

Corrective Services Bill 2006

Amendments agreed to during Consideration

1 Clause 181—

At page 128, line 3, ‘period’—
omit, insert—
‘term’.

2 Clause 181—

At page 128, lines 5 to 7—
omit, insert—
‘(1) This section applies to a prisoner who is serving a term of imprisonment for life.’.

3 Clause 184—

At page 129, line 29, ‘offence.’—
omit, insert—
‘offence; or
(c) is serving a period of imprisonment ordered to be served under the *Penalties and Sentences Act 1992*, section 147(1)(b) or (c); or
(d) was the subject of a court ordered parole order that has been cancelled under this Act.’.

4 Clause 184—

At page 130, lines 1 to 4—
omit, insert—
‘(3) However—
(a) if an earlier or later parole eligibility date is fixed for the prisoner under the *Penalties and Sentences Act 1992*,

part 9, division 3, the prisoner's parole eligibility date is the date fixed under that division; or

- (b) if paragraph (a) does not apply and the prisoner is a prisoner mentioned in subsection (1)(d), the prisoner's parole eligibility date is the date that was fixed for the prisoner's release under that parole order.'

5 Clause 187—

At page 132, lines 18 and 19—

omit, insert—

- '(b) immediately before 1 January 2005, was subject to a reporting order made under the *Criminal Law Amendment Act 1945*, section 19; or

Note—

The *Criminal Law Amendment Act 1945*, section 19 (repealed by Act No. 52 of 2004) dealt with the reporting of names and addresses of sexual offenders.'

6 Clause 192—

At page 135, line 15, 'prisoner 's'—

omit, insert—

'prisoner's'.

7 Clause 201—

At page 140, line 21, 'or suspending'—

omit.

8 Clause 201—

At page 140, after line 24—

insert—

- '(4) A written order suspending a parole order has effect for the period of not more than 28 days, stated in the written order, starting on the day the order is made.'

9 Clause 205—

At page 142, after line 34—

insert—

- ‘(3A) A parole board is not required to give the prisoner an information notice or a reasonable opportunity to be heard if the parole board suspends or cancels the prisoner’s parole order.’.

10 Clause 221—

At page 150, line 10, before ‘fees’—

insert—

‘remuneration,’.

11 Clause 235—

At page 155, line 20, before ‘fees’—

insert—

‘remuneration,’.

12 Clause 357—

At page 216, after line 19—

insert—

- ‘(4) Also, the previous action or thing may be amended, repealed or revoked under this Act.’.

13 After clause 431—

At page 243, after line 7—

insert—

‘431A Amendment, suspension or cancellation of parole order by corrections board

- ‘(1) This section applies to a post-prison community based release order (the *previous order*) that was amended, suspended or cancelled by an order of a corrections board under previous

section 150 if the amendment, suspension or cancellation was in force immediately before the commencement.

- ‘(2) The previous order is taken to have been amended, suspended or cancelled by the replacement board for the corrections board under section 205(2).
- ‘(3) If, because of the suspension or cancellation, a warrant was issued under previous section 150(2) and the warrant was in effect and had not been executed before the commencement, it—
 - (a) continues to have effect according to its terms; and
 - (b) is taken to be—
 - (i) for a warrant issued by the corrections board under previous section 150(2)(a)—a warrant issued by the replacement board for the corrections board under section 206(1)(a); or
 - (ii) for a warrant issued under previous section 150(2)(b)—a warrant issued under section 206(1)(b).
- ‘(4) If a warrant had not been issued under previous section 150(2) before the commencement, a warrant may be issued by the replacement board for the corrections board or a magistrate under section 206 for the prisoner the subject of the previous order.
- ‘(5) If an information notice was given to the prisoner under previous section 150(5) and written submissions given to the corrections board by the prisoner had not been finally dealt with under previous section 150(6) before the commencement, the information notice is taken to have been given by the replacement board for the corrections board under—
 - (a) for an information notice about the amendment of the previous order—section 205(3); or
 - (b) for an information notice about the suspension or cancellation of the previous order—section 208(1).
- ‘(6) If an information notice had not been given to the prisoner under previous section 150(5) before the commencement, an

information notice may be given to the prisoner by the replacement board for the corrections board under—

- (a) for an information notice about the amendment of the previous order—section 205(3); or
 - (b) for an information notice about the suspension or cancellation of the previous order—section 208(1).
- ‘(7) If the replacement board changes the decision the subject of an information notice mentioned in subsection (5) or (6), the changed decision has effect despite section 426(a).’.

