 days after the date of this order for the remaining part of their term of imprisonment.

This Order is immediately revoked if the parolee is convicted of an offence within Solomon Islands or if the Minister revokes the Order on the recommendation of the Parole Board.

This Order is subject to the conditions specified below. The Order may be revoked if the parolee breaches any of these conditions.

Conditions of parole:

1. The parolee must produce this Order at the request of a Provincial Secretary, police officer, magistrate or judge.
2. The parolee must not violate any law, or be charged with the commission of any offence under Solomon Islands law.

3. Before being released from the correctional centre, the parolee must advise the Parole Board where he or she intends to reside. After release the parolee must go to the nominated residence as soon as practicable.
4. If the parolee changes their residence, he or she must notify the Parole Board.

[insert any additional conditions here]

Minister

Dated:

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FORM 2

REVOCATION OF PAROLE ORDER

(Regulation 24)

Name:

Date of Birth:

Proposed address:

Offence/s:

Date of conviction:

Court penalty imposed:

Date of order:

Date of revocation:

The Parole Order granted to the parolee named above is revoked.

This Order requires any police officer or correctional services officer to immediately detain the person named in this Order and then, as soon as practicable, deliver the person to the Commandant of the closest correctional centre.

Minister:

Dated:

SCHEDULE 2 – PAYMENT TO MEMBERS

(Regulation 10)

Item	Member	Amount per day
1	Chairperson	\$600.00
2	Other members	\$400.00

MADE IN HONIARA this twentieth-seventh day of May, 2014.

HON. CHRIS LAORE

Minister for Police, National Security and Correctional Services