

Western Australia

## Sentencing Amendment Bill 2014

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Western Australia

LEGISLATIVE COUNCIL

## **Sentencing Amendment Bill 2014**

**A Bill for**

**An Act to amend the *Sentencing Act 1995*.**

The Parliament of Western Australia enacts as follows:

**s. 1**

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1   **1.     Short title**

2           This is the *Sentencing Amendment Act 2014*.

3   **2.     Commencement**

4           This Act comes into operation as follows —

- 5           (a) sections 1 and 2 — on the day on which this Act  
6                receives the Royal Assent;  
7           (b) the rest of the Act — on the day after that day.

8   **3.     Act amended**

9           This Act amends the *Sentencing Act 1995*.

10 **4.     Section 85 amended**

11       (1) In section 85(1) delete the definition of *parole term*.

12       (2) In section 85(1) insert in alphabetical order:

13

14                   *parole term* means —

- 15           (a) a term to which a parole eligibility order  
16                applies; or  
17           (b) a translated sentence in respect of which a  
18                minimum term of imprisonment is deemed to  
19                have been fixed under the *Prisoners (Interstate  
20                Transfer) Act 1983* section 26(1);

21                   *translated sentence* has the meaning given in the  
22                   *Prisoners (Interstate Transfer) Act 1983* section 3(1).

23

24       (3) In section 85(1) in the definition of *term* paragraph (b) delete  
25       “imprisonment.” and insert:

26

27                   imprisonment;

28

1 **5. Section 93 amended**

2 In section 93(1) delete “ sections” and insert:

3

4 sections 94A,

5

6 **6. Section 94A inserted**

7 After section 93 insert:

8

9 **94A. Release on parole of prisoners subject to *Prisoners***  
10 ***(Interstate Transfer) Act 1983***

11 (1) Despite section 93(1), a prisoner serving a parole term  
12 that is a translated sentence is eligible to be released on  
13 parole when the prisoner has served the minimum term  
14 of imprisonment deemed under the *Prisoners*  
15 *(Interstate Transfer) Act 1983* section 26(1) to have  
16 been fixed in respect of the sentence.

17 (2) For the purposes of the application of the *Sentence*  
18 *Administration Act 2003* to the prisoner, a reference in  
19 that Act to eligibility to be released on parole under  
20 section 93(1) is to be taken to be a reference to  
21 eligibility to be released on parole under subsection (1).  
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