

BILL NO. 29 OF 2019

A BILL

FOR AN ACT TO AMEND THE CORRECTIONS SERVICE ACT 2006

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Corrections Service (Amendment) Act 2019.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Section 27 amended

2. Section 27 of the Corrections Service Act 2006 is amended after subsection (2) by inserting the following new subsections —

“(3) Notwithstanding subsection (2), where the sentence of a prisoner includes a non-parole period fixed by a court in accordance with section 18 of the Sentencing and Penalties Act 2009, for the purposes of the initial classification, the date of release for the prisoner shall be determined on the basis of a remission of one-third of the sentence not taking into account the non-parole period.

(4) For the avoidance of doubt, where the sentence of a prisoner includes a non-parole period fixed by a court in accordance with section 18 of the Sentencing and Penalties Act 2009, the prisoner must serve the full term of the non-parole period.

(5) Subsections (3) and (4) apply to any sentence delivered before or after the commencement of the Corrections Service (Amendment) Act 2019.”.

Consequential amendment

3. The Sentencing and Penalties Act 2009 is amended by—

(a) in section 18—

(i) in subsection (1), deleting “Subject to subsection (2), when” and substituting “When”; and

(ii) deleting subsection (2); and

(b) deleting section 20(3).

Office of the Attorney-General
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Suva

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CORRECTIONS SERVICE (AMENDMENT) BILL 2019

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Corrections Service Act 2006 (**‘Act’**) provides for *inter alia* the establishment of the Fiji Corrections Service, the administration of prisons in Fiji and the treatment of prisoners including the remission of their sentences, early release schemes and their discharge from prisons.
- 1.2 The Corrections Service (Amendment) Bill 2019 (**‘Bill’**) seeks to amend the Act to introduce provisions to clarify that prisoners for whom non-parole periods have been fixed by the court, serve the entire term of the non-parole period.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 27 of the Act which provides the method for calculating the remission of a sentence. For any term of imprisonment exceeding one month, the remission of a sentence is calculated on the basis of a remission of one-third of the sentence.
- 2.3 The amendment in section 27 of the Act introduces new subsections (3), (4) and (5) to clarify that where the sentence of a prisoner includes a non-parole period which has been fixed by a court in accordance with section 18 of the Sentencing and Penalties Act 2009, the prisoner must serve the full term of the non-parole period. Additionally, the calculation for the date of release of a prisoner must not take into account the non-parole period.

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2.4 Clause 3 of the Bill consequentially amends section 18 of the Sentencing and Penalties Act 2009 to remove the discretionary power of the court to decline to fix a non-parole period.

2.5 Clause 3 of the Bill also consequentially deletes section 20(3) of the Sentencing and Penalties Act 2009.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for corrections service.

A. SAYED-KHAIYUM
Attorney-General