

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, May 2017*



Queensland

**No.
A BILL for**

An Act to amend the Corrective Services Act 2006, the Judges (Pensions and Long Leave) Act 1957, the Parole Orders (Transfer) Act 1984 and the Acts mentioned in schedule 1 for particular purposes



Queensland

Corrective Services (Parole Board) and Other Legislation Amendment Bill 2017

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2017

A Bill

for

An Act to amend the *Corrective Services Act 2006*, the *Judges (Pensions and Long Leave) Act 1957*, the *Parole Orders (Transfer) Act 1984* and the Acts mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Corrective Services (Parole Board) and Other Legislation Amendment Act 2017*.

2 Commencement

This Act, other than sections 6, 7 and 8, commences on a day to be fixed by proclamation.

Part 2 Amendment of Corrective Services Act 2006

3 Act amended

This part amends the *Corrective Services Act 2006*.

Note—

See also the amendments in schedule 1.

4 Omission of s 187 (Which parole board may hear and decide application)

Section 187—

omit.

5 Amendment of s 193 (Decision of parole board)

(1) Section 193(1), from ‘A parole board’ to ‘decide—’—

omit, insert—

After receiving a prisoner's application for a parole order, the parole board must decide—

- (2) Section 193(3)(a), '210 days'—

omit, insert—

150 days

- (3) Section 193(3)(b), '180 days'—

omit, insert—

120 days

6 Amendment of ch 5, pt 1, div 4, hdg (Conditions of parole)

Chapter 5, part 1, division 4, heading, after 'parole'—

insert—

and directions to prisoners

7 Amendment of s 200 (Conditions of parole)

- (1) Section 200—

insert—

(1A) A parole order may contain a condition requiring the prisoner to comply with a direction given to the prisoner under section 200A.

- (2) Section 200(2), 'a parole board'—

omit, insert—

the parole board

- (3) Section 200(1A) to (3)—

renumber as section 200(2) to (4).

8 Insertion of new s 200A

Chapter 5, part 1, division 4—

insert—

[s 9]

200 Directions to prisoners subject to parole order

- (1) The purpose of this section is—
 - (a) to enable the movements of a prisoner who is subject to a parole order to be restricted; and
 - (b) to enable the location of the prisoner to be monitored.
- (2) A corrective services officer may direct the prisoner—
 - (a) to remain at a stated place for stated periods; or
 - (b) to wear a stated device; or
 - (c) to permit the installation of any device or equipment at the place where the prisoner resides.
- (3) A corrective services officer may also give other reasonable directions to the prisoner that are necessary for the proper administration of a direction under subsection (2).
- (4) A direction under this section must not be inconsistent with a condition of the prisoner's parole order.

9 Replacement of ch 5, pt 1, div 5, sdiv 1 (Chief executive powers)

Chapter 5, part 1, division 5, subdivision 1—

omit, insert—

Subdivision 1 Chief executive powers

201 Chief executive may amend parole order

- (1) The chief executive may, by written order, amend

a prisoner's parole order if the chief executive reasonably believes the prisoner—

- (a) has failed to comply with the parole order;
or
- (b) poses a serious and immediate risk of harm to himself or herself; or
- (c) poses an unacceptable risk of committing an offence.

Example of an amendment—

the addition of a condition imposing a curfew for the prisoner

- (2) The written order has effect for the period of not more than 28 days, stated in the order, starting on the day the order is given to the prisoner.

202 Parole board may cancel amendment

- (1) If the chief executive makes an order under section 201 amending a parole order, the chief executive must give the secretariat written notice of the grounds for making the order.
- (2) The written notice must be given to the secretariat immediately after the order is made.
- (3) The chief executive must give the parole board any further information about the amendment requested by the board.
- (4) The parole board may, at any time, cancel the order.

10 Amendment of ch 5, pt 1, div 5, sdiv 2, hdg (Parole board powers)

Chapter 5, part 1, division 5, subdivision 2, heading, after 'powers'—

insert—

[s 11]

generally

11 Insertion of new ch 5, pt 1, div 5, sdiv 2A

Chapter 5, part 1, division 5—

insert—

Subdivision 2A Requests for immediate suspension

208A Request for immediate suspension of parole order

- (1) This section applies if the chief executive reasonably believes that a prisoner the subject of a parole order—
 - (a) has failed to comply with the parole order; or
 - (b) poses a serious and immediate risk of harm to another person; or
 - (c) poses an unacceptable risk of committing an offence; or
 - (d) is preparing to leave the State, other than under a written order granting the prisoner leave to travel interstate or overseas.
- (2) The chief executive may, by written notice given to the secretariat, ask the parole board to—
 - (a) suspend the parole order; and
 - (b) issue a warrant for the prisoner's arrest.
- (3) The notice must state the grounds on which the request is made.

**208BPrescribed board member may suspend
parole order and issue warrant**

- (1) If a request is made under section 208A, a prescribed board member must, as a matter of urgency—
 - (a) consider the request; and
 - (b) decide whether or not to suspend the parole order.
- (2) The prescribed board member may decide to suspend the parole order only if the member reasonably believes the prisoner—
 - (a) has failed to comply with the parole order; or
 - (b) poses a serious and immediate risk of harm to another person; or
 - (c) poses an unacceptable risk of committing an offence; or
 - (d) is preparing to leave the State, other than under a written order granting the prisoner leave to travel interstate or overseas.
- (3) If the prescribed board member decides not to suspend the parole order, the member must give the chief executive written notice of the decision.
- (4) If the prescribed board member decides to suspend the parole order, the member must—
 - (a) by written order, suspend the parole order; and
 - (b) issue a warrant, signed by the member or an officer of the secretariat prescribed by regulation, for the prisoner's arrest.
- (5) The order has effect from when it is made.
- (6) The warrant may be directed to all police officers.
- (7) When arrested, the prisoner must be taken to a

[s 12]

prison to be kept there until the suspension ends.

