



Commonwealth Parole Board (Consequential and Transitional Provisions) Act 2026

No. 33, 2026

**An Act to deal with consequential and transitional
matters arising from the enactment of
the *Commonwealth Parole Board Act 2026*, and for
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Commonwealth Parole Board (Consequential and Transitional Provisions) Act 2026

No. 33, 2026

An Act to deal with consequential and transitional matters arising from the enactment of the *Commonwealth Parole Board Act 2026*, and for related purposes

[Assented to 8 April 2026]

The Parliament of Australia enacts:

1 Short title

This Act is the *Commonwealth Parole Board (Consequential and Transitional Provisions) Act 2026*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	Immediately after the commencement of Part 2 of the <i>Commonwealth Parole Board Act 2026</i> .	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Consequential amendments

Crimes Act 1914

1 Subsection 16(1) (definition of *parole order*)

Repeal the definition, substitute:

parole order, for a person, has the meaning given by subsection 19AKD(1).

2 Subsection 16(1)

Insert:

Chair of the Commonwealth Parole Board means the person appointed as the Chair of the Commonwealth Parole Board under subsection 29(1) of the *Commonwealth Parole Board Act 2026*.

Commonwealth Parole Board means the Commonwealth Parole Board established by subsection 8(1) of the *Commonwealth Parole Board Act 2026*.

eligible for release: see subsection 19AKE(3).

relevant pre-release period: see subsection 19APC(2).

3 After subsection 16(1)

Insert:

Meaning of decides to make a parole order

- (1A) The Commonwealth Parole Board ***decides to make a parole order*** for a person if the Commonwealth Parole Board decides under either of the following to make a parole order for the person:
- (a) paragraph 19AKB(1)(a);
 - (b) paragraph 19AKC(1)(a).

Meaning of refuses to make a parole order

- (1B) The Commonwealth Parole Board ***refuses to make a parole order*** for a person if:
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- (a) the Commonwealth Parole Board refuses under either of the following to make a parole order for the person:
 - (i) paragraph 19AKB(1)(b);
 - (ii) paragraph 19AKC(1)(b); or
- (b) the Commonwealth Parole Board is taken to have refused to make a parole order for the person under subsection 19APE(1).

Meaning of defers deciding whether to make a parole order

- (1C) The Commonwealth Parole Board *defers deciding whether to make a parole order* for a person if the Commonwealth Parole Board decides under either of the following to defer deciding whether to make a parole order for the person under:
 - (a) paragraph 19AKB(1)(c);
 - (b) paragraph 19AKC(1)(c).

Expressions in the singular

4 Paragraph 19AH(1)(b)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

5 Subsection 19AHA(4)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

6 Section 19AL

Repeal the section, substitute:

19AKB Commonwealth Parole Board must make decisions about parole—basic rule

- (1) The Commonwealth Parole Board must, before the end of the non-parole period fixed for a person in respect of one or more sentences for one or more federal offences:
 - (a) decide to make a parole order for the person; or
 - (b) refuse to make a parole order for the person; or
 - (c) defer deciding whether to make or refuse to make a parole order for the person until a day not later than 3 months after the end of the non-parole period.

Note 1: Once the Commonwealth Parole Board decides to make a parole order, it must make the parole order under section 19AKD as soon as possible.

Note 2: Section 19AKE sets out the arrangements for a person subject to a State or Territory sentence, section 19ALA deals with matters that may be considered in decisions about parole orders and section 19ALB deals with terrorism and control orders.

- (2) If the Commonwealth Parole Board does not make a decision under subsection (1) before the end of the non-parole period fixed for the person, the Commonwealth Parole Board must make a decision under that subsection as soon as practicable after the end of that period.
- (3) If a non-parole period has been fixed for a person in respect of more than one sentence, a reference in this section to the end of the non-parole period is a reference to the end of the last non-parole period.

19AKC Reconsideration of whether to make a parole order—basic rule

- (1) If the Commonwealth Parole Board refuses to make a parole order for a person, the Commonwealth Parole Board must reconsider whether to make a parole order for the person before the end of the reconsideration period for the refusal, and must:
 - (a) decide to make a parole order for the person; or
 - (b) refuse to make a parole order for the person; or
 - (c) defer deciding whether to make or refuse to make a parole order for the person until a day not later than 3 months after the end of the reconsideration period for the refusal.

Note 1: Once the Commonwealth Parole Board decides to make a parole order, it must make the parole order under section 19AKD as soon as possible.

Note 2: Section 19AKE sets out the arrangements for a person subject to a State or Territory sentence, section 19ALA deals with matters that may be considered in decisions about parole orders and section 19ALB deals with terrorism and control orders.

