

DRAFT SECOND READING SPEECH

HON. ELISE ARCHER MP

Corrections Amendment (Prisoner Remission) Bill 2017

check Hansard for delivery

Mr Speaker, I move that the Bill now be read a second time.

This Bill makes a number of changes to the remission provisions in the *Corrections Act 1997*.

The amendments in this Bill:

- remove eligibility for remission from those prisoners yet to be sentenced from the commencement of this legislation;
- clarify and limit the application of remission for those prisoners sentenced prior to the commencement of this legislation; and
- refine the scope of remission.

The proposed changes in this Bill address community expectations regarding 'truth in sentencing', and ensure that in future, prisoners will not be released earlier than they are sentenced to be released. As I have already indicated, all new prisoners sentenced after the date of commencement of this Bill will not be eligible for remission.

This Bill recognises that it would be problematic to retrospectively remove remission eligibility from prisoners who have already been sentenced, prior to this legislation coming into effect. Therefore the Government has adopted the approach taken by other states and this Bill does not seek to remove remission eligibility from those sentenced prior to this legislation coming into effect.

However, for those still eligible for remissions, this Bill does seek to clarify what the court has been found to be an ambiguous area of the legislation.

The Bill limits the amount of remission an eligible prisoner could receive to a maximum of 3 months on their total continuous term of imprisonment, regardless of how many sentences may make up that continuous period in prison.

This Bill makes it clear that remission is granted in relation to sentences of imprisonment, and is only calculated with reference to days that the person is actually in custody.

This approach is reflected in the Bill and aligns legislation regarding the application of remission, with what is considered to be the historic intention of the change to the remission system in 1993 with the application of Regulation 22(1). The intention being, to cap remission at a maximum of three months on the total continuous term of sentenced imprisonment, regardless of the number of sentences that make up that total continuous term.

Setting out when a remission is to be applied to a sentence and limiting the amount that can be applied, will provide greater clarity for sentence administration practices at the Tasmania Prison Service and consistency in parity for prisoners who are still eligible to receive remission.

The Bill also introduces the term “special management days” in place of “special remission”. These changes ensure that a clear distinction exists between “remission” and “special management days”.

The Bill recognises that although rarely used, these provisions are important to retain as they provide the Director of Prisons with the discretion to grant “special management days” to prisoners on account of good behaviour, while suffering disruption and deprivation during emergency situations, industrial disputes and circumstances which are of an unforeseen or special nature.

The Bill modifies existing law in order to expand the factors the Director can take into consideration when granting remission to eligible prisoners, by introducing participation in “rehabilitative or approved purposeful activities” as a factor which must be considered.

The introduction of this factor further addresses community expectations that prisoners while in prison will not receive remission unless they have engaged in good conduct, or participated in activities which are purposeful and assist them to be rehabilitated members of our community.

Mr Speaker consultation was undertaken on a draft version of this Bill. The draft Bill was sent to targeted stakeholders and made available for public consultation via the Department of Justice’s website.

All other Australian jurisdictions have abolished or phased out remission of sentences for prisoners and I am proud of the work this Government is undertaking to ensure criminals serve their full sentence handed down by the court.

In addition, I also note that the Government is committed to exploring alternative sentencing options including Home Detention.

This Bill provides the community with the future assurance that a prisoner will not be released until the date that they are sentenced to be released.

This Bill provides clarity for the Department of Justice in regard to how remission must be applied and it limits the amount of remission that can be applied.

The Bill refines the scope of remission by including extra factors which the Director must take into account when considering granting remission.

I commend the Bill to the House.