

Queensland



**CORRECTIVE SERVICES  
AND PENALTIES AND  
SENTENCES AMENDMENT  
BILL 1998**



Queensland



**CORRECTIVE SERVICES AND  
PENALTIES AND SENTENCES  
AMENDMENT BILL 1998**

**TABLE OF PROVISIONS**

Section		Page
	<b>PART 1—PRELIMINARY</b>	
1	Short title .....	4
	<b>PART 2—AMENDMENT OF CORRECTIVES SERVICES ACT 1988</b>	
2	Act amended in pt 2 .....	4
3	Amendment of s 10 (Definitions) .....	4
4	Amendment of s 61 (Leave of absence) .....	5
5	Amendment of s 86 (Release of prisoner to home detention) .....	5
6	Amendment of s 166 (Eligibility for parole) .....	6
7	Insertion of new pt 5 .....	6
	<b>PART 5—COMMUNITY SUPERVISION AND COMMUNITY SUPERVISION ORDERS FOR SERIOUS VIOLENT OFFENDERS</b>	
196A	Application of pt 5 .....	6
196B	Purposes of pt 5 .....	7
196C	Definitions for pt 5 .....	7
196D	Meaning of “serious violent offender” .....	7
196E	Community supervision .....	8
196F	Community supervision orders .....	8
196G	Requirements for community supervision and community supervision order .....	9
196H	Assignment of community correctional officer .....	10
196I	Contravention of community supervision or community supervision order .....	10

*Corrective Services and Penalties and Sentences  
Amendment*

---

196J	Regulation-making power for pt 5 .....	10
<b>PART 3—AMENDMENT OF PENALTIES AND SENTENCES ACT 1992</b>		
8	Act amended in pt 3 .....	11
9	Amendment of s 157 (Eligibility for parole) .....	11

**1998**

---

---

**A BILL**

**FOR**

**An Act to amend the *Corrective Services Act 1988* and *Penalties and Sentences Act 1992***

---

---

*Corrective Services and Penalties and Sentences  
Amendment*

---

**The Parliament of Queensland enacts—**

1

**PART 1—PRELIMINARY**

2

**Short title**

3

Clause 1. This Act may be cited as the *Corrective Services and Penalties and Sentences Amendment Act 1998*

4

5

**PART 2—AMENDMENT OF CORRECTIVES  
SERVICES ACT 1988**

6

7

**Act amended in pt 2**

8

Clause 2. This part amends the *Corrective Services Act 1988*.

9

**Amendment of s 10 (Definitions)**

10

Clause 3. Section 10—

11

*insert—*

12

‘ “**1998 amendment Act**” means the *Corrective Services and Penalties and Sentences Amendment Act 1998*.

13

14

“**community supervision**”, for part 5, see section 196E.

15

“**community supervision order**”, for part 5, see section 196F.

16

“**release day**”, for part 5, see section 196C.

17

“**sentencing court**”, for part 5, see section 196C.

18

“**serious violent offender**”, for part 5, see section 196D.’.

19

*Corrective Services and Penalties and Sentences  
Amendment*

---

	<b>Amendment of s 61 (Leave of absence)</b>	1
Clause	<b>4.</b> Section 61(2A), from ‘unless the prisoner’—	2
	<i>omit, insert—</i>	3
	‘unless—	4
	(a) for a prisoner other than a prisoner serving a term of imprisonment on conviction of a serious violent offence committed after the commencement of the 1998 amendment Act, the prisoner has served at least—	5 6 7 8
	(i) if the prisoner is serving life imprisonment—15 years of that sentence; or	9 10
	(ii) otherwise—80% of the sentence imposed; or	11
	(b) for a prisoner serving a term of imprisonment on conviction of a serious violent offence committed after the commencement of the 1998 amendment Act, the prisoner is serving life imprisonment and has served at least 15 years of that sentence; or	12 13 14 15
	(c) the prisoner is released for medical or compassionate purposes.’.	16
	 <b>Amendment of s 86 (Release of prisoner to home detention)</b>	 17
Clause	<b>5.</b> Section 86(2A), from ‘unless the prisoner’—	18
	<i>omit, insert—</i>	19
	‘unless—	20
	(a) for a prisoner other than a prisoner serving a term of imprisonment on conviction of a serious violent offence committed after the commencement of the 1998 amendment Act, the prisoner has served at least—	21 22 23 24
	(i) if the prisoner is serving life imprisonment—15 years of that sentence; or	25 26
	(ii) otherwise—80% of the sentence imposed; or	27
	(b) for a prisoner serving a term of imprisonment on conviction of a serious violent offence committed after the commencement of the	28 29