- (2) Despite subsection (1), the Commonwealth Parole Board is not required to reconsider whether to make a parole order for a person if, at the end of the period of 12 months beginning on the day of
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the refusal, the person does not have 30 days or more remaining on any of the sentences to which the parole order would relate.

- (3) If the Commonwealth Parole Board does not make a decision under subsection (1) before the end of the reconsideration period, the Commonwealth Parole Board must make a decision under that subsection as soon as practicable after the end of that period.
- (4) The *reconsideration period*, for a refusal to make a parole order for a person, is:
 - (a) the period of 12 months beginning on the day of the refusal; or
 - (b) if the Commonwealth Parole Board considers it appropriate, a period of more than 12 months, but not more than 24 months, beginning on the day of the refusal.

19AKD Power to make a parole order

Parole order to be made as soon as possible

- (1) If the Commonwealth Parole Board decides to make a parole order for a person, the Commonwealth Parole Board must make a parole order for the person under this subsection as soon as possible after making the decision.

Contents of parole order

- (2) A parole order for a person made under subsection (1) must:
 - (a) be in writing; and
 - (b) specify whether or not the person is to be released on parole subject to supervision; and
 - (c) if the person is released on parole subject to supervision, and it is proposed that the supervision should end before the end of the person's parole period—specify the day on which the supervision period ends.

Note 1: For when a person is released on parole in accordance with a parole order, see section 19AM.

Note 2: A person released on parole must comply with any conditions of the parole order during the parole period (see sections 19AMA, 19AN and 19AU).

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- (3) If the Commonwealth Parole Board considers that in all the circumstances it is appropriate to do so, the Commonwealth Parole Board may specify in a parole order that a person is to be released from prison on a day that is before the end of the non-parole period for the person, but is not earlier than 30 days before the end of that period.

19AKE State or Territory sentences—Commonwealth Parole Board not required to decide on parole in certain circumstances

Commonwealth Parole Board is not required to decide on parole if person subject to State or Territory sentence

- (1) This section applies if:
- (a) a person is subject to one or more State or Territory sentences as well as a federal sentence; and
 - (b) the person is first eligible for release in relation to the last of the State or Territory sentences after the end of the non-parole period for the federal sentence.
- (2) The Commonwealth Parole Board is not required to decide whether to make, refuse to make, or defer making a parole order for the person at any time before the day on which the person is first eligible for release in relation to the last of the State or Territory sentences.
- (3) A person is ***eligible for release*** in relation to a State or Territory sentence on the earlier of the following days:
- (a) the day on which the State or Territory sentence ends;
 - (b) the day on which the non-parole period for the State or Territory sentence ends.

Life sentence for which a non-parole period not fixed

- (4) The Commonwealth Parole Board is not required to decide whether to make, refuse to make, or defer making a parole order for a person who is subject to a State or Territory sentence that is a life sentence for which a non-parole period has not been fixed.

Note: The effect of this section and subsection 19AM(2) is that a parole order may sometimes still be made for a person while the person is

serving a State or Territory sentence, but the person will not be released in accordance with the parole order until the person is released from prison for the State or Territory sentence.

19AKF Notice of certain decisions

Notice of refusal

- (1) If the Commonwealth Parole Board refuses to make a parole order for a person, the Commonwealth Parole Board must give the person a written notice, within 14 days after the refusal, that:
 - (a) informs the person of the refusal; and
 - (b) includes a statement of reasons for the refusal; and
 - (c) sets out the effect of section 19AKC (reconsideration).

Notice of deferral

- (2) If the Commonwealth Parole Board defers deciding whether to make or refuse to make a parole order for a person, the Commonwealth Parole Board must, within 14 days after the deferral, give a notice to the person stating:
 - (a) that the Commonwealth Parole Board has decided to defer deciding whether to make or refuse to make a parole order for the person; and
 - (b) the reasons for the deferral; and
 - (c) the date by which the Commonwealth Parole Board must decide whether to make, or refuse to make, a parole order for the person.

7 Subsection 19ALA(1)

Omit “section 19AL in relation to a person, the Attorney-General may have regard to any of the following matters that are known to the Attorney-General”, substitute “section 19AKB, 19AKC or 19AKD in relation to a person, the Commonwealth Parole Board may have regard to any of the following matters that are known to the Commonwealth Parole Board”.

8 Subsection 19ALA(2)

Omit “Attorney-General may consider in making a decision under section 19AL”, substitute “Commonwealth Parole Board may consider in making a decision under section 19AKB, 19AKC or 19AKD”.

