

TASMANIA

**CORRECTIONS AMENDMENT (PRISONER
REMISSION) BILL 2017**

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CORRECTIONS AMENDMENT (PRISONER REMISSION) BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
2 November 2017

*(Brought in by the Minister for Corrections, the Honourable
Elise Nicole Archer)*

A BILL FOR

**An Act to amend the *Corrections Act 1997* in relation to
remissions from sentences**

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Corrections
Amendment (Prisoner Remission) Act 2017*.

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

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3. Principal Act

In this Act, the *Corrections Act 1997** is referred to as the Principal Act.

4. Section 86 substituted

Section 86 of the Principal Act is repealed and the following section is substituted:

86. Remissions

(1) In this section –

commencement day means the day on which this section, as inserted by the *Corrections Amendment (Prisoner Remission) Act 2017*, commences.

(2) Subject to this section, the Director may, in accordance with regulations made in relation to the matters referred to in section 90(2)(d), grant to a prisoner who is in custody a remission of the whole, or any part, of one or more sentences of imprisonment under which the prisoner is serving all or part of a continuous period in custody.

(3) Remission may only be granted in relation to a sentence of imprisonment in respect of a prisoner –

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- (a) if the sentence was imposed on the prisoner before the commencement day; or
 - (b) where the prisoner is in custody under more than one sentence of imprisonment – if at least one of those sentences of imprisonment was imposed on the prisoner before the commencement day; or
 - (c) where the prisoner is in custody for a continuous period, under different sentences of imprisonment for different parts of the continuous period – if at least one of those sentences of imprisonment was imposed on the prisoner before the commencement day.
- (4) The Director may not grant remission to a prisoner who is in custody for a period of imprisonment –
- (a) under a sentence of imprisonment imposed after 1 January 1994; or
 - (b) that is imposed, in whole or in part, by one or more sentences of imprisonment, at least one of which was imposed after 1 January 1994 –

if the remission would operate so as to reduce by more than 3 months the total period of imprisonment during which the

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prisoner would otherwise be in custody
under one or more of those sentences.

5. Section 87 amended (Special management days)

Section 87 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “grant special remission to a prisoner in addition to the prisoner’s entitlement to ordinary remissions” and substituting “, subject to any regulations for the purposes of this section, grant to a prisoner, in relation to the sentence, or sentences, of imprisonment in relation to which the prisoner is in custody or that form part of a continuous period in which the prisoner has been in custody, one or more special management days”;
- (b) by inserting the following subsection after subsection (1):
 - (1A) A prisoner who is granted under subsection (1) one or more special management days, in relation to one or more sentences of imprisonment in relation to which the prisoner is or has been in custody, is entitled to have the total period in which the prisoner is required to be in custody under those sentences remitted by that number of days.

6. Section 90 amended (Regulations)

Section 90(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “while the prisoner is serving his or her sentence” and substituting “while the prisoner is in custody or as an incentive to, or reward for, engaging, while the prisoner is in custody, in activities that are rehabilitative or of a kind approved by the Director”;
- (b) by inserting the following paragraph after paragraph (d):
 - (da) the granting under section 87 of special management days; and

7. Section 92A inserted

After section 92 of the Principal Act, the following section is inserted in Part 9:

92A. Savings and transitional provisions in relation to *Corrections Amendment (Prisoner Remission) Act 2017*

- (1) Section 86, as inserted by section 4 of the *Corrections Amendment (Prisoner Remission) Act 2017*, applies in relation to a prisoner, and to a sentence of imprisonment, whether or not he or she was a prisoner, or the sentence of imprisonment was imposed, before or

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after the day on which section 4 of that Act commences.

- (2) Section 87, as amended by section 5 of the *Corrections Amendment (Prisoner Remission) Act 2017*, applies in relation to a prisoner, and to a sentence of imprisonment, whether or not he or she was a prisoner, or the sentence of imprisonment was imposed, before or after the day on which section 5 of that Act commences.
- (3) Regulations that commence on or after the day on which section 6 of the *Corrections Amendment (Prisoner Remission) Act 2017* commences may specify that any of the regulations in relation to the matters referred to in section 90(2)(d) or (da) applies in relation to –
 - (a) prisoners who were prisoners, sentences of imprisonment that were imposed, or behaviour that occurred, before the day on which section 6 of that Act commences; or
 - (b) prisoners who were prisoners, sentences of imprisonment that were imposed, or behaviour that occurred, after the day on which section 6 of that Act commences; or

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- (c) prisoners, sentences of imprisonment, or behaviour, whether or not the prisoners were prisoners, the sentences were imposed, or the behaviour occurred, before or after the day on which section 6 of that Act commences.

8. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.