*Corrective Services and Penalties and Sentences  
Amendment*

---

1998 amendment Act, the prisoner is serving life imprisonment  
and has served at least 15 years of that sentence.’. 1  
2

**Amendment of s 166 (Eligibility for parole) 3**

Clause **6.(1)** Section 166(1)(c), after ‘offence’— 4

*insert—* 5

‘and paragraph (ca) or (cb) does not apply’. 6

**(2)** Section 166(1)— 7

*insert—* 8

‘(ca) if the prisoner is serving a term of imprisonment of not more  
than 15 years on conviction of a serious violent offence  
committed after the commencement of the 1998 amendment Act;  
or 9  
10  
11  
12

(cb) if the prisoner is serving a term of imprisonment of more than 15  
years, including life imprisonment, on conviction of a serious  
violent offence committed after the commencement of the 1998  
amendment Act—until the prisoner has served at least 15 years of  
that sentence; or’. 13  
14  
15  
16  
17

**Insertion of new pt 5 18**

Clause **7.** After part 4— 19

*insert—* 20

**‘PART 5—COMMUNITY SUPERVISION AND  
COMMUNITY SUPERVISION ORDERS FOR  
SERIOUS VIOLENT OFFENDERS 21  
22  
23**

**‘Application of pt 5 24**

**‘196A.** This part applies to serious violent offenders, other than a serious  
violent offender who is on parole. 25  
26

*Corrective Services and Penalties and Sentences  
Amendment*

---

**‘Purposes of pt 5**

**‘196B.** The purposes of this part are—

- (a) to recognise changes to the serving of terms of imprisonment for serious violent offenders made by the 1998 amendment Act; and
- (b) to provide a system of community supervision and reintegration that—
  - (i) helps those offenders successfully reintegrate into the community after serving their full terms of imprisonment; and
  - (ii) serves to assure the community that individuals who commit serious violent offences are appropriately supervised after their discharge from prison and given support in their efforts to reintegrate into the community.

**‘Definitions for pt 5**

**‘196C.** In this part—

**“release day”**, of a serious violent offender, means the day the offender must be discharged from prison.

**“sentencing court”**, of a serious violent offender, means—

- (a) the court that sentenced the offender to imprisonment for the serious violent offence; or
- (b) if the offender, as part of 1 term of imprisonment, is serving or has served imprisonment imposed by different courts for more than 1 serious violent offence—the court having higher jurisdiction.

**‘Meaning of “serious violent offender”**

**‘196D.(1)** For this part, a person is a **“serious violent offender”** if the person is convicted of and is serving a term of imprisonment for a serious violent offence committed after the commencement of the 1998 amendment Act.

**‘(2)** The person continues to be a **“serious violent offender”** for this

*Corrective Services and Penalties and Sentences  
Amendment*

---

part if, after serving the term of imprisonment for the serious violent offence and without being released from prison, the person serves a further term of imprisonment for any 1 or more offences. 1  
2  
3

**‘Community supervision’** 4

‘**196E.(1)** This section applies to a serious violent offender on and from the offender’s release day. 5  
6

‘**(2)** This section applies despite any other provision of this or another Act or law. 7  
8

‘**(3)** A 6 month period of community supervision and reintegration into the community (“**community supervision**”) is imposed on the offender. 9  
10

**‘Community supervision orders’** 11

‘**196F.(1)** The commission must apply to a judge of the sentencing court of a serious violent offender for an order for the community supervision and reintegration into the community of the offender (“**community supervision order**”). 12  
13  
14  
15

‘**(2)** The application must be made not more than 6 months and not less than 3 months before the release day of the offender. 16  
17

‘**(3)** For the application, the commission must— 18

(a) prepare or cause to be prepared a report assessing— 19

(i) the offender’s behaviour while in prison; and 20

(ii) the offender’s preparedness and ability to reintegrate into the community; and 21  
22

(iii) the likelihood of the offender committing further serious violent offences after release; and 23  
24

(b) give a copy of the report to the offender at least 28 days before the day the application is to be heard; and 25  
26

(c) file a copy of the report in the sentencing court. 27

‘**(4)** The director of public prosecutions must, and the offender may, attend at the hearing of the application. 28  
29

