

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 March, 1970.*

## New South Wales



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.           , 1970.**

An Act to make further provision for the specification of non-parole periods in respect of certain prisoners and the release of prisoners on parole, and the constitution, powers, authorities, duties and functions of the Parole Board; for these purposes to amend the Parole of Prisoners Act, 1966; and for purposes connected therewith.

BE

*Parole of Prisoners (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Parole of Prisoners Short title. (Amendment) Act, 1970".

2. (1) The Parole of Prisoners Act, 1966, is amended— Amendment of Act No. 41, 1966.

(a) by inserting next after subsection four of section Sec. 3.  
three the following new subsections :— (Parole Board.)

(4A) The Governor may, when it appears to him to be expedient to do so, appoint a person having any of the qualifications referred to in paragraph (a) of subsection two of this section to be substitute Chairman of the Board during such period as the Governor determines, and that person shall, in the absence, during the whole or any part of that period, of both the Chairman and the Deputy Chairman of the Board, have the like powers, authorities, duties and functions as the Chairman.

(4B) Nothing in subsection (4A) of this section affects the operation of section thirty of the Interpretation Act, 1897.

(4C) Where a member of the Board (not being a person referred to in paragraph (a) of subsection two of this section) has been granted leave of absence by the Minister for a period, the Governor may appoint in his place a person to act as a member of the Board during that period, and that person shall, during that period and for the purposes of this Act, be deemed to be a member of the Board.

(4D)

*Parole of Prisoners (Amendment).*

5 (4D) If a member of the Board who has been granted leave of absence as referred to in subsection (4C) of this section is the only member who is a woman, the person appointed to act in her place under that subsection shall also be a woman.

(b) by inserting next after section three the following new sections :—

New secs.  
3A, 3B,  
3C, 3D.

10 3A. The Board shall, as soon as practicable after the thirty-first day of December in each year, furnish to the Minister for presentation to Parliament a report giving information as to the Board's activities during that year and setting out statistical information as to the number of cases considered by it, the number of persons released on parole pursuant to this Act, the number of parole orders amended, varied, rescinded or revoked by the Board, and such other matters as to the Board seem appropriate.

Annual  
report.

20 3B. The Governor may from time to time under and subject to the Public Service Act, 1902, appoint a secretary and such other officers as may be necessary for the purposes of this Act.

Secretary  
and other  
officers of  
the Board.

25 3C. A document purporting to be a certificate made or issued by the secretary of the Board recording any decision or determination of the Board shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the matters therein set out.

Certificate  
of secretary.

30 3D. (1) No member of the Board shall be liable to any action whatsoever in respect of any act or thing done or omitted to be done in the bona fide exercise or purported exercise of any power, authority, duty or function conferred or imposed on the Board or any member of the Board by or under this or any other Act.

Protection of  
members of  
Board.

(2)

*Parole of Prisoners (Amendment).*

5 (2) Nothing in subsection one of this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and that member authorised or joined in authorising.

(c) (i) by omitting subsection two of section four and by inserting in lieu thereof the following subsections :—

10 (2) Where a person to whom this section applies is, by a court, judge or justice, sentenced to a term of imprisonment and is not, at the time he is so sentenced serving a term of imprisonment, the court, judge or justice—

15 (a) shall, where the sentence is for a term of imprisonment of more than twelve months; and

(b) may, in any other case, specify a period, in this Act referred to as a "non-parole period", before the expiration of which that person shall not be released on parole pursuant to this Act.

25 (2A) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months, and any period so specified shall be deemed to commence at the time the sentence is imposed.

30 (ii) by omitting subsection four of the same section;

(iii) by omitting subsection five of the same section;

(d)

Sec. 4.  
(Specifica-  
tion of non-  
parole  
periods for  
prisoners  
sentenced  
after com-  
mencement  
of this  
Act and not  
already  
serving a  
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imprison-  
ment.)

*Parole of Prisoners (Amendment).*

(d) by inserting next after section four the following new sections :—

New secs.  
4A, 4B,  
4C.

5 4A. (1) This section applies where a person who is serving a term of imprisonment (in this section referred to as "the original term") is, after the commencement of the Parole of Prisoners (Amendment) Act, 1970, sentenced by a court, judge or justice to another term of imprisonment (in this section referred to as "the additional term")  
10 to be served cumulatively upon the original term or partly cumulatively upon, and partly concurrently with, the original term.

Specification  
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of Parole of  
Prisoners  
(Amend-  
ment) Act,  
1970,  
and already  
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term of  
imprison-  
ment.

(2) Where this section applies, the court, judge or justice imposing the additional sentence—

15 (a) shall, where the total period during which the person sentenced is to be imprisoned, as a result of the imposition of the original term and the additional term, exceeds twelve months; and

20 (b) may, in any other case,

specify a period, in this Act referred to as a "non-parole period", before the expiration of which the person so sentenced shall not be released on parole pursuant to this Act.

25 (3) Subsection two of this section has effect whether or not a non-parole period was, pursuant to this section or section four, 4B or five of this Act, specified in respect of the original sentence.

30 (4) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months and any period so specified—

35 (a) shall be deemed to have commenced on the day on which the original sentence was imposed;

(b)

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*Parole of Prisoners (Amendment).*

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5 (b) shall, subject to paragraph (c) of this subsection, be in substitution for any non-parole period specified, pursuant to section four, 4B, 4C or five of this Act, in respect of the original sentence;

10 (c) shall not have effect to the extent that it would be shorter in duration than, or purport to expire earlier than, any non-parole period for which it is in substitution; and

15 (d) shall not, where a non-parole period was not specified in respect of the original sentence, have the effect of rendering the person sentenced eligible to be released on parole pursuant to this Act earlier than the day on which he would have become eligible to be released in respect of the original term had he not been sentenced to the additional term.

20 (5) Subsection three of section four of this Act shall apply, mutatis mutandis, to and in respect of the specification of a non-parole period pursuant to this section.

25 4B. Where an appeal is lodged against the conviction of, or a sentence imposed on, a person by a court, judge or justice, the court determining the appeal may—

30 (a) vary a non-parole period specified in respect of any term of imprisonment imposed upon the conviction or by the sentence, whether or not the court varies the term of imprisonment; or

(b)

*Parole of Prisoners (Amendment).*

5 (b) specify a non-parole period in respect of any such term of imprisonment, where no period had been specified pursuant to subsection two of section four, or subsection two of section 4A, of this Act,

10 and shall, in so doing, be subject to the same obligations, restrictions and limitations to which a court, judge or justice would be subject if it or he were determining the matter otherwise than in the course of an appeal.