9 Subsection 19ALB(1)

Repeal the subsection, substitute:

- (1) Despite any law of the Commonwealth, the Commonwealth Parole Board must not decide to make a parole order in relation to a person covered by subsection (2) unless the Commonwealth Parole Board is satisfied that exceptional circumstances exist to justify deciding to make a parole order.

10 Paragraph 19ALB(2)(c)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

11 Subsection 19ALB(3)

Omit “making a parole order in relation to a person who is under 18 years of age, without limiting the matters the Attorney-General may have regard to, the Attorney-General”, substitute “deciding to make a parole order in relation to a person who is under 18 years of age, without limiting the matters the Commonwealth Parole Board may have regard to, the Commonwealth Parole Board”.

12 Subparagraph 19AM(1)(a)(ii)

Omit “19AL(3A)”, substitute “19AKD(3)”.

13 Paragraph 19AN(b)

Omit “19AL(3)”, substitute “19AKD(2)”.

14 Paragraph 19AN(c)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

15 Section 19AP

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

16 Subsection 19APA(1)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

17 After paragraph 19APA(1)(d)

Insert:

- (da) amending the release date specified in a parole order or licence;

18 Subsection 19APA(2)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

19 After Subdivision A of Division 5 of Part IB

Insert:

Subdivision AA—Pre-release rescission of parole orders and licences

19APC Commonwealth Parole Board may rescind parole order or licence before offender’s release

- (1) The Commonwealth Parole Board may, by instrument in writing, rescind a parole order or licence for a person at any time during the person’s relevant pre-release period if:
 - (a) the Commonwealth Parole Board is satisfied that:
 - (i) the person would pose a serious identifiable risk to the safety of the community if released; and
 - (ii) the risk cannot be sufficiently mitigated by directions from a community corrections officer or by changing the conditions of the parole order or licence; or
 - (b) the Commonwealth Parole Board is satisfied that:
 - (i) the person would pose a serious and immediate risk to the person’s own safety if released; and
 - (ii) the risk cannot be sufficiently mitigated by directions from a community corrections officer or by changing the conditions of parole order or licence; or
 - (c) the person has requested the rescission of the parole order or licence; or

- (d) the Commonwealth Parole Board is satisfied that there has been a substantial change in a matter considered by the Commonwealth Parole Board in making the parole order or licence.
- (2) In this section:
- relevant pre-release period*, in relation to a person, means the period:
- (a) beginning on the day the parole order for the person was made or the licence was granted; and
 - (b) ending on the day of release that applies to the parole order or licence.

19APD Commonwealth Parole Board must give notice of pre-release rescission of parole order or licence

- (1) This section applies if the Commonwealth Parole Board rescinds a parole order or licence in relation to a person under subsection 19APC(1).
- (2) The Commonwealth Parole Board must, as soon as practicable:
 - (a) notify the person, in writing, of the rescission of the parole order or licence and the reasons for the rescission; and
 - (b) request that the person give the Commonwealth Parole Board, within 14 days of the notice, a written submission stating why the parole order or licence should not have been rescinded.
- (3) If the person does not make a written submission to the Commonwealth Parole Board within 14 days of receiving the notice under subsection (1), the rescission of the parole order or licence remains in effect.
- (4) If the person makes a written submission to the Commonwealth Parole Board within 14 days of receiving the notice under subsection (1), the Commonwealth Parole Board must decide as soon as practicable after receiving the submission whether:
 - (a) the rescission of the parole order or licence remains in effect;
 - or

- (b) the rescission of the parole order or licence ceases to be in effect.
- (5) The Commonwealth Parole Board must make a decision under subsection (4) on the basis of the submission and any other material the Commonwealth Parole Board considers relevant.

19APE Effect of pre-release rescission of parole order or licence

- (1) If the rescission of a parole order or licence for a person remains in effect under subsection 19APD(3), or the Commonwealth Parole Board decides that the rescission of a parole order or licence for a person remains in effect under paragraph 19APD(4)(a), the Commonwealth Parole Board is taken to have decided on that day to have refused to make a parole order, or to grant licence, in relation to the person.
- (2) If the Commonwealth Parole Board decides that the rescission of the parole order or licence ceases to be in effect, the parole order or licence, as in effect before its rescission, continues in effect from the date of the decision, as if it had not been rescinded.

19APF References to revocation do not include rescission

To avoid doubt, a reference in this Part to revoking a parole order or licence does not include a reference to rescinding a parole order or licence under section 19APC.

20 Section 19AU (heading)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

21 Section 19AU

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

22 Section 19AV (heading)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

23 Sections 19AV and 19AW

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

24 Subsection 19AW(5)

Omit “section 19AL applies”, substitute “sections 19AKB to 19AKE apply”.

