

# SENTENCING AMENDMENT BILL 2014

## EXPLANATORY MEMORANDUM

### Overview of the Bill

The Sentencing Amendment Bill 2014 ensures that interstate prisoners on a translated sentence retain the same sentence as was made in the original jurisdiction where they were committed.

### Clause Notes

Clause 1 describes the title of the Bill.

Clause 2 this Act will come into effect on Royal Assent.

Clause 3 describes the Act, which this Bill amends, as the *Sentencing Act 1995*.

Clause 4(2)(a) amends section 85 to introduce a definition of “parole term” to include a translated sentence in respect to those cases in which a minimum term of imprisonment has been fixed under the *Prisoners (Interstate Transfer) Act 1983*.

Clause 4(2)(b) ensures that the definition of “translated sentence” has the same meaning as in the *Prisoners (Interstate Transfer) Act 1983* section 3(1).

Clause 5 amends section 93 to provide for the introduction of the new proposed section 94A.

Clause 6 inserts the proposed section 94A.

94A(1) provides for prisoners subject to the *Prisoners (Interstate Transfer) Act 1983* to be eligible to be released on parole when the prisoner has served the minimum term that was fixed in respect of that prisoner’s sentence.

94A(2) provides for the eligibility for parole under the *Sentence Administration Act 2003* to be taken as a reference for eligibility for parole for prisoners transferred from interstate under the proposed subsection (1). This ensures the *Sentence Administration Act 2003*, the *Prisoners (Interstate Transfer) Act 1983* and the *Sentencing Act 1995* interact correctly.