4c. (1) Where the Board—

15 (a) is satisfied that a court, judge or justice has, whether before or after the commencement of the Parole of Prisoners (Amendment) Act, 1970, imposed on a person a term of imprisonment that exceeds twelve months, that a non-parole period has not been specified pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that no determination or reasons therefor have been given pursuant to subsection four of section four of this Act or pursuant to that subsection as applied by subsection five of section 4A of this Act, in relation to the failure to specify that period; and

Specification of non-parole period by Board in certain circumstances.

20 (b) is satisfied from the information that is before the Board that an appeal against the conviction of, or sentence imposed on, that person, or both, has not been lodged or, if lodged, has been determined,

35 the Board may specify a period which the court, judge or justice was entitled to specify pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that period shall, for the purposes of this Act, be deemed to have been specified by the court, judge or justice.

(2)

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*Parole of Prisoners (Amendment).*

---

5 (2) Where the Board decides not to specify a period pursuant to subsection one of this section in any case where a sentence has been imposed and the Board is entitled to specify such a period, the Board—

(a) if the sentence was imposed before the commencement of the Parole of Prisoners (Amendment) Act, 1970, may; or

10 (b) if the sentence was imposed after that commencement, shall,

record its determination and the reasons therefor in its minutes.

15 (e) (i) by omitting paragraph (a) of subsection one of section six and by inserting in lieu thereof the following paragraph :— Sec. 6. (Parole orders.)

(a) where a non-parole period was specified pursuant to section four, 4A, 4B or 4C of this Act in respect of a prisoner;

20 (ii) by omitting from subsection two of the same section the word and symbol “revoke,”;

(iii) by inserting next after the same subsection the following new subsections :—

25 (2A) The Board may rescind any parole order before the person in respect of whom the parole order applies has been released thereunder.

30 (2B) The Board may revoke any parole order after the person in respect of whom the parole order applies has been released thereunder.

(2c)



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*Parole of Prisoners (Amendment).*

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5 (2C) Without affecting the generality of the foregoing provisions of this section, the Board may rescind or revoke any decision or determination made by it in pursuance of this section in relation to a prisoner and may thereafter make any other decision or determination in pursuance of this section in relation to the prisoner as if the decision or determination so rescinded or revoked had not been made.

10 (2D) Notwithstanding anything in this section, where the Board is satisfied that a person to whom a parole order applies or applied has been sentenced by a court, judge or justice to a term of imprisonment of not  
15 less than three months in respect of an offence, committed during the parole period applicable to that person by virtue of that parole order, but committed after the commencement of the Parole of Prisoners (Amendment) Act, 1970,  
20 the Board—

(a) shall, if that person has been committed to prison to serve that term of imprisonment; and

25 (b) may, if that person has not been so committed,

revoke that parole order (if it has not already been revoked), whether or not that parole period has already expired.

30 (iv) by omitting from subsection three of the same section the words "or parole officer";

35 (v) by omitting from the same subsection the words "of release on parole" and by inserting in lieu thereof the words "commencing on the day on which he was released from prison and ending on the day on which he was apprehended under such warrant";

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*Parole of Prisoners (Amendment).*

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(vi) by omitting from subsection four of the same section the word "Where" and by inserting in lieu thereof the words "Subject to subsection (2D) of this section, where".

5 (2) Subject to the provisions of the Parole of Prisoners Act, 1966, as amended by this Act, any non-parole period specified before the commencement of this Act shall continue to have force and effect after that commencement.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970  
[10c]

No. , 1970.

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# A BILL

To make further provision for the specification of non-parole periods in respect of certain prisoners and the release of prisoners on parole, and the constitution, powers, authorities, duties and functions of the Parole Board; for these purposes to amend the Parole of Prisoners Act, 1966; and for purposes connected therewith.

[MR MADDISON—11 March, 1970.]

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*Parole of Prisoners (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Parole of Prisoners Short title. (Amendment) Act, 1970".

2. (1) The Parole of Prisoners Act, 1966, is amended— Amendment of Act No. 41, 1966.

(a) by inserting next after subsection four of section three the following new subsections :— Sec. 3. (Parole Board.)

10 (4A) The Governor may, when it appears to him to be expedient to do so, appoint a person having any of the qualifications referred to in paragraph (a) of subsection two of this section to be substitute Chairman of the Board during such period as the Governor determines, and that person shall, in the absence, during the whole or any part of that period, of both the Chairman and the Deputy Chairman of the Board, have the like powers, authorities, duties and functions as the Chairman.

15 (4B) Nothing in subsection (4A) of this section affects the operation of section thirty of the Interpretation Act, 1897.

25 (4C) Where a member of the Board (not being a person referred to in paragraph (a) of subsection two of this section) has been granted leave of absence by the Minister for a period, the Governor may appoint in his place a person to act as a member of the Board during that period, and that person shall, during that period and for the purposes of this Act, be deemed to be a member of the Board.

(4D)

*Parole of Prisoners (Amendment).*

5 (4D) If a member of the Board who has been granted leave of absence as referred to in subsection (4C) of this section is the only member who is a woman, the person appointed to act in her place under that subsection shall also be a woman.

(b) by inserting next after section three the following new sections :—

10 3A. The Board shall, as soon as practicable after the thirty-first day of December in each year, furnish to the Minister for presentation to Parliament a report giving information as to the Board's activities during that year and setting out statistical information as to the number of cases considered by it, the number of persons released on parole pursuant to this Act, the number of parole orders amended, varied, rescinded or revoked by the Board, and such other matters as to the Board seem appropriate.

20 3B. The Governor may from time to time under and subject to the Public Service Act, 1902, appoint a secretary and such other officers as may be necessary for the purposes of this Act.

25 3C. A document purporting to be a certificate made or issued by the secretary of the Board recording any decision or determination of the Board shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the matters therein set out.

30 3D. (1) No member of the Board shall be liable to any action whatsoever in respect of any act or thing done or omitted to be done in the bona fide exercise or purported exercise of any power, authority, duty or function conferred or imposed on the Board or any member of the Board by or under this or any other Act.