208C Parole board must consider suspension

- (1) If the prescribed board member decides, under section 208B, to suspend the parole order and issue a warrant for the prisoner's arrest, the parole board must, within 2 business days of the decision being made—
 - (a) confirm the decision; or
 - (b) set aside the decision.
- (2) Section 208 applies to a decision of the parole board to confirm the prescribed board member's decision as if it were a decision to suspend a parole order under section 205(2).
- (3) Subsections (4) to (6) apply if the parole board decides to set aside the prescribed board member's decision.
- (4) The suspension and the warrant stop having effect.
- (5) If the warrant has been executed, the prisoner must be released.
- (6) For this Act, the prisoner is taken not to have been unlawfully at large for the period—
 - (a) starting when the order was made by the prescribed board member under section 208B; and
 - (b) ending when the parole board decided to set aside the prescribed board member's decision.

12 Replacement of ch 5, pt 2 (Parole boards)

Chapter 5, part 2—

omit, insert—

Part 2 Parole Board Queensland

Division 1 Establishment and functions

216 Establishment

The Parole Board Queensland (the *parole board*) is established.

217 Functions

The functions of the parole board are—

- (a) to decide applications for parole orders, other than court ordered parole orders; and
- (b) to perform other functions given to it under this Act or another Act.

Division 2 Powers

218 Powers generally

The parole board has the power to do anything necessary or convenient to be done in performing its functions under this or another Act.

219 Power to require attendance

- (1) The parole board may, by written notice (an *attendance notice*) given to a person, require the person to attend a meeting of the board at a stated time and stated place—
 - (a) to give the board relevant information; or

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- (b) to produce a stated document containing relevant information.
- (2) A person given an attendance notice must—
 - (a) attend as required by the attendance notice, unless the person has a reasonable excuse; and
 - (b) give the parole board the relevant information a board member requires the person to give, unless the person has a reasonable excuse; and
 - (c) produce a document containing relevant information that the person is required to produce by the attendance notice, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (3) It is a reasonable excuse for a person to fail to give relevant information or produce a document if giving the information or producing the document may tend to incriminate the person.
- (4) A person required by an attendance notice to attend a meeting of the parole board may attend the meeting by using a contemporaneous communication link between the person and the board.
- (5) In this section—

relevant information means information relating to—

 - (a) a prisoner’s application for a parole order, other than a court ordered parole order; or
 - (b) a prisoner’s parole order, including a court ordered parole order.

220 Expenses of attendance and documents produced

- (1) If a person is required by an attendance notice to attend a meeting of the parole board, the secretariat must pay the person's reasonable expenses of attending the meeting as certified by the board member presiding at the meeting.
- (2) If the person produces a document under section 219(2)(c), the parole board may inspect the document or make copies of it.

Division 3 Membership

221 Membership

- (1) The parole board consists of the following members (each a *board member*)—
 - (a) the president;
 - (b) at least 1 deputy president;
 - (c) at least 2 members (each a *professional board member*) who have a university or professional qualification that is relevant to the functions of the parole board, including, for example, a legal or medical qualification;
 - (d) at least 1 police officer nominated by the commissioner (each a *police representative*);
 - (e) at least 1 public service officer, nominated by the chief executive, who has expertise or experience in probation and parole matters (each a *public service representative*);
 - (f) the required number of other members (each a *community board member*), each of

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whom represents the Queensland community.

- (2) Board members mentioned in subsection (1)(a) to (c) and (f) are *appointed board members*.
- (3) Board members mentioned in subsection (1)(d) and (e) are *permanent board members*.
- (4) In this section—
required number, of community board members, means the number of community board members decided by the Minister for the parole board.

222 President and deputy president

- (1) The president—
 - (a) must be a former judge of a State court, the High Court or a court constituted under a Commonwealth Act; or
 - (b) must have qualifications, experience or standing the Governor in Council considers equivalent to an office mentioned in paragraph (a).
- (2) Each deputy president—
 - (a) must be a former judge of a State court, the High Court or a court constituted under a Commonwealth Act; or
 - (b) must be a former magistrate; or
 - (c) must have qualifications, experience or standing the Governor in Council considers equivalent to an office mentioned in paragraph (a) or (b).
- (3) In this section—
magistrate includes a magistrate appointed under the law of another State.

223 Appointment

- (1) Appointed board members are appointed by the Governor in Council.
- (2) In recommending a person to the Governor in Council for appointment, the Minister—
 - (a) must be satisfied the person is appropriately qualified to perform the functions of a board member; and
 - (b) for an appointment as the president or a deputy president—must consult with the parliamentary committee about the proposed appointment; and
 - (c) for an appointment as a community board member or professional board member—
 - (i) must consult with the president about the proposed appointment; and
 - (ii) must have regard to ensuring the parole board represents the diversity of the Queensland community; and
 - (d) must have regard to providing for—
 - (i) balanced gender representation in the membership of the parole board; and
 - (ii) the representation of Aboriginal people and Torres Strait Islanders in the membership of the parole board.
- (3) An appointed board member, other than a community board member, must be appointed on a full-time basis.
- (4) Subsection (2)(b) does not apply to the reappointment of a person as the president or a deputy president.
- (5) In this section—

parliamentary committee means—

[s 12]

- (a) if the Legislative Assembly resolves that a particular committee of the Assembly is to be the parliamentary committee under this Act—that committee; or
- (b) if paragraph (a) does not apply and the standing rules and orders under the *Parliament of Queensland Act 2001* state that the portfolio area of a portfolio committee includes the parole board—that committee; or
- (c) otherwise—the portfolio committee whose portfolio area includes the department, or the part of a department, in which this Act is administered.

portfolio area, of a portfolio committee, see the *Parliament of Queensland Act 2001*, section 88(2)(b).

portfolio committee see the *Parliament of Queensland Act 2001*, section 88(1).

