

# COMMUNITY LEGAL CENTRES TASMANIA

29 July 2020

Department of Justice  
Office of the Secretary  
GPO Box 825  
Hobart TAS 7001  
attn: Director, Strategic Legislation and Policy

via email: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

To Brooke Craven,  
**Re: *Corrections Amendment (Electronic Monitoring) Bill 2020***

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Community Legal Centres Tasmania (CLC Tas) welcomes the opportunity to provide comment to the Department of Justice on the *Corrections Amendment (Electronic Monitoring) Bill 2020* ('the Bill').

CLC Tas is the peak body representing the interests of nine community legal centres (CLCs) located through 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 are supportive of the Tasmanian Government's intention to amend the *Corrections Act 1997* (Tas) to provide specific authority for the Parole Board to include electronic monitoring as a condition of a prisoner's parole. However, we strongly recommend that the Bill is broadened to include a more transparent list of the conditions available to the Parole Board when it grants parole to a prisoner.

### **The *Corrections Act 1997* (Tas)**

Section 72(1) of the *Corrections Act 1997* (Tas) ('the Act') provides that if a prisoner is eligible to be released on parole, the Parole Board is to consider whether the prisoner should be released. In determining whether a prisoner should be released on parole, the Parole Board is required to take into consideration a range of factors including the likelihood of the prisoner re-offending, the protection of the public and the rehabilitation of the prisoner.<sup>1</sup> If the Parole Board determines that a prisoner should be released on parole, section 72(5) of the Act provides that "a parole order is subject to such terms and conditions as the Board considers necessary and are specified in the order".

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<sup>1</sup> Section 72(4) of the *Corrections Act 1997* (Tas).

The Bill as currently drafted would see the insertion of a subsection concerned specifically with electronic monitoring:

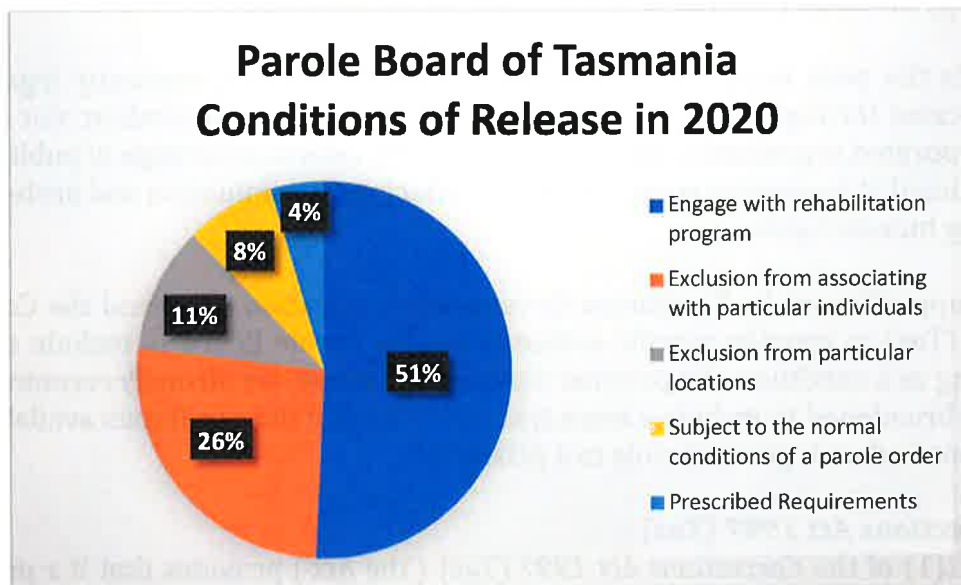
*(5A) Without limiting the generality of subsection (5), the Board may impose on a parole order in respect of a prisoner the following conditions:*

*(a) a condition that the prisoner must submit to electronic monitoring, including by wearing or carrying an electronic device;*

*(b) a condition that the prisoner must not remove, tamper with, damage or disable any electronic device used for the purpose of the electronic monitoring;*

*(c) a condition that the prisoner must comply with all reasonable and lawful directions given to the prisoner in relation to the electronic monitoring.*

In our opinion, the Bill will make clear the orders the Parole Board may impose in relation to electronic monitoring. However, it is unclear why a more complete list of the conditions available to the Parole Board should not also be included. For example, a review of the Parole Board of Tasmania’s recent decisions demonstrates that there had been 31 successful applications for parole in the first six months of this year. Of these applicants, 84 per cent had a range of specific conditions attached to their parole including engaging with rehabilitation programs, a ban on associating with particular individuals and an exclusion from particular locations as the following graph demonstrates



We strongly recommend that if the Bill is intended to provide more transparency around the orders available to the Parole Board of Tasmania, then the abovementioned and non-exhaustive conditions should be clearly outlined in the amended subsection 5A. A good model that we believe should be considered is section 30 of the *Sentence Administration Act 2003* (WA) which provides:

**30. Parole order, additional requirements**

*A parole order may contain such of these additional requirements as the Board or the Governor (as the case may be) thinks fit —*

- (a) a requirement as to where the prisoner must reside;*
- (b) requirements to protect any victim of a prisoner from coming into contact with the prisoner;*
- (c) a requirement that the prisoner wear an approved electronic monitoring device;*
- (d) a requirement that the prisoner permit the installation of an approved electronic monitoring device at the place where the prisoner resides;*
- (e) a requirement that, if the CEO so directs, the prisoner —*
  - (i) wear an approved electronic monitoring device; or*
  - (ii) permit the installation of an approved electronic monitoring device at the place where the prisoner resides;*
- (f) a requirement that the prisoner must not leave Western Australia except with and in accordance with the written permission of the CEO;*
- (g) requirements to facilitate the prisoner's rehabilitation;*
- (h) a requirement that the prisoner must, in each period of 7 days, do the prescribed number of hours of community corrections activities;*
- (i) a requirement that the prisoner must —*
  - (i) seek or engage in gainful employment or in vocational training; or*
  - (ii) engage in gratuitous work for an organisation approved by the CEO;*
- (j) prescribed requirements.*

In summary, we are supportive of the intention to amend the *Corrections Act 1997 (Tas)* to provide specific authority for the Parole Board to include electronic monitoring as a condition of a prisoner's parole. However, we strongly recommend that the Bill is broadened to include a more transparent list of the conditions available.

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

Yours faithfully,



Benedict Bartl  
Policy Officer

**Community Legal Centres Tasmania**

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