(2)

*Parole of Prisoners (Amendment).*

5 (2) Nothing in subsection one of this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and that member authorised or joined in authorising.

(c) (i) by omitting subsection two of section four and by inserting in lieu thereof the following subsections :—

10 (2) Where a person to whom this section applies is, by a court, judge or justice, sentenced to a term of imprisonment and is not, at the time he is so sentenced serving a term of imprisonment, the court, judge or justice—

15 (a) shall, where the sentence is for a term of imprisonment of more than twelve months; and

(b) may, in any other case, specify a period, in this Act referred to as a "non-parole period", before the expiration of which that person shall not be released on parole pursuant to this Act.

25 (2A) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months, and any period so specified shall be deemed to commence at the time the sentence is imposed.

30 (ii) by omitting subsection four of the same section;

(iii) by omitting subsection five of the same section;

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Sec. 4.  
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*Parole of Prisoners (Amendment).*

(d) by inserting next after section four the following new sections :—

New secs.  
4A, 4B,  
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5 4A. (1) This section applies where a person who is serving a term of imprisonment (in this section referred to as "the original term") is, after the commencement of the Parole of Prisoners (Amendment) Act, 1970, sentenced by a court, judge or justice to another term of imprisonment (in this section referred to as "the additional term") to be served cumulatively upon the original term or partly cumulatively upon, and partly concurrently with, the original term.

Specification of non-parole periods for prisoners sentenced after commencement of Parole of Prisoners (Amendment) Act, 1970, and already serving a term of imprisonment.

15 (2) Where this section applies, the court, judge or justice imposing the additional sentence—

15 (a) shall, where the total period during which the person sentenced is to be imprisoned, as a result of the imposition of the original term and the additional term, exceeds twelve months; and

20 (b) may, in any other case, specify a period, in this Act referred to as a "non-parole period", before the expiration of which the person so sentenced shall not be released on parole pursuant to this Act.

25 (3) Subsection two of this section has effect whether or not a non-parole period was, pursuant to this section or section four, 4B or five of this Act, specified in respect of the original sentence.

30 (4) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months and any period so specified—

35 (a) shall be deemed to have commenced on the day on which the original sentence was imposed;

(b)

*Parole of Prisoners (Amendment).*

5 (b) shall, subject to paragraph (c) of this subsection, be in substitution for any non-parole period specified, pursuant to section four, 4B, 4C or five of this Act, in respect of the original sentence;

10 (c) shall not have effect to the extent that it would be shorter in duration than, or purport to expire earlier than, any non-parole period for which it is in substitution; and

15 (d) shall not, where a non-parole period was not specified in respect of the original sentence, have the effect of rendering the person sentenced eligible to be released on parole pursuant to this Act earlier than the day on which he would have become eligible to be released in respect of the original term had he not been sentenced to the additional term.

20 (5) Subsection three of section four of this Act shall apply, mutatis mutandis, to and in respect of the specification of a non-parole period pursuant to this section.

25 4B. Where an appeal is lodged against the conviction of, or a sentence imposed on, a person by a court, judge or justice, the court determining the appeal may—

30 (a) vary a non-parole period specified in respect of any term of imprisonment imposed upon the conviction or by the sentence, whether or not the court varies the term of imprisonment; or

(b)



*Parole of Prisoners (Amendment).*

5 (b) specify a non-parole period in respect of any such term of imprisonment, where no period had been specified pursuant to subsection two of section four, or subsection two of section 4A, of this Act,

10 and shall, in so doing, be subject to the same obligations, restrictions and limitations to which a court, judge or justice would be subject if it or he were determining the matter otherwise than in the course of an appeal.

4c. (1) Where the Board—

15 (a) is satisfied that a court, judge or justice has, whether before or after the commencement of the Parole of Prisoners (Amendment) Act, 1970, imposed on a person a term of imprisonment that exceeds twelve months, that a non-parole period has not been specified pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that no determination or reasons therefor have been given pursuant to subsection four of section four of this Act or pursuant to that subsection as applied by subsection five of section 4A of this Act, in relation to the failure to specify that period; and

Specification of non-parole period by Board in certain circumstances.

20 (b) is satisfied from the information that is before the Board that an appeal against the conviction of, or sentence imposed on, that person, or both, has not been lodged or, if lodged, has been determined,

35 the Board may specify a period which the court, judge or justice was entitled to specify pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that period shall, for the purposes of this Act, be deemed to have been specified by the court, judge or justice.

(2)

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*Parole of Prisoners (Amendment).*

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5 (2) Where the Board decides not to specify a period pursuant to subsection one of this section in any case where a sentence has been imposed and the Board is entitled to specify such a period, the Board—

(a) if the sentence was imposed before the commencement of the Parole of Prisoners (Amendment) Act, 1970, may; or

10 (b) if the sentence was imposed after that commencement, shall,

record its determination and the reasons therefor in its minutes.

15 (e) (i) by omitting paragraph (a) of subsection one of section six and by inserting in lieu thereof the following paragraph :— Sec. 6. (Parole orders.)

(a) where a non-parole period was specified pursuant to section four, 4A, 4B or 4C of this Act in respect of a prisoner;

20 (ii) by omitting from subsection two of the same section the word and symbol “revoke,”;

(iii) by inserting next after the same subsection the following new subsections :—

25 (2A) The Board may rescind any parole order before the person in respect of whom the parole order applies has been released thereunder.

30 (2B) The Board may revoke any parole order after the person in respect of whom the parole order applies has been released thereunder.

(2c)

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*Parole of Prisoners (Amendment).*

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5 (2C) Without affecting the generality of the foregoing provisions of this section, the Board may rescind or revoke any decision or determination made by it in pursuance of this section in relation to a prisoner and may thereafter make any other decision or determination in pursuance of this section in relation to the prisoner as if the decision or determination so rescinded or revoked had not been made.

10 (2D) Notwithstanding anything in this section, where the Board is satisfied that a person to whom a parole order applies or applied has been sentenced by a court, judge or justice to a term of imprisonment of not  
15 less than three months in respect of an offence, committed during the parole period applicable to that person by virtue of that parole order, but committed after the commencement of the Parole of Prisoners (Amendment) Act, 1970,  
20 the Board—

(a) shall, if that person has been committed to prison to serve that term of imprisonment; and

25 (b) may, if that person has not been so committed,

revoke that parole order (if it has not already been revoked), whether or not that parole period has already expired.