224 Term of appointment

- (1) The president and each deputy president holds office for the term, not longer than 5 years, stated in the board member's instrument of appointment.
- (2) An appointed board member, other than the president or a deputy president, holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.
- (3) However, if a successor has not been appointed by the end of the appointed board member's term, the member continues to hold office until a successor is appointed.
- (4) An appointed board member may be reappointed.
- (5) However, a person holding office as the president

or a deputy president may be reappointed to the office only if—

- (a) no term of appointment is longer than 5 years; and
- (b) the person does not hold the office for more than 10 years in total.

225 Conditions of appointment

- (1) The president and each deputy president are to be paid the prescribed salary.
- (2) An appointed board member, other than the president or a deputy president, is to be paid the remuneration and allowances decided by the Governor in Council.
- (3) An appointed board member holds office on the terms, not otherwise provided for by this Act, decided by the Governor in Council.
- (4) An appointed board member is appointed under this Act and not the *Public Service Act 2008*.

226 Vacancy in office

- (1) An appointed board member's office becomes vacant if—
 - (a) the member completes the member's term of office; or
 - (b) the member resigns office by signed notice given to the Minister; or
 - (c) the member's appointment is terminated by the Governor in Council under subsection (2) or (3).
- (2) The Governor in Council may, at any time, end the appointment of a community board member for any reason or none.

[s 12]

- (3) The Governor in Council may terminate the appointment of another appointed board member if the member—
 - (a) is guilty of misconduct of a type that could warrant dismissal from the public service if the member were an officer of the public service; or
 - (b) becomes incapable of satisfactorily performing the functions of a board member because of physical or mental incapacity or for some other reason.
- (4) In this section—

misconduct see the *Public Service Act 2008*, section 187(4).

227 Leave of absence

- (1) The Minister may approve a leave of absence for the president.
- (2) The president may approve a leave of absence for a deputy president, professional board member or community board member.
- (3) However, only the Minister may approve a leave of absence of more than 20 business days for a deputy president or professional board member.

228 Acting appointments

- (1) The Governor in Council may appoint a qualified person to act in the office of a prescribed board member for all or part of a period in which—
 - (a) the office is vacant; or
 - (b) the person holding the office is absent from duty or the State or can not, for another reason, perform the duties of the office.

- (2) A person may not be appointed to act in the office for—
 - (a) a continuous period of more than 3 months; or
 - (b) a period that, with the periods of other appointments of the person to act in the office, form a continuous period of more than 3 months.
- (3) However, subsection (2) does not apply to the appointment of a person to act in the office of the president or a deputy president if, in recommending the person for the appointment, the Minister complies with section 223(2)(b).
- (4) The Minister must consult with the president before recommending a person to act in the office of deputy president.
- (5) In this section—

qualified, in relation to an appointment to act in an office, means qualified for appointment to the office.

229 Preservation of rights

- (1) This section applies if—
 - (a) a person is appointed as a prescribed board member; and
 - (b) the person resigns the person's role as a public service officer in order to accept the appointment.
- (2) The person keeps all rights that have accrued to the person as a public service officer, or that would accrue in the future to the person because of that employment, as if service as a prescribed board member were a continuation of service as a public service officer.

[s 12]

- (3) At the end of the person's term of office or on resignation as a prescribed board member—
 - (a) the person has the right to be appointed to an office in the public service on the same terms and conditions that applied to the person before being appointed as a prescribed board member; and
 - (b) the person's service as a prescribed board member is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

Division 4 Proceedings

230 Conduct of business

Subject to this division, the parole board may conduct its business, including its meetings, in the way it considers appropriate.

231 Quorum

A quorum for a meeting of the parole board is 3 board members.

Note—

For the board members who must be present at a meeting at which particular matters about parole orders are considered, see also section 234.

232 Presiding at meetings

- (1) The president presides at all meetings of the parole board at which the president is present.
- (2) If the president is absent from a meeting and the parole board has only 1 deputy president, the deputy president is to preside.

- (3) If the president is absent from a meeting and the parole board has more than 1 deputy president, the deputy president chosen by the president is to preside.
- (4) If neither the president, nor any of the deputy presidents, are present at a meeting, a professional board member chosen by the president is to preside.

233 Meetings generally

- (1) The parole board must meet as often as is necessary to perform its functions.
- (2) A meeting may be called by the president or, in the absence of the president, a deputy president.
- (3) In the absence of the president and each deputy president, an officer of the secretariat prescribed by regulation may call a meeting to consider whether a parole order should be amended, suspended or cancelled.
- (4) The parole board may hold meetings, or allow board members to take part in meetings, by using a contemporaneous communication link between the members.
- (5) A board member who takes part in a meeting under subsection (4) is taken to be present at the meeting.
- (6) A question at a meeting of the parole board must be decided by a majority of votes of the board members present.
- (7) If there is an equality of votes, the board member presiding at the meeting has a casting vote.
- (8) A prisoner granted leave to appear before the parole board under section 190 may appear before a meeting—

[s 12]

- (a) by using a contemporaneous communication link between the prisoner and the parole board; or
- (b) if the prisoner has a special need—by attending personally.

