



Queensland

Corrective Services (No Body, No Parole) Amendment Act 2017

Act No. 23 of 2017

An Act to amend the Corrective Services Act 2006 for particular purposes

[Assented to 25 August 2017]



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Corrective Services (No Body, No Parole) Amendment Act 2017

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The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Corrective Services (No Body, No Parole) Amendment Act 2017*.

2 Act amended

This Act amends the *Corrective Services Act 2006*.

3 Amendment of s 193 (Decision of parole board)

Section 193—

insert—

- (6) If the parole board refuses to grant the application because of section 193A, the written reasons given under subsection (5)(a) must include a statement that the parole board is not satisfied the prisoner has cooperated as mentioned in section 193A(2).

4 Insertion of new s 193A

After section 193—

insert—

193A Deciding particular applications where victim's body or remains have not been located

- (1) This section applies to a prisoner's application for a parole order if the prisoner is serving a period of imprisonment for a homicide offence and—
- (a) the body or remains of the victim of the offence have not been located; or

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- (b) because of an act or omission of the prisoner or another person, part of the body or remains of the victim has not been located.
- (2) The parole board must refuse to grant the application under section 193 unless the board is satisfied the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim's location.
- (3) For subsection (2), the cooperation may have happened before or after the prisoner was sentenced to imprisonment for the offence.
- (4) After receiving the application, the board must, by written notice, ask the commissioner for a report about the prisoner's cooperation as mentioned in subsection (2).
- (5) In its request, the parole board must state the day it proposes to hear the application (the *proposed hearing day*).
- (6) The commissioner must comply with the request by giving the parole board, at least 28 days before the proposed hearing day, a written report that states whether the prisoner has given any cooperation as mentioned in subsection (2) and, if so, an evaluation of—
 - (a) the nature, extent and timeliness of the prisoner's cooperation; and
 - (b) the truthfulness, completeness and reliability of any information or evidence provided by the prisoner in relation to the victim's location; and
 - (c) the significance and usefulness of the prisoner's cooperation.
- (7) In deciding whether the parole board is satisfied about the prisoner's cooperation as mentioned in subsection (2), the board—
 - (a) must have regard to—

- (i) the report given by the commissioner under subsection (6); and
 - (ii) any information the board has about the prisoner's capacity to give the cooperation; and
 - (iii) the transcript of any proceeding against the prisoner for the offence, including any relevant remarks made by the sentencing court; and
- (b) may have regard to any other information the board considers relevant.

(8) In this section—

homicide offence means any of the following offences—

- (a) an offence against any of the following provisions of the Criminal Code—
 - (i) section 236(2);
 - (ii) sections 302 and 305;
 - (iii) sections 303 and 310;
 - (iv) section 307;
 - (v) section 309;
 - (vi) section 314A;
- (b) an offence of becoming an accessory after the fact to an offence mentioned in paragraph (a)(i), (iii), (v) or (vi);
- (c) an offence of counselling or procuring the commission of, or conspiring to commit, an offence mentioned in paragraph (a) or (b);
- (d) for a prisoner serving a period of imprisonment in Queensland for an offence against a law of another jurisdiction, having been transferred to Queensland under the *Prisoners (Interstate Transfer) Act 1982*—an offence against a law of another

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jurisdiction that substantially corresponds to an offence mentioned in paragraph (a), (b) or (c).

transcript, of a proceeding, means a transcription of a record under the *Recording of Evidence Act 1962* of the proceeding.

victim's location means—

- (a) the location, or the last known location, of every part of the body or remains of the victim of the offence; and
- (b) the place where every part of the body or remains of the victim of the offence may be found.

5 Insertion of new ch 7A, pt 12

Chapter 7A—

insert—

Part 12 Transitional provisions for Corrective Services (No Body, No Parole) Amendment Act 2017

490U Application of s 193A

Section 193A applies to a prisoner's application for a parole order whether the prisoner was convicted of, or sentenced for, the offence before or after the commencement.

490V Existing applications for parole order or applications under s 490R

- (1) Section 193A applies to the following applications made to the parole board, but not decided, before the commencement—

- (a) an application under section 176 for an exceptional circumstances parole order;
 - (b) an application under section 180 for a parole order.
- (2) If the parole board is required to ask the commissioner for a report under section 193A in relation to an application mentioned in subsection (1), the parole board may extend the period under section 193(3) within which the application must be decided by not more than 50 days.
- (3) Section 193A also applies to the following applications—
- (a) an application mentioned in section 490R(1) that has not been decided before the commencement;
 - (b) an application under section 490R(4)—
 - (i) made to the parole board, but not decided, before the commencement; or
 - (ii) made to the parole board on or after the commencement.

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