30 (iv) by omitting from subsection three of the same section the words "or parole officer";

35 (v) by omitting from the same subsection the words "of release on parole" and by inserting in lieu thereof the words "commencing on the day on which he was released from prison and ending on the day on which he was apprehended under such warrant";

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*Parole of Prisoners (Amendment).*

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(vi) by omitting from subsection four of the same section the word "Where" and by inserting in lieu thereof the words "Subject to subsection (2D) of this section, where".

5 (2) Subject to the provisions of the Parole of Prisoners Act, 1966, as amended by this Act, any non-parole period specified before the commencement of this Act shall continue to have force and effect after that commencement.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970  
[10c]

*PROOF*

## **PAROLE OF PRISONERS (AMENDMENT) BILL, 1970**

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### **EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to provide for the appointment of a person to act as Chairman when both the Chairman and the Deputy Chairman are absent;
- (b) to permit of the appointment of acting members during the absence of members of the Parole Board;
- (c) to require the Parole Board to furnish to Parliament an annual report as to its activities;
- (d) to provide for the appointment of a Secretary of the Parole Board;
- (e) to provide that the certificate of the Secretary as to any decision of the Parole Board shall be prima facie evidence of the matters set out in the certificate;
- (f) to protect members of the Parole Board from liability arising from acts done or omitted to be done in the bona fide exercise of the Board's powers, authorities, duties and functions;
- (g) to provide that a non-parole period need not be specified in respect of a term of imprisonment for twelve months;
- (h) to allow the Parole Board to specify a non-parole period in certain circumstances;
- (i) to permit a court of appeal to vary a non-parole period imposed in respect of a term of imprisonment notwithstanding that the term is not varied by that court;
- (j) to provide that parole orders shall be revoked by the Parole Board where a parolee has been sentenced to a term of imprisonment in excess of three months for an offence committed while on parole; and
- (k) to make other provisions of a minor or ancillary character.

TABLE OF PRISONERS (continued)

1917-1918

Faint, illegible text, likely a table or list of names and details.

PROOF

No. , 1970.

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## A BILL

To make further provision for the specification of non-parole periods in respect of certain prisoners and the release of prisoners on parole, and the constitution, powers, authorities, duties and functions of the Parole Board; for these purposes to amend the Parole of Prisoners Act, 1966; and for purposes connected therewith.

[MR MADDISON—11 March, 1970.]

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Parole of Prisoners Short title. (Amendment) Act, 1970".

2. (1) The Parole of Prisoners Act, 1966, is amended—  
Amend-  
ment of  
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41, 1966.

10 (a) by inserting next after subsection four of section three the following new subsections :—  
Sec. 3.  
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15 (4A) The Governor may, when it appears to him to be expedient to do so, appoint a person having any of the qualifications referred to in paragraph (a) of subsection two of this section to be substitute Chairman of the Board during such period as the Governor determines, and that person shall, in the absence, during the whole or any part of that period, of both the Chairman and the Deputy Chairman of the Board, have the like powers, authorities, duties and functions as the  
20 Chairman.

(4B) Nothing in subsection (4A) of this section affects the operation of section thirty of the Interpretation Act, 1897.

25 (4C) Where a member of the Board (not being a person referred to in paragraph (a) of subsection two of this section) has been granted leave of absence by the Minister for a period, the Governor may appoint in his place a person to act as a member of the Board during that period, and that  
30 person shall, during that period and for the purposes of this Act, be deemed to be a member of the Board.

(4D)



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*Parole of Prisoners (Amendment).*

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5 (4D) If a member of the Board who has been granted leave of absence as referred to in subsection (4C) of this section is the only member who is a woman, the person appointed to act in her place under that subsection shall also be a woman.

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New secs.  
3A, 3B,  
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Annual  
report.

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Secretary  
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25 3C. A document purporting to be a certificate made or issued by the secretary of the Board recording any decision or determination of the Board shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the matters therein set out.

Certificate  
of secretary.

30 3D. (1) No member of the Board shall be liable to any action whatsoever in respect of any act or thing done or omitted to be done in the bona fide exercise or purported exercise of any power, authority, duty or function conferred or imposed on the Board or any member of the Board by or under this or any other Act.

Protection of  
members of  
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(2)

*Parole of Prisoners (Amendment).*

5 (2) Nothing in subsection one of this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and that member authorised or joined in authorising.

(c) (i) by omitting subsection two of section four and by inserting in lieu thereof the following subsections :—

10 (2) Where a person to whom this section applies is, by a court, judge or justice, sentenced to a term of imprisonment and is not, at the time he is so sentenced serving a term of imprisonment, the court, judge or justice—

15 (a) shall, where the sentence is for a term of imprisonment of more than twelve months; and

(b) may, in any other case, specify a period, in this Act referred to as a "non-parole period", before the expiration of which that person shall not be released on parole pursuant to this Act.

25 (2A) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months, and any period so specified shall be deemed to commence at the time the sentence is imposed.

30 (ii) by omitting subsection four of the same section;

(iii) by omitting subsection five of the same section;

(d)

Sec. 4.  
(Specification of non-parole periods for prisoners sentenced after commencement of this Act and not already serving a term of imprisonment.)

*Parole of Prisoners (Amendment).*

(d) by inserting next after section four the following new sections :—

New secs. 4A, 4B, 4C.

5 4A. (1) This section applies where a person who is serving a term of imprisonment (in this section referred to as "the original term") is, after the commencement of the Parole of Prisoners (Amendment) Act, 1970, sentenced by a court, judge or justice to another term of imprisonment (in this section referred to as "the additional term") to be served cumulatively upon the original term or partly cumulatively upon, and partly concurrently with, the original term.

Specification of non-parole periods for prisoners sentenced after commencement of Parole of Prisoners (Amendment) Act, 1970, and already serving a term of imprisonment.

10 (2) Where this section applies, the court, judge or justice imposing the additional sentence—

15 (a) shall, where the total period during which the person sentenced is to be imprisoned, as a result of the imposition of the original term and the additional term, exceeds twelve months; and

20 (b) may, in any other case, specify a period, in this Act referred to as a "non-parole period", before the expiration of which the person so sentenced shall not be released on parole pursuant to this Act.

25 (3) Subsection two of this section has effect whether or not a non-parole period was, pursuant to this section or section four, 4B or five of this Act, specified in respect of the original sentence.

