

TASMANIA

CORRECTIONS AMENDMENT BILL 2022

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 71 amended (Prisoner subject to more than one non-parole period or other minimum term)
5. Repeal of Act

CORRECTIONS AMENDMENT BILL 2022

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.

LAURA ROSS, *Clerk of the House*
11 May 2023

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

A BILL FOR

An Act to amend the *Corrections Act 1997*

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 Act 2022*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

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

*No. 51 of 1997

Corrections Amendment Act 2022
Act No. of 2022

s. 4

4. Section 71 amended (Prisoner subject to more than one non-parole period or other minimum term)

Section 71 of the Principal Act is amended as follows:

- (a) by omitting the definition of *designated sentence* from subsection (1) and substituting the following definition:

designated sentence – see
subsection (1A);

- (b) by inserting the following subsection after subsection (1):

(1A) For the purposes of this section, a sentence imposed on a person is a designated sentence if, subject to subsection (6), the sentence is a sentence of imprisonment –

- (a) to which a non-parole period is applicable; or
- (b) to which an order under section 17(2)(a) of the *Sentencing Act 1997* is applicable; or
- (c) in respect of which the person is ineligible for parole by operation of section 17(3A) of the *Sentencing Act 1997*.

Corrections Amendment Act 2022
Act No. of 2022

s. 4

(c) by inserting the following subsections after subsection (5):

(6) If a person becomes eligible for release on parole under this Act while the person is subject to a designated sentence –

(a) each designated sentence to which the person is subject ceases to be a designated sentence, for the purposes of this section, if –

(i) the person is subject to the designated sentence on the date on which the person becomes so eligible for release (the *relevant date*); and

(ii) the person has completed the minimum term for that designated sentence; and

(b) a minimum term for a sentence referred to in paragraph (a) is not to be taken into account, under this section, in respect of

Corrections Amendment Act 2022
Act No. of 2022

s. 4

a sentence that is imposed on the person on or after the relevant date.

(7) For the avoidance of doubt, subsection (6) –

(a) may apply in respect of a person on one or more occasions; and

(b) applies to a designated sentence imposed on a person before the day on which the *Corrections Amendment Act 2022* commences (the ***commencement day***) if –

(i) the person –

(A) is eligible for release on parole in respect of the sentence before the commencement day; and

(B) is on parole, or remains eligible for parole, in respect of the sentence

Corrections Amendment Act 2022
Act No. of 2022

s. 4

on the
commence-
ment day; or

- (ii) the person becomes eligible for release on parole in respect of the sentence on or after the commencement day.

(8) If –

- (a) a sentence (the *previous sentence*) imposed on a person ceases to be a designated sentence by virtue of subsection (6); and
- (b) a designated sentence (the *new designated sentence*) is imposed on the person while the person is still subject to the previous sentence; and
- (c) at the time at which the new designated sentence is imposed on the person, the person is not subject to any other designated sentences –

Corrections Amendment Act 2022
Act No. of 2022

s. 5

the minimum term for the new designated sentence is taken to commence –

- (d) on the day on which the new designated sentence is imposed on the person; or
- (e) on such other day as may be specified, in respect of the minimum term, by the court imposing the new designated sentence.

5. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.