234 Meetings about particular matters relating to parole orders

- (1) Subsection (2) applies if, at a meeting of the parole board, the board is to consider—
 - (a) a prescribed prisoner's application for a parole order; or
 - (b) the cancellation of a prescribed prisoner's parole order.
- (2) The matter must not be considered at the meeting unless the following board members are present at the meeting—
 - (a) the president or a deputy president;
 - (b) a professional board member;
 - (c) a community board member;
 - (d) a public service representative;
 - (e) a police representative.
- (3) Subsection (4) applies if, at a meeting of the parole board, the board is to consider the suspension of a prescribed prisoner's parole order.
- (4) The matter must not be considered at the meeting unless the following board members are present at the meeting—
 - (a) the president or a deputy president;
 - (b) a professional board member;
 - (c) a community board member.

- (5) Subsection (6) applies if, at a meeting of the parole board, the board is to consider—
- (a) an application for a parole order made by a prisoner other than a prescribed prisoner; or
 - (b) the amendment of a prisoner’s parole order; or
 - (c) the suspension or cancellation of a parole order for a prisoner other than a prescribed prisoner.
- (6) The matter must not be considered at the meeting unless a professional board member, a community board member and at least 1 other board member are present at the meeting.
- (7) In this section—
- prescribed prisoner*** means—
- (a) a prisoner mentioned in—
 - (i) section 181(1); or
 - (ii) section 181A(1); or
 - (iii) section 182A(1) or (2); or
 - (iv) section 183(1); or
 - (v) section 185B(1)(a); or
 - (b) a prisoner who is imprisoned for—
 - (i) an offence mentioned in the *Penalties and Sentences Act 1992*, section 161A(a)(i); or
 - (ii) a serious sexual offence; or
 - (iii) an offence committed with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q(1); or
 - (iv) an offence against the Criminal Code, section 315A.

[s 12]

serious sexual offence see the *Dangerous Prisoners (Sexual Offenders) Act 2003*, schedule.

235 Attendance of staff member at meetings

If asked to do so by the president, a deputy president or an officer of the secretariat prescribed by regulation, a staff member must—

- (a) attend a meeting of the parole board, including by using a contemporaneous communication link between the staff member and the board; and
- (b) give the information the parole board asks for to help it decide a matter relating to a parole order.

Division 5 Parole Board Queensland Secretariat

236 Establishment and functions

- (1) The Parole Board Queensland Secretariat (the *secretariat*) is established.
- (2) The function of the secretariat is to support the parole board in performing its functions.
- (3) The chief executive may appoint as officers of the secretariat as many persons as the chief executive considers are necessary to support the function of the secretariat.
- (4) A person appointed as an officer of the secretariat is employed under the *Public Service Act 2008*.

Division 6 Pension entitlements of president and deputy president

237 Judges pension scheme applies to former senior board member

The Judges Pensions Act, other than sections 15 and 15A, applies to a former senior board member as if a reference to a judge in that Act includes a reference to the former senior board member, but with—

- (a) the changes set out in this division; and
- (b) other changes necessary to enable that Act to apply to a former senior board member.

238 Period for which person holds office as president or deputy president

For applying the Judges Pensions Act to a former senior board member under this division, the following are to be counted as a period for which a person held office as the president or a deputy president—

- (a) any period, before the person's appointment as the president or a deputy president, that would be counted as service as a judge for the Judges Pensions Act;
- (b) any period, before the person's appointment as the president or a deputy president, for which the person acted as the president or a deputy president.

239 Pension at end of appointment generally

- (1) The Judges Pensions Act, sections 3 and 4 applies to a former senior board member—

[s 12]

- (a) if the member held office as the president or a deputy president for at least 5 years; and
- (b) regardless of the age of the member when the person ceased to hold the office of president or deputy president.

Note—

See, however, section 241 for when a pension becomes payable.

- (2) However, the annual pension to which the former senior board member is entitled is an annual pension—
 - (a) at a rate equal to 6% of the prescribed salary for each year for which the member held office as the president or a deputy president; but
 - (b) up to a maximum of 60% of the prescribed salary.

240 Pension if appointment ends because of ill health

- (1) The Judges Pensions Act, section 5 applies to a former senior board member if—
 - (a) the member resigned the office of president or deputy president and a medical practitioner, prescribed under section 5(1)(a) of that Act, certified to the Minister that the resignation was because of a permanent disability or infirmity; or
 - (b) the member's appointment as president or deputy president was terminated under section 226(3)(b) because of a proved incapacity to perform the duties of the office.
- (2) However, the annual pension to which the former senior board member is entitled is an annual

pension—

- (a) at a rate equal to 6% of the prescribed salary for each year of the period consisting of—
 - (i) the period for which the former senior board member held office as the president or a deputy president; and
 - (ii) the period for which the former senior board member could have held office as the president or a deputy president under the member's terms and conditions of appointment (including under an option to renew the appointment for a further term) if the member had not resigned, or the member's appointment had not been terminated, as mentioned in subsection (1); but
- (b) up to a maximum of 60% of the prescribed salary.
- (3) Also, a former senior board member is entitled to an annual pension as set out in this section only if the period mentioned in subsection (2)(a) is at least 5 years.

241 When pension becomes payable

- (1) This section applies if a former senior board member is entitled to a pension under the Judges Pensions Act, as applying under this division.
- (2) The pension does not become payable until the former senior board member reaches 65 years of age.

242 Pension of spouse and children on death of former senior board member

- (1) The Judges Pensions Act, sections 7 to 8A applies

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to a former senior board member if the member is entitled to a pension under the Judges Pensions Act, as applying under this division.