30 (4) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months and any period so specified—

35 (a) shall be deemed to have commenced on the day on which the original sentence was imposed;

(b)

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*Parole of Prisoners (Amendment).*

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5 (b) shall, subject to paragraph (c) of this subsection, be in substitution for any non-parole period specified, pursuant to section four, 4B, 4C or five of this Act, in respect of the original sentence;

10 (c) shall not have effect to the extent that it would be shorter in duration than, or purport to expire earlier than, any non-parole period for which it is in substitution; and

15 (d) shall not, where a non-parole period was not specified in respect of the original sentence, have the effect of rendering the person sentenced eligible to be released on parole pursuant to this Act earlier than the day on which he would have become eligible to be released in respect of the original term had he not been sentenced to the additional term.

20 (5) Subsection three of section four of this Act shall apply, mutatis mutandis, to and in respect of the specification of a non-parole period pursuant to this section.

25 4B. Where an appeal is lodged against the conviction of, or a sentence imposed on, a person by a court, judge or justice, the court determining the appeal may—

30 (a) vary a non-parole period specified in respect of any term of imprisonment imposed upon the conviction or by the sentence, whether or not the court varies the term of imprisonment; or

(b)

*Parole of Prisoners (Amendment).*

5 (b) specify a non-parole period in respect of any such term of imprisonment, where no period had been specified pursuant to subsection two of section four, or subsection two of section 4A, of this Act,

10 and shall, in so doing, be subject to the same obligations, restrictions and limitations to which a court, judge or justice would be subject if it or he were determining the matter otherwise than in the course of an appeal.

4c. (1) Where the Board—

15 (a) is satisfied that a court, judge or justice has, whether before or after the commencement of the Parole of Prisoners (Amendment) Act, 1970, imposed on a person a term of imprisonment that exceeds twelve months, that a non-parole period has not been specified pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that no determination or reasons therefor have been given pursuant to subsection four of section four of this Act or pursuant to that subsection as applied by subsection five of section 4A of this Act, in relation to the failure to specify that period; and

Specification of non-parole period by Board in certain circumstances.

25 (b) is satisfied from the information that is before the Board that an appeal against the conviction of, or sentence imposed on, that person, or both, has not been lodged or, if lodged, has been determined,

35 the Board may specify a period which the court, judge or justice was entitled to specify pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that period shall, for the purposes of this Act, be deemed to have been specified by the court, judge or justice.

(2)

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*Parole of Prisoners (Amendment).*

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5 (2) Where the Board decides not to specify a period pursuant to subsection one of this section in any case where a sentence has been imposed and the Board is entitled to specify such a period, the Board—

- (a) if the sentence was imposed before the commencement of the Parole of Prisoners (Amendment) Act, 1970, may; or
- 10 (b) if the sentence was imposed after that commencement, shall,

record its determination and the reasons therefor in its minutes.

15 (e) (i) by omitting paragraph (a) of subsection one of section six and by inserting in lieu thereof the following paragraph :— Sec. 6. (Parole orders.)

(a) where a non-parole period was specified pursuant to section four, 4A, 4B or 4C of this Act in respect of a prisoner;

20 (ii) by omitting from subsection two of the same section the word and symbol “revoke,”;

(iii) by inserting next after the same subsection the following new subsections :—

25 (2A) The Board may rescind any parole order before the person in respect of whom the parole order applies has been released thereunder.

30 (2B) The Board may revoke any parole order after the person in respect of whom the parole order applies has been released thereunder.

(2c)

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*Parole of Prisoners (Amendment).*

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5 (2C) Without affecting the generality of the foregoing provisions of this section, the Board may rescind or revoke any decision or determination made by it in pursuance of this section in relation to a prisoner and may thereafter make any other decision or determination in pursuance of this section in relation to the prisoner as if the decision or determination so rescinded or revoked had not been made.

10 (2D) Notwithstanding anything in this section, where the Board is satisfied that a person to whom a parole order applies or applied has been sentenced by a court, judge or justice to a term of imprisonment of not  
15 less than three months in respect of an offence, committed during the parole period applicable to that person by virtue of that parole order, but committed after the commencement of the Parole of Prisoners (Amendment) Act, 1970,  
20 the Board—

(a) shall, if that person has been committed to prison to serve that term of imprisonment; and

25 (b) may, if that person has not been so committed,

revoke that parole order (if it has not already been revoked), whether or not that parole period has already expired.

30 (iv) by omitting from subsection three of the same section the words “or parole officer”;

(v) by omitting from the same subsection the words “of release on parole” and by inserting in lieu thereof the words “commencing on the day on which he was released from prison and ending on the day on which he was  
35 apprehended under such warrant”;

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*Parole of Prisoners (Amendment).*

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(vi) by omitting from subsection four of the same section the word "Where" and by inserting in lieu thereof the words "Subject to subsection (2D) of this section, where".

5 (2) Subject to the provisions of the Parole of Prisoners Act, 1966, as amended by this Act, any non-parole period specified before the commencement of this Act shall continue to have force and effect after that commencement.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970



# New South Wales



ANNO UNDEVICESIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 33, 1970.

An Act to make further provision for the specification of non-parole periods in respect of certain prisoners and the release of prisoners on parole, and the constitution, powers, authorities, duties and functions of the Parole Board; for these purposes to amend the Parole of Prisoners Act, 1966; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

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*Parole of Prisoners (Amendment)*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.      **1.** This Act may be cited as the "Parole of Prisoners (Amendment) Act, 1970".

Amend-  
ment of  
Act No.  
41, 1966.

**2.** (1) The Parole of Prisoners Act, 1966, is amended—

Sec. 3.  
(Parole  
Board.)

(a) by inserting next after subsection four of section three the following new subsections:—

(4A) The Governor may, when it appears to him to be expedient to do so, appoint a person having any of the qualifications referred to in paragraph (a) of subsection two of this section to be substitute Chairman of the Board during such period as the Governor determines, and that person shall, in the absence, during the whole or any part of that period, of both the Chairman and the Deputy Chairman of the Board, have the like powers, authorities, duties and functions as the Chairman.

(4B) Nothing in subsection (4A) of this section affects the operation of section thirty of the Interpretation Act, 1897.

(4C) Where a member of the Board (not being a person referred to in paragraph (a) of subsection two of this section) has been granted leave of absence by the Minister for a period, the Governor may appoint in his place a person to act as a member of the Board during that period, and that person shall, during that period and for the purposes of this Act, be deemed to be a member of the Board.