*Corrective Services and Penalties and Sentences  
Amendment*

---

- ‘(5) On the hearing of the application, the judge must— 1
- (a) take into consideration the report prepared under subsection (3); 2  
and 3
  - (b) give both the director of public prosecutions and the offender the 4  
opportunity to lead admissible evidence on any relevant matter, 5  
including evidence disputing the contents of the report; and 6
  - (c) allow the offender and the director of public prosecutions to 7  
cross-examine the author of the report on its contents; and 8
  - (d) have regard to any submissions made at the hearing. 9
- ‘(6) The judge may make the community supervision order the judge 10  
considers appropriate. 11
- ‘(7) However, a community supervision order may only be for a period 12  
of not more than 4 years and 6 months starting at the end of the period of 13  
supervision and reintegration imposed on the person under section 196E. 14
- ‘(8) For subsection (1), it is immaterial whether the judge is the judge 15  
who originally constituted the sentencing court. 16
- ‘(9) This section does not affect section 196E. 17
- ‘Requirements for community supervision and community 18  
supervision order 19**
- ‘196G.(1) A person on whom community supervision is imposed or 20  
who is subject to a community supervision order must— 21
- (a) be under the supervision of a community correctional officer; and 22
  - (b) abstain from violation of the law; and 23
  - (c) carry out the lawful instructions of the community correctional 24  
officer; and 25
  - (d) report and receive visits as directed by the community 26  
correctional officer; and 27
  - (e) notify the community correctional officer within 48 hours of any 28  
change of address or change of employment; and 29
  - (f) not leave the State without the written consent of the commission. 30

*Corrective Services and Penalties and Sentences  
Amendment*

---

‘(2) A community supervision order may specify other requirements to which the person is subject that the judge considers necessary to advance the purposes of this part.

1  
2  
3

**‘Assignment of community correctional officer**

4

‘196H. The commission must assign a community correctional officer for a person who is subject to community supervision or a community supervision order.

5  
6  
7

**‘Contravention of community supervision or community supervision order**

8  
9

‘196I.(1) A person who contravenes community supervision or a community supervision order commits an offence.

10  
11

Maximum penalty—100 penalty units or 6 months imprisonment.

12

‘(2) For subsection (1), a person contravenes—

13

(a) community supervision, if the person contravenes section 196G(1)(b), (c), (d), (e) or (f) or a provision of a regulation under section 196J(2)(a); or

14  
15  
16

(b) a community supervision order, if the person contravenes section 196G(1)(b), (c), (d), (e) or (f) or a requirement of the order.

17  
18  
19

**‘Regulation-making power for pt 5**

20

‘196J.(1) The Governor in Council may make regulations for this part.

21

‘(2) Without limiting subsection (1), a regulation may prescribe—

22

(a) other requirements to which a person is subject under community supervision to advance the purposes of this part; and

23  
24

(b) the instructions a community correctional officer may lawfully give for section 196G(1)(c); and

25  
26

(c) the frequency of reporting and visiting for section 196G(1)(d).

27

*Corrective Services and Penalties and Sentences  
Amendment*

---

‘(3) For section 196I, a regulation may identify provisions made under subsection (2)(a).’.

1  
2

**PART 3—AMENDMENT OF PENALTIES AND  
SENTENCES ACT 1992**

3  
4

**Act amended in pt 3**

5

Clause **8.** This part amends the *Penalties and Sentences Act 1992*.

6

**Amendment of s 157 (Eligibility for parole)**

7

Clause **9.(1)** Section 157(7), ‘If an offender’—

8

*omit, insert—*

9

‘Subject to subsection (8), if an offender’.

10

**(2)** Section 157—

11

*insert—*

12

‘(8) If an offender is convicted of a serious violent offence committed after the commencement of the *Corrective Services and Penalties and Sentences Amendment Act 1998*—

13

14

15

‘(a) the court that sentences the offender for the serious violent offence can not make a recommendation under this section that—

16

17

(i) for an offender sentenced to serve a term of imprisonment of not more than 15 years—recommends the offender be eligible for release on parole at any time during that term of imprisonment; or

18

19

20

21

(ii) for an offender sentenced to serve a term of imprisonment of more than 15 years, including life imprisonment—reduces the period of imprisonment the offender must serve before being eligible for release on parole under the *Corrective Services Act 1988*, section 166(1)(cb); and

22

23

24

25

26

27

*Corrective Services and Penalties and Sentences  
Amendment*

---

- (b) no recommendation made under this section by any court to reduce the term of imprisonment the offender must serve for the serious violent offence—
- (i) for an offender sentenced to serve a term of imprisonment of not more than 15 years for the offence—can reduce the term of imprisonment the offender must serve; or
- (ii) for an offender sentenced to serve a term of imprisonment of more than 15 years for the offence, including life imprisonment—can reduce the period of imprisonment the offender must serve before being eligible for release on parole under the *Corrective Services Act 1988*, section 166(1)(cb).’.

1

2

3

4

5

6

7

8

9

10

11

12

13