- (2) The Judges Pensions Act, sections 7 and 8A applies to a spouse or child of a former senior board member who dies before the member reaches 65 years of age in the way the sections apply to a spouse or child of a judge who dies before retirement.
- (3) However, if the spouse or child is entitled to a pension under the Judges Pensions Act, section 7 or 8A, the pension is not payable to the spouse or child until the time when the former senior board member would have reached 65 years of age.
- (4) The Judges Pensions Act, sections 8 and 8A applies to a spouse or child of a former senior board member who dies after the member reached 65 years of age in the way the sections apply to a spouse or child of a retired judge.
- (5) In this section—
child includes adopted child.

242A What happens if former senior board member is removed from office as a judge

The Judges Pensions Act, section 16 applies to a person who is a former senior board member if the person was a judge removed from office as mentioned in the section after the person held office as the president or a deputy president.

242B What happens if former senior board member's appointment is terminated because of misconduct

This division does not apply to a former senior board member if the member's appointment is

terminated under section 226(3)(a), unless the Governor in Council decides otherwise.

242C Former senior board member entitled to other pension

A pension is not payable, or stops being payable, under the Judges Pensions Act in relation to a former senior board member in the member's capacity as a former senior board member if a pension is payable under that Act in relation to the member in the member's capacity as—

- (a) a judge; or
- (b) a member of the Land Court, the industrial court, or the industrial commission.

Note—

See the Judges Pensions Act, sections 2AC and 2BB for the pension entitlements of persons who have been appointed as the president or a deputy president.

242D Provision about agreements and court orders under Family Law Act 1975 (Cwlth)

- (1) The Judges Pensions Act, part 2, division 2 applies to a former senior board member as follows—
 - (a) the reference to a retired judge in section 9 of that Act, definition *entitled former spouse* is taken to be a reference to a former senior board member;
 - (b) information allowed to be given under section 10 of that Act includes information about a benefit for a person who holds office as the president or a deputy president;
 - (c) sections 11 and 12 of that Act apply whether the person is the president, a deputy president or a former senior board member,

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at the operative time mentioned in the section;

- (d) section 13 of that Act applies in relation to a person who is the president or a deputy president at the operative time mentioned in the section and dies while holding office as the president or a deputy president.
- (2) However, if a person who is the president or a deputy president at the operative time mentioned in the Judges Pensions Act, section 13 dies before reaching 65 years of age, the pension payable to the person's entitled former spouse under the section does not become payable until the time when the person would have reached 65 years of age.

Division 7 Other matters

242E Guidelines

The Minister may make guidelines about policies to help the parole board in performing its functions.

242F Annual report

- (1) For each financial year, the parole board must give the Minister a report about—
 - (a) the operation of this Act in relation to parole orders, other than court ordered parole orders; and
 - (b) the activities of the parole board.
- (2) The report must state the number of persons who, in that financial year, were—

- (a) released on parole, other than under a court ordered parole order; and
 - (b) returned to prison after their parole order, including a court ordered parole order, was suspended or cancelled.
- (3) The report must be given to the Minister on or before 30 September after the end of the financial year to which the report relates.
- (4) The Minister must table the report in the Legislative Assembly within 14 sitting days after receiving the report.

242G Special report

If asked by the Minister, the parole board must give the Minister a written report about the operation of this Act in relation to—

- (a) parole orders; or
- (b) the performance of a function by the parole board.

242H Disclosure of interests

- (1) This section applies to a board member if—
- (a) the board member has an interest in an issue being considered, or about to be considered, by the parole board; and
 - (b) the interest conflicts or may conflict with the proper performance of the board member's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the board member's knowledge, the member must disclose the nature of the interest to—

[s 13]

- (a) the president; or
- (b) if the member is the president, a deputy president.
- (3) The disclosure must be recorded in the parole board's minutes.
- (4) Unless the president, or deputy president, to whom the disclosure was made otherwise decides, the board member must not—
 - (a) be present when the parole board considers the issue; or
 - (b) take part in a decision of the parole board about the issue.
- (5) A contravention of this section does not invalidate any decision of the parole board.
- (6) However, if the parole board becomes aware a board member contravened this section, the board must reconsider any decision made by the board in which the member took part in contravention of this section.

13 Amendment of s 355 (Regulation-making power)

- (1) Section 355(2), before paragraph (a)—

insert—

- (aa) prescribe matters relating to the parole board and the secretariat; or

- (2) Section 355(2)(aa) to (b)—

renumber as section 355(2)(a) to (c).

14 Insertion of new ch 7A, pt 11

Chapter 7A—

insert—

Part 11 Transitional provisions for Corrective Services (Parole Board) and Other Legislation Amendment Act 2017

490M Definitions for part

In this part—

amended Act means this Act as in force after the commencement.

amendment Act means the *Corrective Services (Parole Board) and Other Legislation Amendment Act 2017*.

former, in relation to a provision, means the provision as in force immediately before the provision was amended or repealed under the amendment Act.

former board means—

- (a) the Queensland Parole Board; or
- (b) a regional board.

Queensland Parole Board means the Queensland Parole Board established under former section 216.

regional board means a regional board established under former section 230.

490N Dissolution of Queensland Parole Board and regional boards

(1) On the commencement—

- (a) the Queensland Parole Board is dissolved; and

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- (b) each regional board is dissolved; and
 - (c) the members of the boards mentioned in paragraphs (a) and (b) go out of office.
- (2) No compensation is payable to a member because of subsection (1).