(4D)

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*Parole of Prisoners (Amendment).*

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(4D) If a member of the Board who has been granted leave of absence as referred to in subsection (4C) of this section is the only member who is a woman, the person appointed to act in her place under that subsection shall also be a woman.

(b) by inserting next after section three the following new sections :—

New secs.  
3A, 3B,  
3C, 3D.

3A. The Board shall, as soon as practicable after the thirty-first day of December in each year, furnish to the Minister for presentation to Parliament a report giving information as to the Board's activities during that year and setting out statistical information as to the number of cases considered by it, the number of persons released on parole pursuant to this Act, the number of parole orders amended, varied, rescinded or revoked by the Board, and such other matters as to the Board seem appropriate.

Annual  
report.

3B. The Governor may from time to time under and subject to the Public Service Act, 1902, appoint a secretary and such other officers as may be necessary for the purposes of this Act.

Secretary  
and other  
officers of  
the Board.

3C. A document purporting to be a certificate made or issued by the secretary of the Board recording any decision or determination of the Board shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the matters therein set out.

Certificate  
of secretary.

3D. (1) No member of the Board shall be liable to any action whatsoever in respect of any act or thing done or omitted to be done in the bona fide exercise or purported exercise of any power, authority, duty or function conferred or imposed on the Board or any member of the Board by or under this or any other Act.

Protection of  
members of  
Board.

(2)

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*Parole of Prisoners (Amendment).*

---

(2) Nothing in subsection one of this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and that member authorised or joined in authorising.

Sec. 4.  
(Specifica-  
tion of non-  
parole  
periods for  
prisoners  
sentenced  
after com-  
mencement  
of this  
Act and not  
already  
serving a  
term of im-  
prison-  
ment.)

- (c) (i) by omitting subsection two of section four and by inserting in lieu thereof the following subsections :—

(2) Where a person to whom this section applies is, by a court, judge or justice, sentenced to a term of imprisonment and is not, at the time he is so sentenced serving a term of imprisonment, the court, judge or justice—

- (a) shall, where the sentence is for a term of imprisonment of more than twelve months; and
- (b) may, in any other case,

specify a period, in this Act referred to as a “non-parole period”, before the expiration of which that person shall not be released on parole pursuant to this Act.

(2A) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months, and any period so specified shall be deemed to commence at the time the sentence is imposed.

- (ii) by omitting subsection four of the same section;
- (iii) by omitting subsection five of the same section;

(d)

*Parole of Prisoners (Amendment).*

- (d) by inserting next after section four the following new sections :—

New secs.  
4A, 4B,  
4C.

4A. (1) This section applies where a person who is serving a term of imprisonment (in this section referred to as “the original term”) is, after the commencement of the Parole of Prisoners (Amendment) Act, 1970, sentenced by a court, judge or justice to another term of imprisonment (in this section referred to as “the additional term”) to be served cumulatively upon the original term or partly cumulatively upon, and partly concurrently with, the original term.

Specification  
of non-  
parole  
periods for  
prisoners  
sentenced  
after com-  
mencement  
of Parole of  
Prisoners  
(Amend-  
ment) Act,  
1970,  
and already  
serving a  
term of im-  
prison-  
ment.

(2) Where this section applies, the court, judge or justice imposing the additional sentence—

(a) shall, where the total period during which the person sentenced is to be imprisoned, as a result of the imposition of the original term and the additional term, exceeds twelve months; and

(b) may, in any other case,

specify a period, in this Act referred to as a “non-parole period”, before the expiration of which the person so sentenced shall not be released on parole pursuant to this Act.

(3) Subsection two of this section has effect whether or not a non-parole period was, pursuant to this section or section four, 4B or five of this Act, specified in respect of the original sentence.

(4) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months and any period so specified—

(a) shall be deemed to have commenced on the day on which the original sentence was imposed;

(b)

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*Parole of Prisoners (Amendment).*

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- (b) shall, subject to paragraph (c) of this subsection, be in substitution for any non-parole period specified, pursuant to section four, 4B, 4C or five of this Act, in respect of the original sentence;
- (c) shall not have effect to the extent that it would be shorter in duration than, or purport to expire earlier than, any non-parole period for which it is in substitution; and
- (d) shall not, where a non-parole period was not specified in respect of the original sentence, have the effect of rendering the person sentenced eligible to be released on parole pursuant to this Act earlier than the day on which he would have become eligible to be released in respect of the original term had he not been sentenced to the additional term.

(5) Subsection three of section four of this Act shall apply, *mutatis mutandis*, to and in respect of the specification of a non-parole period pursuant to this section.

**Appeal.**

4B. Where an appeal is lodged against the conviction of, or a sentence imposed on, a person by a court, judge or justice, the court determining the appeal may—

- (a) vary a non-parole period specified in respect of any term of imprisonment imposed upon the conviction or by the sentence, whether or not the court varies the term of imprisonment; or

(b)

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*Parole of Prisoners (Amendment).*

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- (b) specify a non-parole period in respect of any such term of imprisonment, where no period had been specified pursuant to subsection two of section four, or subsection two of section 4A, of this Act,

and shall, in so doing, be subject to the same obligations, restrictions and limitations to which a court, judge or justice would be subject if it or he were determining the matter otherwise than in the course of an appeal.

4c. (1) Where the Board—

- (a) is satisfied that a court, judge or justice has, whether before or after the commencement of the Parole of Prisoners (Amendment) Act, 1970, imposed on a person a term of imprisonment that exceeds twelve months, that a non-parole period has not been specified pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that no determination or reasons therefor have been given pursuant to subsection four of section four of this Act or pursuant to that subsection as applied by subsection five of section 4A of this Act, in relation to the failure to specify that period; and

Specification  
of non-  
parole  
period by  
Board in  
certain cir-  
cumstances.

- (b) is satisfied from the information that is before the Board that an appeal against the conviction of, or sentence imposed on, that person, or both, has not been lodged or, if lodged, has been determined,

the Board may specify a period which the court, judge or justice was entitled to specify pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that period shall, for the purposes of this Act, be deemed to have been specified by the court, judge or justice.

