

# COMMUNITY LEGAL CENTRES TASMANIA

4 February 2015

Office of Strategic Legislation and Policy  
Level 14, Trafalgar Building  
GPO Box 825  
Hobart TAS 7001  
Attn: Karin Renetzeder

Via email: [karin.renetzeder@justice.tas.gov.au](mailto:karin.renetzeder@justice.tas.gov.au)

To Ms Karin Renetzeder,

**Re: *Corrections Amendment (Parole Board) Bill 2015***

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Community Legal Centres Tasmania (CLC Tas) welcomes the opportunity to provide comment on the *Corrections Amendment (Parole Board) Bill 2015*.<sup>1</sup>

CLC Tas is the peak body representing the interests of eight community legal centres (CLCs) located throughout Tasmania. We are a member based, independent, not-for-profit and incorporated organisation that advocates for law reform on a range of public interest matters aimed at improving access to justice, reducing discrimination and protecting and promoting human rights.

We support the proposal that a victim of crime appointee should be present on the Parole Board however we recommend that the person also have relevant skills and experience. We also support the amendment that will allow flexibility in circumstances in which either the chairperson or members of the Parole Board are absent.

### **The Parole Board**

Currently, the *Corrections Act 1997* (Tas) provides for the establishment of a Parole Board comprising three members appointed by the Governor.<sup>2</sup> One of the members is to be a person who has practiced as a legal practitioner for at least seven years<sup>3</sup> whilst the other two members are to be persons with experience in sociology, criminology, penology or medicine “or who possess any other knowledge or experience that the Governor considers appropriate for the purpose”.<sup>4</sup>

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<sup>1</sup> CLC Tas would like to acknowledge the assistance of Sophie Hey who provided the research that underpins our response.

<sup>2</sup> Section 62(2) of the *Corrections Act 1997* (Tas).

<sup>3</sup> Section 62(2)(a) of the *Corrections Act 1997* (Tas).

<sup>4</sup> Section 62(2)(b) of the *Corrections Act 1997* (Tas).

### **Eligibility for Parole**

The process for determining whether prisoners will be released on parole in Tasmania is outlined in section 72 of the *Corrections Act 1997* (Tas) (the Act). If a prisoner is eligible to be released on parole, the Parole Board (the Board) is required to consider a range of factors including the protection of the public, the chance of the prisoner re-offending, the rehabilitation of the prisoner, the likelihood of compliance with parole conditions, the gravity and circumstances of the offence or offences, remarks made by the court in passing sentence, the behaviour of the prisoner during their imprisonment, any reports tendered to the Board on the prisoner; and any other matter the Board thinks is relevant.<sup>5</sup>

After considering the relevant factors, the Board will make an order, defer the decision or refuse parole.<sup>6</sup> The Board must then inform the prisoner of their decision and include the reasons for their decision.<sup>7</sup> If the Board refuses to release a prisoner on parole, then the Board may not consider the prisoner's release on parole until 3 months from the date of the last refusal.<sup>8</sup>

### **Current Role of Victims in Tasmanian Parole Process**

Section 72 of the *Corrections Act 1997* (Tas) provides that if the release on parole of a prisoner is to be considered, the Board is to notify victims of the process and inform them that they can provide a written statement outlining the particulars of any injury, loss or damage suffered by them as a direct result of the offence as well as the effects that the offence has had on them.<sup>9</sup> In short, the extent of the role of victims of crime in the parole process in Tasmania is currently limited to providing written statements to the Board.<sup>10</sup>

### **Composition of Parole Boards in other Australian Jurisdictions**

Currently, New South Wales,<sup>11</sup> the Northern Territory,<sup>12</sup> South Australia<sup>13</sup> and Western Australia<sup>14</sup> all provide that there must be at least one Board member who has a knowledge or understanding of the needs of victims of crime. In the Australian Capital Territory,<sup>15</sup> Queensland<sup>16</sup> and Victoria<sup>17</sup> there is no

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<sup>5</sup> Section 72(4)(a)-(l) of the *Corrections Act 1997* (Tas).

<sup>6</sup> Section 72(3) of the *Corrections Act 1997* (Tas).

<sup>7</sup> Section 72(8) of the *Corrections Act 1997* (Tas). However, the Board may also decide any materials that relate to the privacy of the prisoner or any other person if the Board considers that it is in the interests of the prisoner or any other person to do so: see section 72(7A) of the *Corrections Act 1997* (Tas).

<sup>8</sup> Section 72(10) of the *Corrections Act 1997* (Tas).

<sup>9</sup> Section 72(2B) of the *Corrections Act 1997* (Tas).

<sup>10</sup> Section 72 of the *Corrections Act 1997* (Tas).

<sup>11</sup> Section 183 of the *Crimes (Administration of Sentences) Act 1993* (NSW).

<sup>12</sup> Section 3B of the *Parole Act 2014* (NT).

<sup>13</sup> Section 55 of the *Correctional Services Act 1982* (SA).

<sup>14</sup> Section 102 of the *Sentence Administration Act 2003* (WA).

<sup>15</sup> Section 174 of the *Crimes (Sentence Administration) Act 2005* (ACT).

<sup>16</sup> Section 218 of the *Corrective Services Act 2006* (Qld).

<sup>17</sup> Section 61 of the *Corrections Act 1986* (Vic).

requirement for a member to have a knowledge or understanding of the needs of victims of crime.

### **Amendments to *Corrections Act 1997 (Tas)***

#### **- *Victim of Crime Representative***

We support amendments to the *Corrections Amendment (Parole Board) Act 2015 (Tas)* that will ensure that at least one appointee includes “a person who has knowledge and experience of victim of crime matters”. The phrase is broadly defined ensuring that there is scope for victims of crime, representatives of victim support organisations and staff of organisations working with victims to be appointed to the position. However, we do not support the appointment of a person whose has no relevant skills or experience other than being a victim of crime. In our opinion, *all* appointees to the Parole Board should have experience in law, sociology, criminology, penology or medicine.

We therefore recommend that the proposed section 62 be amended so that it reads:

#### **Section 62 amended (Establishment of Parole Board)**

Section 62(2) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:

(b) one is to be a person who the Governor is satisfied is experienced in matters associated with sociology, criminology, penology or medicine or who possesses any other knowledge or experience that the Governor considers is appropriate for the purpose; and

(c) one is to be a person who has knowledge and experience of victims of crime matters as well as experience in sociology, criminology, penology or medicine.

In our opinion the amendment will guarantee the appointment of a person with knowledge and experience of victim of crime matters as well as other relevant skills or experience.

#### **- *Appointment of Deputy Chair of the Parole Board***

We support the amendment of the Act to provide greater flexibility to the Parole Board to conduct its affairs. It is of concern that the only circumstance in which a deputy of the Chairperson may sit as a member is when the Chair is unavailable. We therefore support the proposed amendment to allow a deputy of the Chair of the Parole Board to sit as a member of the Parole Board when any other member is unavailable and that when the Chair is absent, that the deputy act as the chairperson.

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Benedict Bartl". The signature is fluid and cursive, with a large loop at the end.

Benedict Bartl  
Policy Officer

Community Legal Centres Tasmania

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