490O Secretary of former board

- (1) On the commencement, a person who, immediately before the commencement, held appointment as the secretary of a former board goes out of office.
- (2) No compensation is payable to a person because of subsection (1).

490P Existing instruments and decisions made by a former board

- (1) This section applies to the following instruments made by a former board and in force immediately before the commencement—
- (a) an order under former section 96A(1);
 - (b) a notice to a prisoner under section 96B;
 - (c) a warrant issued under former section 112(2), 206 or 210;
 - (d) a parole order, including an exceptional circumstances parole order;
 - (e) a notice given to the chief executive under former section 188(1);
 - (f) reasons for a refusal given to a prisoner under former section 193(5)(a);
 - (g) an order under former section 205 to amend, suspend or cancel a parole order;

- (h) an information notice given to a prisoner under former section 205(3) or 208(1);
 - (i) a notice given to a prisoner under former section 208(2);
 - (j) an order under former section 211(3);
 - (k) an order under former section 212(3) or 213(1) granting leave to a prisoner.
- (2) This section also applies to the following decisions made by a former board and in force immediately before the commencement—
- (a) a decision to consent to a prisoner applying for a parole order, mentioned in former section 180(2)(a)(ii);
 - (b) a decision under former section 190 to grant leave to a prisoner or prisoner's agent to appear before a former board;
 - (c) a decision under former section 193(1) to grant or refuse an application for a parole order;
 - (d) a decision under former section 193(5)(b) about a period of time within which a further application for a parole order must not be made;
 - (e) a decision under former section 198 to confirm or set aside the decision of a regional board;
 - (f) a decision under former section 203(3) to cancel an order given by the chief executive and to require the chief executive to withdraw a warrant.
- (3) From the commencement, the instrument or decision has effect as if it had been made by the parole board.
- (4) To remove any doubt, it is declared that the

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instrument or decision is taken to have been made by the parole board on the day it was made by the former board.

- (5) A decision under former section 190 to grant leave to a prisoner or prisoner's agent to appear before a former board is taken to be a decision to grant leave to the prisoner or prisoner's agent to appear before the parole board.

490Q Existing applications made to a former board

- (1) This section applies to the following applications made to a former board, but not decided, before the commencement—
 - (a) an application under former section 112(1)(b) for the issue of a warrant;
 - (b) an application under former section 176 for an exceptional circumstances parole order;
 - (c) an application under former section 180 for a parole order;
 - (d) an application under former section 190 for leave to appear before a former board.
- (2) The application—
 - (a) is taken to have been made to the parole board; and
 - (b) must be dealt with and decided by the parole board under the amended Act.
- (3) However, former section 193(3) continues to apply to an application for a parole order made under former section 176 or 180 as if the amendment Act had not commenced.
- (4) In deciding an application for a parole order made under former section 180, the parole board must consider any submissions relating to the application made to a former board under former

section 188.

- (5) An application made under former section 190 for leave to appear before a former board is taken to be an application for leave to appear before the parole board.

490R Review of a regional board's decision

- (1) Subsection (2) applies to an application made under former section 196, but not decided, before the commencement.
- (2) The parole board must—
 - (a) confirm the decision the subject of the application; or
 - (b) set aside the decision and make any decision the parole board may make on an application for a parole order.
- (3) Subsection (4) applies if—
 - (a) immediately before the commencement, a prisoner could have applied to the Queensland Parole Board under former section 196 for a review of a regional board's decision; and
 - (b) the prisoner has not made the application before the commencement.
- (4) The prisoner may apply to the parole board for a review of the regional board's decision.
- (5) If the prisoner makes an application under subsection (4), the parole board must comply with subsection (2).

490S Particular orders made by chief executive

- (1) Subsection (2) applies to a written order made by the chief executive under former section 201 that

[s 14]

is in force immediately before the commencement.

- (2) The order continues in effect.
- (3) Subsection (4) applies to a warrant issued by the chief executive under former section 202 that is in force immediately before the commencement.
- (4) The warrant continues in effect.
- (5) Former section 203(3) continues to apply in relation to an order mentioned in subsection (1), and a warrant mentioned in subsection (3)—
 - (a) as if the amendment Act had not commenced; and
 - (b) as if a reference in former section 203(3) to the parole board were a reference to the Parole Board Queensland.

490SA Steps before appointing particular board members

A reference in section 223(2)(c)(i) to the Minister consulting with the president includes a reference to the Minister consulting, before the commencement, with the person whose appointment as the first president takes effect on or after the commencement.

490T Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which it is necessary or convenient to make provision to allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this

section commences.

- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement.
- (5) In this section—

unamended Act means this Act as in force immediately before the commencement.

15 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *appointed member*, *most recent parole application*, *parole board*, *Queensland board*, *regional board*, *replacement board* and *suspend*—

omit.

- (2) Schedule 4—

insert—

appointed board member see section 221(2).

attendance notice see section 219(1).

board member see section 221(1).

Chief Judge see the *Judicial Remuneration Act 2007*, schedule 2.

Chief Justice see the *Judicial Remuneration Act 2007*, schedule 2.

community board member see section 221(1)(f).

deputy president means a deputy president of the parole board.

former senior board member means a person who has held office as the president or a deputy president.

judge, for chapter 5, part 2, division 6, means a Supreme Court judge or District Court judge.