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*Parole of Prisoners (Amendment).*

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(2) Where the Board decides not to specify a period pursuant to subsection one of this section in any case where a sentence has been imposed and the Board is entitled to specify such a period, the Board—

(a) if the sentence was imposed before the commencement of the Parole of Prisoners (Amendment) Act, 1970, may; or

(b) if the sentence was imposed after that commencement, shall,

record its determination and the reasons therefor in its minutes.

Sec. 6.  
(Parole  
orders.)

(e) (i) by omitting paragraph (a) of subsection one of section six and by inserting in lieu thereof the following paragraph :—

(a) where a non-parole period was specified pursuant to section four, 4A, 4B or 4C of this Act in respect of a prisoner;

(ii) by omitting from subsection two of the same section the word and symbol “revoke,”;

(iii) by inserting next after the same subsection the following new subsections :—

(2A) The Board may rescind any parole order before the person in respect of whom the parole order applies has been released thereunder.

(2B) The Board may revoke any parole order after the person in respect of whom the parole order applies has been released thereunder.

(2C)



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*Parole of Prisoners (Amendment).*

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(2C) Without affecting the generality of the foregoing provisions of this section, the Board may rescind or revoke any decision or determination made by it in pursuance of this section in relation to a prisoner and may thereafter make any other decision or determination in pursuance of this section in relation to the prisoner as if the decision or determination so rescinded or revoked had not been made.

(2D) Notwithstanding anything in this section, where the Board is satisfied that a person to whom a parole order applies or applied has been sentenced by a court, judge or justice to a term of imprisonment of not less than three months in respect of an offence, committed during the parole period applicable to that person by virtue of that parole order, but committed after the commencement of the Parole of Prisoners (Amendment) Act, 1970, the Board—

(a) shall, if that person has been committed to prison to serve that term of imprisonment; and

(b) may, if that person has not been so committed,

revoke that parole order (if it has not already been revoked), whether or not that parole period has already expired.

(iv) by omitting from subsection three of the same section the words “or parole officer”;

(v) by omitting from the same subsection the words “of release on parole” and by inserting in lieu thereof the words “commencing on the day on which he was released from prison and ending on the day on which he was apprehended under such warrant”;

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*Parole of Prisoners (Amendment).*

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- (vi) by omitting from subsection four of the same section the word "Where" and by inserting in lieu thereof the words "Subject to subsection (2D) of this section, where".

(2) Subject to the provisions of the Parole of Prisoners Act, 1966, as amended by this Act, any non-parole period specified before the commencement of this Act shall continue to have force and effect after that commencement.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 26 March, 1970.*

## New South Wales



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 33, 1970.**

An Act to make further provision for the specification of non-parole periods in respect of certain prisoners and the release of prisoners on parole, and the constitution, powers, authorities, duties and functions of the Parole Board; for these purposes to amend the Parole of Prisoners Act, 1966; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*Parole of Prisoners (Amendment)*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.      **1.** This Act may be cited as the "Parole of Prisoners (Amendment) Act, 1970".

Amend-  
ment of  
Act No.  
41, 1966.

**2.** (1) The Parole of Prisoners Act, 1966, is amended—

Sec. 3.  
(Parole  
Board.)

(a) by inserting next after subsection four of section three the following new subsections:—

(4A) The Governor may, when it appears to him to be expedient to do so, appoint a person having any of the qualifications referred to in paragraph (a) of subsection two of this section to be substitute Chairman of the Board during such period as the Governor determines, and that person shall, in the absence, during the whole or any part of that period, of both the Chairman and the Deputy Chairman of the Board, have the like powers, authorities, duties and functions as the Chairman.

(4B) Nothing in subsection (4A) of this section affects the operation of section thirty of the Interpretation Act, 1897.

(4C) Where a member of the Board (not being a person referred to in paragraph (a) of subsection two of this section) has been granted leave of absence by the Minister for a period, the Governor may appoint in his place a person to act as a member of the Board during that period, and that person shall, during that period and for the purposes of this Act, be deemed to be a member of the Board.

(4D)

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*Parole of Prisoners (Amendment).*

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(4D) If a member of the Board who has been granted leave of absence as referred to in subsection (4C) of this section is the only member who is a woman, the person appointed to act in her place under that subsection shall also be a woman.

(b) by inserting next after section three the following new sections :—

New secs.  
3A, 3B,  
3C, 3D.

3A. The Board shall, as soon as practicable after the thirty-first day of December in each year, furnish to the Minister for presentation to Parliament a report giving information as to the Board's activities during that year and setting out statistical information as to the number of cases considered by it, the number of persons released on parole pursuant to this Act, the number of parole orders amended, varied, rescinded or revoked by the Board, and such other matters as to the Board seem appropriate.

Annual  
report.

3B. The Governor may from time to time under and subject to the Public Service Act, 1902, appoint a secretary and such other officers as may be necessary for the purposes of this Act.

Secretary  
and other  
officers of  
the Board.

3C. A document purporting to be a certificate made or issued by the secretary of the Board recording any decision or determination of the Board shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the matters therein set out.

Certificate  
of secretary.

3D. (1) No member of the Board shall be liable to any action whatsoever in respect of any act or thing done or omitted to be done in the bona fide exercise or purported exercise of any power, authority, duty or function conferred or imposed on the Board or any member of the Board by or under this or any other Act.

Protection of  
members of  
Board.

(2)

---

*Parole of Prisoners (Amendment).*

---

(2) Nothing in subsection one of this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and that member authorised or joined in authorising.

Sec. 4.  
(Specifica-  
tion of non-  
parole  
periods for  
prisoners  
sentenced  
after com-  
mencement  
of this  
Act and not  
already  
serving a  
term of  
imprison-  
ment.)

(c) (i) by omitting subsection two of section four and by inserting in lieu thereof the following subsections :—

(2) Where a person to whom this section applies is, by a court, judge or justice, sentenced to a term of imprisonment and is not, at the time he is so sentenced serving a term of imprisonment, the court, judge or justice—

(a) shall, where the sentence is for a term of imprisonment of more than twelve months; and

(b) may, in any other case,

specify a period, in this Act referred to as a “non-parole period”, before the expiration of which that person shall not be released on parole pursuant to this Act.

(2A) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months, and any period so specified shall be deemed to commence at the time the sentence is imposed.

(ii) by omitting subsection four of the same section;

(iii) by omitting subsection five of the same section;

(d)

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*Parole of Prisoners (Amendment).*

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- (d) by inserting next after section four the following new sections :—

New secs.  
4A, 4B,  
4C.

