

SENTENCE ADMINISTRATION AMENDMENT BILL 2016

EXPLANATORY MEMORANDUM

This Bill is brought forward in response to community demands for legislative change to the Parole considerations of prisoners sentenced to life imprisonment or indefinite terms of imprisonment imposed for murder in circumstances where the victim's remains have never been recovered.

Clause 1 the short title of the Bill;

Clause 2 the commencement date of the Bill;

Clause 3 provides that the Bill seeks to amend the *Sentence Administration Act 2003*;

Clause 4 amends section 12 of the *Sentence Administration Act 2003* to stipulate that in relation to a report requested by the Minister concerning a prisoner shall not be made except as provided for in the new Section 12B, as set out in clause 6.

Clause 5 amends section 12A of the *Sentence Administration Act 2003* to stipulate that reports by the Prisoner's Review Board in relation to persons convicted of murder and sentenced to life imprisonment shall not be made except as provided for in the new Section 12B, as set out in clause 6.

Clause 6 stipulates that a prisoner serving either life imprisonment for murder where a minimum term has been set or persons serving an indefinite term of imprisonment, which was imposed for murder, shall not make a release recommendation unless the Board is satisfied that the prisoner has satisfactorily co-operated with the investigation of the murder whether or not that co-operation occurred before or after the prisoner was convicted and sentenced.

Clause 6 also mandates that the Board must take into account any report tendered to the Board from the Commissioner of Police evaluating a prisoner's co-operation including the extent of the prisoner's co-operation, the timeliness, truthfulness, completeness and reliability of the information and the significance of usefulness of the prisoner's co-operation with the investigation of the victim's remains.