[s 15]

Judges Pensions Act means the *Judges (Pensions and Long Leave) Act 1957*.

parole board see section 216.

permanent board member see section 221(3).

police representative see section 221(1)(d).

prescribed board member means—

- (a) the president; or
- (b) a deputy president; or
- (c) a professional board member.

prescribed salary means—

- (a) in relation to the president or a former senior board member who held office as the president—the total of the following payable to a Supreme Court judge, other than the Chief Justice or President of the Court of Appeal, under the *Judicial Remuneration Act 2007*—
 - (i) the annual rate of salary;
 - (ii) the annual rate of the jurisprudential allowance and expense-of-office allowance; or
- (b) in relation to a deputy president or a former senior board member who held office as a deputy president—the total of the following payable to a District Court judge, other than the Chief Judge or a retired acting District Court judge, under the *Judicial Remuneration Act 2007*—
 - (i) the annual rate of salary;
 - (ii) the annual rate of the jurisprudential allowance and expense-of-office allowance.

president means the president of the parole board.

President of the Court of Appeal see the *Judicial Remuneration Act 2007*, schedule 2.

professional board member see section 221(1)(c).

public service representative see section 221(1)(e).

retired acting District Court judge see the *Judicial Remuneration Act 2007*, schedule 2.

secretariat see section 236(1).

suspend, for chapter 2, part 2, division 10, subdivision 3 and chapter 5, part 1, division 5, subdivisions 2 and 2A, means suspend for a fixed or indeterminate period.

- (3) Schedule 4, definition *accredited visitor*, paragraph (d)—

omit, insert—

(d) a board member; or

- (4) Schedule 4, definition *leave of absence*, ‘means any’—

omit, insert—

, other than for section 227, means any

Part 3 **Amendment of Judges (Pensions and Long Leave) Act 1957**

16 **Act amended**

This part amends the *Judges (Pensions and Long Leave) Act 1957*.

17 **Insertion of new s 2AC**

After section 2AB—

[s 18]

insert—

2AC Length of service if previously senior parole board member

- (1) This section applies to a person serving as a judge after the commencement, whether the judge was appointed before or after the commencement.
- (2) For this Act, in deciding the length of service as a judge, a period for which the person held office as a senior parole board member after the commencement is to be counted as service as a judge.
- (3) The period for which the person held office as a senior parole board member after the commencement includes a period for which the person acted as a senior parole board member that is to be counted as a period for which the person held office as a senior parole board member under the *Corrective Services Act 2006*, section 238(b).

18 Insertion of new s 2BB

After section 2BA—

insert—

2BB Salary of District Court judge if previously president of the Parole Board Queensland

- (1) This section applies to a District Court judge if—
 - (a) an entitlement to a pension under this Act arises for the judge in the judge’s capacity as a District Court judge; and
 - (b) when the entitlement arises, an entitlement to a pension under this Act, as applying under the *Corrective Services Act 2006*, chapter 5, part 2, division 6, exists for the judge in the judge’s capacity as a former president (whether or not that pension has

become payable under the *Corrective Services Act 2006*, section 241).

Note—

Under the *Corrective Services Act 2006*, section 242C, a pension payable in relation to a former senior parole board member under this Act, as applying under the *Corrective Services Act 2006*, chapter 5, part 2, division 6, stops being payable if a pension is payable in relation to the former senior parole board member under this Act in the former senior parole board member's capacity as a judge.

- (2) For this Act, the judge's salary is the prescribed salary for a District Court judge within the meaning of the *Corrective Services Act 2006*, schedule 4.
- (3) In this section—

former president means a person who has held office as the president of the Parole Board Queensland.

19 **Amendment of s 18AA (Retired judge appointed as CCC chairperson)**

- (1) Section 18AA, heading, after 'chairperson'—

insert—

or senior parole board member

- (2) Section 18AA(1), after 'chairperson'—

insert—

or a senior parole board member

- (3) Section 18AA(2), after 'chairperson'—

insert—

or senior parole board member

[s 20]

20 Amendment of s 18A (Minister is manager for Commonwealth Act)

Section 18A(3), definition *scheme*—

insert—

- (e) the scheme established by this Act as it applies for providing pensions to senior parole board members, and to senior parole board members' spouses and children, because of the *Corrective Services Act 2006*, section 237.

21 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

Parole Board Queensland means the Parole Board Queensland established under the *Corrective Services Act 2006*.

senior parole board member means—

- (a) the president of the Parole Board Queensland; or
- (b) a deputy president of the Parole Board Queensland.

Part 4 Amendment of Parole Orders (Transfer) Act 1984

22 Act amended

This part amends the *Parole Orders (Transfer) Act 1984*.

Note—

See also the amendments in schedule 1.

23 Amendment of s 5 (Registrar of transferred parole orders)

Section 5(2)—

omit, insert—

(2) The registrar of transferred parole orders is the officer of the Parole Board Queensland Secretariat, prescribed by regulation, who is responsible for performing the functions of the registrar under this Act.

(3) In this section—

Parole Board Queensland Secretariat means the Parole Board Queensland Secretariat established under the *Corrective Services Act 2006*.

Part 5 Other amendments

24 Acts amended

Schedule 1 amends the Acts it mentions.

Schedule 1 Other amendments

section 24

Corrective Services Act 2006

- 1 **Section 52(2)(c)—**
omit, insert—
(c) the parole board; or

- 2 **Section 96A(3), definition *relevant entity*, paragraph (a), ‘Queensland’—**
omit, insert—
parole

- 3 **Section 102—**
omit.

- 4 **Section 112(5), definition *authorised person*, paragraph (a), ‘a parole board’—**
omit, insert—
the parole board

- 5 **Section 134(4), definition *official*, paragraph (d)—**
omit, insert—
(d) the parole board;

6 Section 150(f)(ii), ‘parole boards’—

omit, insert—

the parole board

7 Section 176(2)(b)—

omit, insert—

(b) to the parole board.

