

DRAFT SECOND READING SPEECH

Hon Elise Archer MP

Corrections Amendment (Electronic Monitoring) Bill 2020

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

This Bill makes amendments to the *Corrections Act 1997* to provide express powers for the Parole Board to impose electronic monitoring as a condition on a parole order.

Electronic monitoring is widely used in Australia as a technological means to monitor whether offenders are complying with conditions that are attached to their release from custody.

Tasmanian courts currently have explicit powers in legislation to impose a condition requiring electronic monitoring when making a home detention order or a family violence order.

Other than Tasmania, all states and the Northern Territory have legislation that explicitly provides for electronic monitoring of prisoners who are released on parole. The Australian Capital Territory does not undertake electronic monitoring of offenders in the community.

In Tasmania, section 72 of the Act empowers the Parole Board to make a parole order to release an eligible prisoner. Where the Board makes a parole order, subsection (5) provides that the order is subject to such terms and conditions as the Board considers necessary and as are specified in the order.

Decisions of the High Court of Australia have established that, in exercising a broad power such as that contained in subsection (5), any conditions specified must be reasonably capable of being regarded as related to the purpose for which the function of the authority is being exercised and not inconsistent with that purpose.

While the Parole Board's general power under subsection (5) is considered sufficiently broad to authorise the making of conditions relating to electronic monitoring of parolees, following the approach of other Australian jurisdictions and confirming explicit legislative authority will provide certainty to the Board that it can apply this condition in future.

Madam Speaker, the Bill amends section 72 of the Act to insert a new subsection (5A), which provides an explicit power for the Parole Board to specify conditions relating to the electronic monitoring of a prisoner when it makes a parole order in relation to that prisoner.

The Bill clarifies that this power does not limit the general powers already available to the Parole Board under subsection (5).

The new subsection provides for the Parole Board to impose a condition requiring the prisoner to submit to electronic monitoring, including by wearing or carrying an electronic device.

The Parole Board may also impose a condition that the prisoner must not remove, tamper or interfere with, damage or disable any electronic device or equipment used for the purpose of the electronic monitoring, and a condition that the prisoner must not knowingly permit an unauthorised person to do so.

Finally, the Parole Board may impose a condition that the prisoner must comply with all reasonable and lawful directions that are given in relation to the electronic monitoring, or an electronic device or equipment used for the purpose of the electronic monitoring.

The Bill provides that such directions may be given to the prisoner by a police officer or a probation officer, or by a person authorised by the Director of Corrective Services or the Secretary of the Department of Justice to exercise powers in relation to electronic monitoring.

Madam Speaker, electronic monitoring does not expand the range of controls or prohibitions that the Parole Board is already able to impose under the Act. It simply provides a means to more effectively ascertain whether a parolee is complying with certain conditions of their parole order and to initiate an appropriate response if a breach is suspected. This may include an inadvertent breach, where the parolee can be quickly informed of their error and rectify it, to avoid the need for an enforcement response.

Parole continues to be a necessary and effective option to reduce the number of offenders in prison and promote rehabilitation and reintegration, while still ensuring the protection of the community.

I would like to acknowledge and thank those stakeholders who made submissions in relation to the draft Bill during the period of public consultation.

Madam Speaker, I commend the Bill to the House.