



PAROLE AMENDMENT ACT 1993

No. 77 of 1993

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PAROLE AMENDMENT ACT 1993

No. 77 of 1993

AN ACT to amend the *Parole Act 1975*

[Royal Assent 23 November 1993]

BE it enacted by His 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:—

Short title

1—This Act may be cited as the *Parole Amendment Act 1993*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Parole Act 1975** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4—Section 3 of the Principal Act is amended as follows:—

(a) by inserting the following definition after the definition of “non-parole period”:—

“**operative sentence**” means such part of a sentence of imprisonment as has not been suspended;

(b) by inserting the following definition after the definition of “practitioner”:—

“**prescribed prisoner**” means a prisoner whose sentence of imprisonment has been partially suspended;

Section 12C amended (When prisoner eligible for parole)

5—Section 12C (1) of the Principal Act is amended by omitting “section 12D” and substituting “sections 12D and 19 (1A)”.

Section 12F inserted

6—After section 12E of the Principal Act, the following section is inserted in Part IIIA:—

Applications for parole by prescribed prisoners

12F—(1) A prescribed prisoner may, not earlier than 3 months before becoming eligible to be considered for release on parole under section 19 (1A), apply to the Board to be considered for release under that section.

* No. 73 of 1975. Subsequently amended by No. 83 of 1981, No. 29 of 1984, No. 5 of 1985, No. 7 of 1987, No. 49 of 1989, No. 5 of 1990 and Nos. 43 and 46 of 1991.

(2) If a prescribed prisoner who is eligible to be considered for release on parole under section 19 (1A) is not so released, the prisoner may, not earlier than 3 months after—

(a) becoming eligible to be considered for release under that section; or

(b) making an application under subsection (1)—
apply to the Board to be considered for release under that section.

(3) Notwithstanding subsections (1) and (2), the Board, in its discretion, may permit a prescribed prisoner to make an application to the Board at a time earlier than the time at which, but for this subsection, the prisoner would be eligible to make the application.

(4) An application by a prescribed prisoner under this section is to be made in the prescribed manner.

(5) Nothing in this section restricts the operation of section 12E in respect of a prescribed prisoner.

Section 19 amended (Release on parole)

7—Section 19 of the Principal Act is amended as follows:—

(a) by inserting the following subsections after subsection (1):—

(1A) The Board may consider whether a prisoner who would otherwise be ineligible to be released on parole before the completion of the non-parole period applicable to his or her sentence should be released on parole before the completion of that period if—

(a) the prisoner is a prescribed prisoner; and

(b) the prisoner has completed a period of imprisonment of not less than one-half of his or her operative sentence or a continuous period of 6 months, whichever is the greater period.

(1B) The Board's power under subsection (1A) is exercisable in respect of a prescribed prisoner whether or not the prisoner has made an application under section 12F.

- (b) by inserting in subsection (2) "or (1A)" after "(1)";
- (c) by inserting in subsection (3) "or (1A)" after "(1)".

Section 24 amended (Prisoner on parole taken to be still under sentence)

8—Section 24 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (2) "subsection (3)," after "Subject to";
- (b) by omitting subsection (3) and substituting the following:—
 - (3) Subsection (2) does not apply to—
 - (a) a life prisoner or dangerous criminal; or
 - (b) a prisoner released on parole in respect of a partially suspended sentence of imprisonment.

Section 25 amended (Power of the Board to revoke parole orders, &c.)

9—Section 25 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

- (2) The Board must not—
 - (a) revoke, vary or amend a parole order made under section 14; or
 - (b) suspend a parole order for a period exceeding 60 days if the parole order was made under section 14—

unless the Board has first obtained the consent of the Governor within the meaning of that section.

*[Second reading presentation speech made in:—
House of Assembly on 14 October 1993
Legislative Council on 26 October 1993]*