14 Clause 441—

At page 246, line 26, ‘within the meaning of the 2000 Act’—
omit.

15 Clause 471—

At page 257, after line 12—
insert—

- ‘(1A) It is declared that there is not, and never has been, a requirement to publish any of the following rules of the corrective services rules—
- rule 32 (Prisoner construction of electronic or electromechanical devices)
 - rule 111 (Prescription of Industrial and Community Work Centre, Wacol, as a place for the transfer of prisoners)
 - rule 172 (Prisoner protection)
 - rule 223 (Security related training weapons and munition standards)
 - rule 226 (Standard operational procedures for the establishment of an incident management centre (IMC))
 - rule 230 (Management of hostage incidents in custodial correctional centres)
 - rule 232 (Operation of Barringer Ionscan narcotics and explosives detection unit)

- rule 233 (Maximum security unit)
- rule 236 (Risk management)
- rule 239 (Prisoner escort)
- rule 240 (Incident management).’.

16 After clause 478—

At page 262, after line 19—

insert—

‘Division 1A Freedom of Information Act 1992

‘478A Act amended in div 1A

‘This division amends the *Freedom of Information Act 1992*.

‘478B Amendment of s 11E (Application of Act to offenders)

‘(1) Section 11E, heading, after ‘offenders’—

insert—

‘or agents’.

‘(2) Section 11E(1), after ‘offender’—

insert—

‘, or an offender’s agent,’.

‘(3) Section 11E(2), definition *offender*, other than note—

omit, insert—

‘*offender* means an offender as defined under the *Corrective Services Act 2006*—

- (a) who is serving a term of imprisonment for a prescribed offence, or serving a period of imprisonment that includes a term of imprisonment for a prescribed offence, whether the person was sentenced to the term or period of imprisonment before or after the commencement of this section; or

- (b) who is a detained dangerous prisoner (sexual offender), or a supervised dangerous prisoner (sexual offender), as defined under the *Corrective Services Act 2006*.’.

‘478C Insertion of new s 42AA

‘After section 42—

insert—

‘42AA Matter created for ensuring security or good order of corrective services facility

- ‘(1) Matter is exempt matter if it is in the possession of, or brought into existence by, the department in which the *Corrective Services Act 2006* is administered and is—
- (a) a recording of a telephone call made by an offender from a corrective services facility; or
 - (b) an audio recording made in a corrective services facility for the security or good order of the facility; or
 - (c) a visual recording of a corrective services facility or a part of a corrective services facility; or
 - (d) a document to the extent that it refers to or contains any part of a recording mentioned in paragraph (a), (b) or (c);

unless its disclosure would, on balance, be in the public interest.

- ‘(2) In this section—

corrective services facility means a corrective services facility as defined under the *Corrective Services Act 2006*.

offender means an offender as defined under the *Corrective Services Act 2006*.’.

17 Clause 488—

At page 265, lines 9 to 11, from ‘give’—

omit, insert—

‘make a record of the order committing the offender into custody and give a copy of the record to the chief executive (corrective services).’.

18 Clause 493—

At page 268, after line 3—

insert—

- ‘(6) Sections 160B to 160D do not apply if a court sentences an offender to a term of imprisonment and makes any of the following orders under this Act for the offender—
- (a) an intensive correction order;
 - (b) a probation order mentioned in section 92(1)(b);
 - (c) an order that the whole or a part of the term of imprisonment be suspended.’.

19 Clause 493—

At page 268, line 8, after ‘2006’—

insert—

‘, section 205 or 209’.

20 Clause 493—

At page 268, after line 12—

insert—

- ‘(4) If the offender had a current parole eligibility date or current parole release date, a date fixed under subsection (2) or (3) must not be earlier than the current parole eligibility date or current parole release date.

