

Australian Capital Territory

Parole Ordinance 1975

Explanatory Memorandum

The purpose of this Bill is to repeal and replace the Parole Ordinance 1971. At present, release of A.C.T. prisoners on parole is determined by the Governor-General acting on the advice of the Attorney-General. The New Ordinance will set up a Territory Parole Board to undertake these functions.

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| <u>Clause 1</u> | contains a short title and citation. |
| <u>Clause 2</u> | repeals the existing Ordinance. |
| <u>Clause 3</u> | provides for the Ordinance to be administered by the Attorney-General (as is the case with the present Ordinance). |
| <u>Clause 4</u> | defines terms. |
| <u>Clause 5</u> | applies the procedure under the new Ordinance to prisoners now serving terms of imprisonment. |
| <u>Clause 6</u> | requires the Court to fix a non-parole period when imposing a sentence of imprisonment. |
| <u>Clause 7</u> | deals with non-parole periods where a prisoner is serving a previous sentence. |
| <u>Clause 8</u> | provides for a Parole Board of three members. The Chairman is to be a Judge of the Supreme Court and one member nominated by the Legislative Assembly. |
| <u>Clauses 9-13</u> | make administrative arrangements in relation to the Board. |
| <u>Clause 14</u> | determines the procedure at meetings of the Parole Board. |
| <u>Clause 15</u> | empowers the Board to take evidence from witnesses. |
| <u>Clause 16</u> | requires an officer of the Court which sentenced the prisoner to supply the Chairman with the information necessary to enable the Board to consider release on parole. |
| <u>Clause 17</u> | provides for the Chairman to convene meetings of the Board. |

- Clause 18 provides that a prisoner shall be given the opportunity to be heard by the Board before it decides not to release him on parole at the expiry of the non-parole period. The prisoner may apply to the Australian Legal Aid Office to be legally represented.
- Clause 19 provides for the issue of a parole order. Sub-section (3) makes it possible for release on parole to take place before the expiration of the non-parole period in special circumstances.
- Clause 20 authorizes the imposition of conditions in a parole order.
- Clause 21 provides for revocation of a parole order where a person is subsequently sentenced to a term of imprisonment.
- Clause 22 provides the parole order may be made notwithstanding the revocation of an earlier parole order.
- Clause 23 sets out the effect of a parole order on the remaining term of imprisonment imposed.
- Clause 24 authorizes the Chairman to issue a warrant for the apprehension of a person in breach of his parole order and for him to be brought before the Board. The Board may then revoke or vary the parole order or permit him to remain on parole.
- Clause 25 authorizes arrangements between the Australian Government and the Government of New South Wales for the implementation of the Ordinance.
- Clause 26 makes it clear that the prerogative of mercy and the operation of other laws is not affected.
- Clause 27 authorizes the Attorney-General to make regulations.