4A. (1) This section applies where a person who is serving a term of imprisonment (in this section referred to as "the original term") is, after the commencement of the Parole of Prisoners (Amendment) Act, 1970, sentenced by a court, judge or justice to another term of imprisonment (in this section referred to as "the additional term") to be served cumulatively upon the original term or partly cumulatively upon, and partly concurrently with, the original term.

Specification  
of non-  
parole  
periods for  
prisoners  
sentenced  
after com-  
mencement  
of Parole of  
Prisoners  
(Amend-  
ment) Act,  
1970,  
and already  
serving a  
term of  
imprison-  
ment.

(2) Where this section applies, the court, judge or justice imposing the additional sentence—

(a) shall, where the total period during which the person sentenced is to be imprisoned, as a result of the imposition of the original term and the additional term, exceeds twelve months; and

(b) may, in any other case,

specify a period, in this Act referred to as a "non-parole period", before the expiration of which the person so sentenced shall not be released on parole pursuant to this Act.

(3) Subsection two of this section has effect whether or not a non-parole period was, pursuant to this section or section four, 4B or five of this Act, specified in respect of the original sentence.

(4) A court, judge or justice shall not, in imposing a sentence, specify pursuant to subsection two of this section a period of less than six months and any period so specified—

(a) shall be deemed to have commenced on the day on which the original sentence was imposed;

(b)

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*Parole of Prisoners (Amendment).*

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- (b) shall, subject to paragraph (c) of this subsection, be in substitution for any non-parole period specified, pursuant to section four, 4B, 4C or five of this Act, in respect of the original sentence;
- (c) shall not have effect to the extent that it would be shorter in duration than, or purport to expire earlier than, any non-parole period for which it is in substitution; and
- (d) shall not, where a non-parole period was not specified in respect of the original sentence, have the effect of rendering the person sentenced eligible to be released on parole pursuant to this Act earlier than the day on which he would have become eligible to be released in respect of the original term had he not been sentenced to the additional term.

(5) Subsection three of section four of this Act shall apply, mutatis mutandis, to and in respect of the specification of a non-parole period pursuant to this section.

**Appeal.**

4B. Where an appeal is lodged against the conviction of, or a sentence imposed on, a person by a court, judge or justice, the court determining the appeal may—

- (a) vary a non-parole period specified in respect of any term of imprisonment imposed upon the conviction or by the sentence, whether or not the court varies the term of imprisonment; or

(b)



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*Parole of Prisoners (Amendment).*

---

- (b) specify a non-parole period in respect of any such term of imprisonment, where no period had been specified pursuant to subsection two of section four, or subsection two of section 4A, of this Act,

and shall, in so doing, be subject to the same obligations, restrictions and limitations to which a court, judge or justice would be subject if it or he were determining the matter otherwise than in the course of an appeal.

4c. (1) Where the Board—

- (a) is satisfied that a court, judge or justice has, whether before or after the commencement of the Parole of Prisoners (Amendment) Act, 1970, imposed on a person a term of imprisonment that exceeds twelve months, that a non-parole period has not been specified pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that no determination or reasons therefor have been given pursuant to subsection four of section four of this Act or pursuant to that subsection as applied by subsection five of section 4A of this Act, in relation to the failure to specify that period; and
- (b) is satisfied from the information that is before the Board that an appeal against the conviction of, or sentence imposed on, that person, or both, has not been lodged or, if lodged, has been determined,

Specification  
of non-  
parole  
period by  
Board in  
certain cir-  
cumstances.

the Board may specify a period which the court, judge or justice was entitled to specify pursuant to section four or 4A of this Act in relation to that term of imprisonment, and that period shall, for the purposes of this Act, be deemed to have been specified by the court, judge or justice.

(2)

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*Parole of Prisoners (Amendment).*

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(2) Where the Board decides not to specify a period pursuant to subsection one of this section in any case where a sentence has been imposed and the Board is entitled to specify such a period, the Board—

- (a) if the sentence was imposed before the commencement of the Parole of Prisoners (Amendment) Act, 1970, may; or
- (b) if the sentence was imposed after that commencement, shall,

record its determination and the reasons therefor in its minutes.

Sec. 6.  
(Parole  
orders.)

- (e) (i) by omitting paragraph (a) of subsection one of section six and by inserting in lieu thereof the following paragraph :—

- (a) where a non-parole period was specified pursuant to section four, 4A, 4B or 4C of this Act in respect of a prisoner;

- (ii) by omitting from subsection two of the same section the word and symbol “revoke,”;

- (iii) by inserting next after the same subsection the following new subsections :—

- (2A) The Board may rescind any parole order before the person in respect of whom the parole order applies has been released thereunder.

- (2B) The Board may revoke any parole order after the person in respect of whom the parole order applies has been released thereunder.

(2c)

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*Parole of Prisoners (Amendment).*

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(2C) Without affecting the generality of the foregoing provisions of this section, the Board may rescind or revoke any decision or determination made by it in pursuance of this section in relation to a prisoner and may thereafter make any other decision or determination in pursuance of this section in relation to the prisoner as if the decision or determination so rescinded or revoked had not been made.

(2D) Notwithstanding anything in this section, where the Board is satisfied that a person to whom a parole order applies or applied has been sentenced by a court, judge or justice to a term of imprisonment of not less than three months in respect of an offence, committed during the parole period applicable to that person by virtue of that parole order, but committed after the commencement of the Parole of Prisoners (Amendment) Act, 1970, the Board—

(a) shall, if that person has been committed to prison to serve that term of imprisonment; and

(b) may, if that person has not been so committed,

revoke that parole order (if it has not already been revoked), whether or not that parole period has already expired.

(iv) by omitting from subsection three of the same section the words "or parole officer";

(v) by omitting from the same subsection the words "of release on parole" and by inserting in lieu thereof the words "commencing on the day on which he was released from prison and ending on the day on which he was apprehended under such warrant";

(vi)

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*Parole of Prisoners (Amendment).*

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(vi) by omitting from subsection four of the same section the word "Where" and by inserting in lieu thereof the words "Subject to subsection (2D) of this section, where".

(2) Subject to the provisions of the Parole of Prisoners Act, 1966, as amended by this Act, any non-parole period specified before the commencement of this Act shall continue to have force and effect after that commencement.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 8th April, 1970.*