Note—

See also section 160F.’.

21 Clause 493—

At page 268, after line 25—

insert—

‘Note—

See also section 160F.’.

22 Clause 493—

At page 269, after line 5—

insert—

- ‘(4) A date fixed under subsection (2) must not be earlier than the current parole eligibility date or current parole release date.

Note—

See also section 160F.’.

23 Clause 493—

At page 270, after line 14—

insert—

‘Examples—

- 1 O is sentenced to a term of 1 year’s imprisonment on 1 July 2007 with a parole release date of 1 January 2008. O is released on parole on 1 January 2008. On 1 April 2008, O is sentenced to a further term of 1 year’s imprisonment for another offence. A parole eligibility date fixed for O under section 160B(2) must relate to the 2 years period of imprisonment to which O has been sentenced and must not be earlier than 1 January 2008.
- 2 O is sentenced to a term of 1 year’s imprisonment on 1 July 2007 with a parole release date of 1 January 2008. On 1 November 2007, O is sentenced to a further term of 1 year’s imprisonment for another offence, to be served concurrently with the first term. A parole release date fixed for O under section 160B(3) must relate to the 16 months period of imprisonment to which O has been sentenced and must not be earlier than 1 January 2008.’.

24 Clause 493—

At page 270, lines 15 to 18—

omit, insert—

‘ ‘160GCourt may fix any day of sentence as parole release date

- ‘(1) If, under this Act, the court must fix a parole release date for an offender, the court may fix any day of the offender’s sentence as the offender’s parole release date.’.

25 Clause 493—

At page 270, line 27, ‘If subsection (1) applies’—

omit, insert—

‘If the offender’s parole release date is the date the offender is to be unconditionally released from lawful custody’.

26 Clause 493—

At page 270, after line 29—

insert—

- ‘(3) If the court fixes the date on which an offender is sentenced as the offender’s parole release date and subsection (2) does not apply, the offender is taken immediately to be subject to a court ordered parole order—

- (a) containing the conditions mentioned in the *Corrective Services Act 2006*, section 200(1); and
- (b) requiring the offender to report to a probation and parole office as defined under that Act and obtain a copy of the court ordered parole order between 9a.m. and 5p.m. either on the day the court fixes the offender’s parole release date or on the next business day.

Examples—

- 1 The court fixes the offender’s parole release date on a Thursday and the following day (Friday) is not a public holiday. The offender must report to a probation and parole office and obtain a copy of the parole order either before 5p.m. on the Thursday or between 9a.m. and 5p.m. on the Friday.

2 The court fixes the offender's parole release date on a Friday and the following Monday is not a public holiday. The offender must report to a probation and parole office and obtain a copy of the parole order either before 5p.m. on the Friday or between 9a.m. and 5p.m. on the Monday.

'(4) An offender who fails to report to a probation and parole office and obtain a copy of the court ordered parole order as required under subsection (3)(b) is unlawfully at large for the *Corrective Services Act 2006*.

'(5) A court mentioned in subsection (3) must, when fixing the offender's parole release date, tell the offender—

(a) of the requirement imposed on the offender under the subsection; and

(b) of the consequences if the offender fails to comply with the requirement.

'(6) In this section—

court ordered parole order means a court ordered parole order as defined under the *Corrective Services Act 2006*.'

27 Schedule 3—

At page 304, lines 12 to 14—

omit.

28 Schedule 4—

At page 319, after line 26—

insert—

'*corrections board*, for sections 431A(1) and 441(1)(a), means a corrections board within the meaning of the 2000 Act.'

29 Schedule 4—

At page 321, after line 21—

insert—

'early discharge means discharge under section 108(3) or 110.'

30 Schedule 4—

At page 324, line 22, 'leave.'—

omit, insert—

'leave;

(g) leave mentioned in section 72(1)(g).'

31 Schedule 4—

At page 334, line 3, 'order.'—

omit, insert—

'order; or

(c) the prisoner fails to report to a probation and parole office and obtain a copy of the prisoner's court ordered parole order as required under the *Penalties and Sentences Act 1992*, section 160G(3).'