25 Section 19AX

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

26 Section 20BC

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

27 Section 20BD (heading)

Omit “Attorney-General”, substitute “**Commonwealth Parole Board**”.

28 Section 20BD

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

29 Section 20BE (heading)

Omit “Attorney-General”, substitute “**Commonwealth Parole Board**”.

30 Sections 20BE and 20BF

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

31 Section 20BG (heading)

Omit “Attorney-General”, substitute “**Commonwealth Parole Board**”.

32 Sections 20BG, 20BH and 20BJ

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

33 Section 20BK (heading)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

34 Section 20BK

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

35 Section 20BL (heading)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

36 Sections 20BL and 20BM

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

37 Section 20BN (heading)

Omit “Attorney-General”, substitute “Commonwealth Parole Board”.

38 Sections 20BN, 20BP and 20BT

Omit “Attorney-General” (wherever occurring), substitute “Commonwealth Parole Board”.

39 Section 20BZ (after paragraph (e) of the definition of *relevant person*)

Insert:

- (ea) the Chair, Deputy Chair or other member of the Commonwealth Parole Board;
- (eb) a person made available to the Chair of the Commonwealth Parole Board as mentioned in subsection 15(1) of the *Commonwealth Parole Board Act 2026*;

40 Paragraph 23WA(8)(c)

Omit “subsection 19AL(1) or (1A), paragraph 19AL(2)(b) or subsection 19AL(2A), (6) or (7)”, substitute “subsection 19AKD(1)”.

Schedule 2—Transitional provisions

1 Application provision—general rule

Subject to this Schedule:

- (a) the *Commonwealth Parole Board Act 2026* and the amended Act apply on and after commencement in relation to a sentence, order, licence, notice, application or any other thing decided or done, whether before, on or after commencement; and
- (b) anything that would have been required to be done by or in relation to the Attorney-General in relation to the sentence, order, licence, notice, application or other thing, but for the amendments made by this Act, may be done by or in relation to the Commonwealth Parole Board.

2 Saving of current parole orders

- (1) Despite the repeal of section 19AL of the old Act, a parole order (the *existing parole order*) made under that section before commencement continues in operation, on and after commencement, as if it were a parole order within the meaning of the amended Act that is subject to the same conditions as the existing parole order.
- (2) To avoid doubt, a licence (the *existing licence*) granted under subsection 19AP(1) before commencement continues in operation, on and after commencement, as if it were a licence within the meaning of the amended Act that is subject to the same conditions as the existing licence.

3 Transitional—notices under section 19AL of the *Crimes Act 1914*

- (1) This item applies if:
 - (a) before commencement, the Attorney-General refused to make a parole order for a person under the old Act; and
 - (b) immediately before commencement, the Attorney-General had not yet given a notice to the person under subsection 19AL of the old Act.

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- (2) The Commonwealth Parole Board must give a notice to the person under section 19AKF of the amended Act within the period of 14 days after the refusal under the old Act.

4 Transitional—judicial review

- (1) This item applies if, immediately before commencement, a person was entitled to make an application to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the *Administrative Decisions (Judicial Review) Act 1977* for an order of review in respect of a matter arising under Part IB of the old Act.
- (2) Despite the repeal of the old Act, the person may, after the transition time and subject to the *Administrative Decisions (Judicial Review) Act 1977*, apply for an order of review in respect of that matter.

5 Transitional—information sharing

For the purposes of the *Commonwealth Parole Board Act 2026* and the amended Act:

- (a) a reference in the definition of ***Parole Board information*** in section 7 of the *Commonwealth Parole Board Act 2026* to information acquired by a person in the exercise of a power, or the performance of a function or duty includes information acquired before, on or after commencement; and
- (b) a reference in the definition of ***federal offender information*** in section 20BZB of the amended Act to information acquired by a person in the exercise of a power, or the performance of a function or duty includes information acquired before, on or after commencement.

6 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
- (a) required or permitted by this Act to be prescribed by the rules; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) Without limiting subitem (1), the rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
- (a) the amendments or repeals made by this Act; or
 - (b) the enactment of the *Commonwealth Parole Board Act 2026*.
- (3) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund;
 - (e) directly amend the text of this Act or the new Act.
- (4) This Schedule (other than subitem (3)) does not limit the rules that may be made for the purposes of subitem (1).

7 Definitions

In this Schedule:

amended Act means the *Crimes Act 1914* as in force on and after commencement.

commencement means the commencement of this Schedule.

old Act means the *Crimes Act 1914* as in force before commencement.

[Minister's second reading speech made in—
House of Representatives on 8 October 2025
Senate on 27 November 2025]

(84/25)
