

Replacement Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Yvette D'Ath MP

Title of the Bill

The short title of the Bill is the Corrective Services (No Body, No Parole) Amendment Bill 2017 (the Bill).

Objectives of the Amendments

The proposed amendments to the Bill to be moved during consideration in detail will broaden the cohort of prisoners to which the *no body, no parole* framework proposed in the Bill will apply.

Achievement of the Objectives

The objectives are achieved by amending clause 4 of the Bill which inserts a new section 193A (Deciding particular applications where victim's body or remains have not been located) into the *Corrective Services Act 2006* to expand the definition of *homicide offence* to include the offences of misconduct with regard to corpses, unlawful striking causing death and accessory after the fact to any of the prescribed homicide offences.

The definition of *homicide offence* is also amended to include offences from other Australian jurisdictions that substantially correspond to a prescribed Queensland offence. This expanded definition will apply to prisoners in Queensland who were convicted and sentenced for an offence against a law of another jurisdiction and have been transferred to Queensland under the *Prisoners (Interstate Transfer) Act 1982*.

Alternative Ways of Achieving Policy Objectives

Amendments to the Bill are required to achieve the policy objectives.

Estimated Cost for Government Implementation

There are no additional costs anticipated to be associated with the amendments to be moved during consideration in detail.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

Consultation has been undertaken with Mr Ian Walker MP, Member for Mansfield and Queensland Corrective Services with regard to these amendments.

NOTES ON PROVISIONS

Amendment 1 amends clause 4 to omit and replace sections 193A(8)(a) and (b). New subsection (a) expands the existing definition in the Bill of *homicide offence* so as to include the Criminal Code offences at section 236(2) (Misconduct with regard to corpses) and section 314A (Unlawful striking causing death). New subsection (b) further expands the definition of *homicide offence* to ensure that the offence of becoming an accessory after the fact will apply to all of the prescribed homicide offences in the Bill.

Clause 4 is also amended to create a new subsection, 193A(8)(c), which provides that a *homicide offence* includes an offence of counselling or procuring the commission of, or conspiring to commit, an offence mentioned in existing subsection (a) or new subsection (b).

Clause 4 is further amended by inserting a new subsection, 193A(8)(d), which provides a definition of *homicide offence* for prisoners serving a period of imprisonment in Queensland for an offence against a law of another jurisdiction, having been transferred to Queensland under the *Prisoners (Interstate Transfer) Act 1982*. For the prisoners captured by new section 193A(8)(d), a *homicide offence* is an offence against a law of another jurisdiction that substantially corresponds to an offence mentioned in existing section 193A(8)(a) or new sections 193A(b) and (c) of the Bill.