8 Section 180(2)(a)(i) and (ii)—

omit, insert—

(i) until the end of the period decided under section 193(5)(b); or

(ii) unless the parole board consents; or

9 Section 180(3)(b)—

omit, insert—

(b) to the parole board.

10 Section 188(1), ‘a parole board’—

omit, insert—

the parole board

11 Section 188(3)(b), ‘stated’—

omit.

12 Section 189(1)—

omit, insert—

(1) A prisoner’s agent may, with the parole board’s leave, appear before the board to make representations in support of the prisoner’s

application for a parole order that may be heard and decided by the board.

13 Section 189(2) to (5)—

omit.

14 Section 189(6), ‘a parole board’—

omit, insert—

the parole board

15 Section 189(7), definition *appear*, ‘a parole board’—

omit, insert—

the parole board

16 Section 189(6) and (7)—

renumber as section 189(2) and (3).

17 Section 190(1), ‘a parole board’—

omit, insert—

the parole board

18 Section 190(2), ‘secretary of the board’—

omit, insert—

secretariat

19 Section 192, ‘a parole board’—

omit, insert—

the parole board

- 20 Section 194(1), ‘A parole board’—**
omit, insert—
The parole board
- 21 Chapter 5, part 1, division 2, subdivision 3—**
omit.
- 22 Section 204—**
omit.
- 23 Section 205(1), (2) and (4), ‘A parole board’—**
omit, insert—
The parole board
- 24 Section 205(1)(a) and (b), ‘section 200(2)’—**
omit, insert—
section 200(3)
- 25 Section 205(2)(b), ‘the parole board that made the order’—**
omit, insert—
the board
- 26 Sections 205(3) and 206(1), ‘a parole board’—**
omit, insert—
the parole board
- 27 Section 206(1)(a)—**
omit, insert—

- (a) the board may issue a warrant, signed by a board member or an officer of the secretariat prescribed by regulation, for the prisoner's arrest; or

28 Section 206(1)(b), 'a member of the board'—

omit, insert—

a board member

29 Section 207—

omit.

30 Section 208(1), 'a parole board'—

omit, insert—

the parole board

31 Section 210(1)(a) and (b)—

omit, insert—

- (a) the parole board may issue a warrant, signed by a board member or an officer of the secretariat prescribed by regulation, for the prisoner's arrest; or
- (b) a magistrate, on the application of the parole board or a board member, may issue a warrant for the prisoner's arrest.

32 Section 210(4)—

omit.

33 Section 211(1)(e), 'that made the parole order'—

omit.

34 Section 211(3), 'Queensland'—

omit, insert—

parole

35 Section 211(4)—

omit.

36 Section 212(3)—

omit, insert—

(3) The parole board may, by written order, grant leave to a prisoner who is released on parole to travel interstate for a period of more than 7 days.

37 Section 213(1), 'Queensland'—

omit, insert—

parole

38 Section 213(2)—

omit.

39 Section 213(3), 'Queensland'—

omit, insert—

parole

40 Section 213(3)—

renumber as section 213(2).

41 Section 243, 'a parole board'—

omit, insert—

the parole board

42 Section 243, ‘the members of the board’—

omit, insert—

the board members

43 Section 244, ‘that made the order’—

omit.

44 Sections 245 and 246, ‘a parole board’—

omit, insert—

the parole board

45 Section 247, from ‘a parole board’—

omit, insert—

the parole board for this Act is sufficiently authenticated if it is signed by the president, or an officer of the secretariat prescribed by regulation at the president’s direction.

46 Sections 342(3)(d) and 343(3)(d)—

omit, insert—

(d) the parole board.

47 Section 349, ‘member of a parole board’—

omit, insert—

board member

48 Section 351(4)—

omit, insert—

- (4) A certificate signed by an officer of the secretariat prescribed by regulation recording a decision of the parole board is evidence of the matter.

49 Section 351(7), definition *appointed person*, paragraph (c)—

omit, insert—

- (c) a board member; or

Criminal Law Amendment Act 1945

1 Section 18A, definition *Queensland board*—

omit, insert—

Queensland board means the Parole Board Queensland established under the *Corrective Services Act 2006*.

Criminal Law (Rehabilitation of Offenders) Act 1986

1 Section 9(2), from ‘Queensland’ to ‘constituted’—

omit, insert—

Parole Board Queensland established

Parole Orders (Transfer) Act 1984

1 Section 3, definitions *Queensland Parole Board* and *regional parole board*—

omit.

2 Section 3—

insert—

parole board means the Parole Board Queensland established under the *Corrective Services Act 2006*.

3 Section 6(3), ‘Queensland Parole Board’—

omit, insert—

parole board

4 Section 7(1)(d), ‘Queensland Parole Board, regional parole board’—

omit, insert—

parole board

5 Sections 9(2)(b) and 10(2)(c), ‘Queensland Parole Board’—

omit, insert—

parole board

Penalties and Sentences Act 1992

1 Section 4, definition *board guidelines*, ‘section 227’—

omit, insert—

section 242E

2 Section 4, definition *Queensland board*, ‘Queensland Parole Board’—

omit, insert—

Parole Board Queensland established

3 Section 174(3)—

omit.

4 Section 174(7), ‘subsections (8) and (9)’—

omit, insert—

subsections (7) and (8)

5 Section 174(4) to (10)—

renumber as section 174(3) to (9).

6 Section 174A(10), definition *relevant period of imprisonment*, ‘section 174(10)’—

omit, insert—

section 174(9)

7 Section 174B(8), definition *relevant period of imprisonment*, ‘section 174(10)’—

omit, insert—

section 174(9)

8 Section 174C(6)—

omit.

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