



PAROLE AMENDMENT ACT 1989

No. 49 of 1989

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PAROLE AMENDMENT ACT 1989

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AN ACT to amend the *Parole Act 1975*

[Royal Assent 21 December 1989]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Parole Amendment Act 1989*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Parole Act 1975** is referred to as the Principal Act.

* Act No. 73 of 1975. Subsequently amended by No. 83 of 1981, No. 29 of 1984, No. 5 of 1985 and No. 7 of 1987.

Section 12A amended (Statutory non-parole period)

4—Section 12A of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Subject to subsection (2) and to section 12B, the non-parole period in respect of a sentence of imprisonment is a period equal to one-half of the period of the sentence.

Section 12C amended (When prisoner eligible for parole)

5—Section 12C of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Subject to section 12D, a prisoner shall not be released on parole before the completion of—

(a) the non-parole period applicable to his sentence; or

(b) a continuous period of imprisonment of 6 months—

whichever is the greater, unless, in the opinion of the approving authority, there are exceptional circumstances warranting the earlier release on parole of the prisoner.

Section 12D amended (Prisoner subject to more than one non-parole period or other minimum term)

6—Section 12D of the Principal Act is amended as follows:—

(a) by adding at the end of paragraph (a) of the definition of “designated sentence” in subsection (1) “or”;

(b) by omitting paragraph (c) of that definition;

(c) by omitting from subsection (3) “ordered” (twice occurring).

Section 12E amended (Applications for parole)

7—Section 12E of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) A prisoner may, not earlier than 3 months before becoming eligible, under section 12C (1), to be released on parole, apply to the Board to be so released.

(2) Subject to section 12D, if a prisoner who is eligible to be released on parole is not so released, the prisoner may, not earlier than 3 months after—

(a) becoming eligible for release on parole; or

(b) making an application under this subsection—

apply to the Board to be released on parole, and the Board shall consider whether the prisoner should be so released.

