

No.	Document title	Date	Type of document	Comments
14	Scenarios 9 and 10	21/08/2009	Data analysis, summary of data analysis, and cover email from MOJ official to Minister of Justice's office	
15	Sentencing and Parole Reform Bill: Scenario 11	30/09/2009	Data analysis, summary of data analysis, and cover email from MOJ official to Minister of Justice's office	
16	Re: 3 strikes	13/10/2009	Email exchange between MOJ official and Minister of Justice's office	
17	Alternative formulations of three stage regime in Sentencing and Parole Reform Bill	23/10/2009	Data analysis and cover email from MOJ official to Minister of Justice's office	
18	Three strikes scenario comparison	04/11/2009	Draft data analysis and cover email from Department of Corrections official to Minister of Justice's office	
19	Sentencing and Parole Reform Bill: Pros and cons of qualifying on conviction alone	18/11/2009	Aide memoire and cover email from MOJ official to Minister of Justice's office	One bullet point on page 1 of aide memoire is withheld under section 9(2)(f)(iv).
20	Sentencing and Parole Reform Bill: Police and prosecutorial discretion	20/11/2009	Aide memoire and cover email from MOJ official to Minister of Justice's office	
21	Sentencing and Parole Reform Bill: Scenarios 20 November 2009	20/11/2009	Summary of data analysis and cover email from MOJ official to Minister of Justice's office	
22	Release of contingency funding: Sentencing and Parole Reform Bill	02/12/2009	Draft Cabinet paper with cover briefing paper to the Minister of Justice and aide memoire,	
23	Aide memoire: Sentencing and Parole Reform Bill	11/12/2009	Aide memoire and cover email from MOJ official to Minister of Justice's office	Information on page 2 of aide memoire is withheld under section 9(2)(f)(iv).
24	Sentencing and Parole Reform Bill: Stage two under a conviction-based regime	14/12/2009	Aide memoire and cover email from MOJ official to Minister of Justice's office	
25	Sentencing and Parole Reform Bill: Funding for Implementation	16/12/2009	Cabinet Committee minute	
26	Changes to the Sentencing and Parole Reform Bill	16/12/2009	Briefing paper to the Minister of Justice	Information in para 10 is withheld under section 9(2)(h).

Office of the Minister of Police & Corrections

Sensitive

Cabinet

Changes to the Sentencing and Parole Reform Bill**Proposal**

1. Cabinet approval is sought for policy changes to the Sentencing and Parole Reform Bill (the Bill).

Executive summary

The Sentencing and Parole Reform Bill gives effect to the Government's policy to remove eligibility for parole for the worst repeat violent offenders. The Bill also incorporates aspects of the ACT Party's 'three strikes' policy.

As introduced the Bill creates a three stage regime. An offender qualifies for each stage if he or she receives a determinate sentence of imprisonment or five years or more, life imprisonment or preventive detention (a qualifying sentence) for a specified serious violence offence. The Bill was introduced and referred to the Law and Order Committee in February 2009. The Bill is due to be reported back to the House by 30 March 2010.

It has since been proposed that further changes be made to the Sentencing and Parole Reform Bill and agreement in principle was obtained at the Cabinet meeting on 14 December 2009 [Cab Oral Item]. The purpose of this paper is to provide full details in relation to the proposed changes.

It is proposed that the Bill as introduced be changed in three areas:

1. The three stage regime in the Bill will be based on an offender receiving a conviction for a 'qualifying offence'. In the Bill as introduced, the threshold for the regime was receiving a sentence of five years or more imprisonment for a 'qualifying' offence.
2. The consequence of a third conviction for a qualifying offence will be that the court imposes the maximum penalty for the offence with no parole, rather than life imprisonment with a minimum non-parole period of 25 years.
3. Acid throwing and incest will be removed from the list of qualifying offences. As a general rule, the list comprises all the major violent and sexual offences with a maximum penalty of seven years imprisonment or more. This list was agreed to by CBC on 10 December 2008 [CAB Min(08) 31/12 refers] and is attached as Appendix 1.

The rest of the policy in the Bill as introduced will be retained. Of particular note are three key aspects. The regime will not be retrospective – it will only apply to offences committed after the legislation comes into force; the manifestly unjust exception at the third stage will be retained; and the regime will only apply to offending by people aged 18 years and over.

Police have identified a range of options to ensure the appropriate charges are laid in cases that have the potential to meet stage three criteria. It is proposed that the Minister of Police report back to Cabinet Domestic Policy Committee by 28 February 2010 with details of the preferred option or options for ensuring that Police charging practices provide sufficient safeguards in cases that may meet the threshold for stage three of the repeat violent offender policy.

The changes are expected to lead to a small increase (1.4% of the existing prison muster) in the prison population. It is estimated that 117 extra beds (assuming no deterrence effect) will be needed within the first 10 years, with associated capital and operating costs. The estimated impact of the policy will be incorporated into the Department of Corrections' planning for future prison capacity which is due to be considered by Ministers on 15 February 2010.

Funding for changes to enable Courts to implement the three stage regime as currently drafted was sought at Cabinet Domestic Policy Committee on 16 December 2009 [Cab Min (09)28/2], and no further implementation funding is required.

Background

2. The Sentencing and Parole Reform Bill gives effect to the Government's policy to remove eligibility for parole for the worst repeat violent offenders.
3. On 10 December 2008, the Cabinet Business Committee (having been authorised by Cabinet to have power to act) agreed to amend the Sentencing Act to implement a policy to exclude the worst repeat violent offenders and those convicted of the worst murders from eligibility for parole [CBC Min (08) 31/12]. On 15 December 2008, Cabinet agreed to give effect to this policy through the Bill, subject to further consideration of certain matters [Cab Min (08) 46/3].
4. On 11 February 2009, the Domestic Policy Committee agreed to include aspects of the ACT Party's 'three strikes' policy in the Bill in line with the National-ACT confidence and supply agreement [DOM Min (09) 1/2]. On 16 February 2009, Cabinet approved the introduction of the Bill [Cab Min (09) 5/6].
5. As introduced, the Bill creates a three stage regime. An offender qualifies for each stage if he or she receives a determinate sentence of imprisonment of five years or more, life imprisonment or preventive detention (a qualifying sentence) for a specified serious violence offence.
6. The Bill was introduced and referred to the Law and Order Committee in February 2009. The Bill is due to be reported back to the House by 30 March 2010.
7. Following Cabinet approval in principle on 14 December 2009 [Cab Oral Item], further changes are to be made to the Sentencing and Parole Reform Bill. This paper reports back on the details in relation to the proposed changes.