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.*

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 8 *June,* 1977.

New South Wales

ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1977.

An Act to amend the Prisons Act, 1952, to enable certain persons, in addition to the Commissioner of Corrective Services, to permit the temporary absence of prisoners from prisons in certain circumstances and to enable the Commissioner to delegate certain of his functions under that Act.

BE

BE 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 "Prisons (Amendment) Act, 1977". Short title.

2. The Prisons Act, 1952, is amended— Amendment of Act No. 9, 1952.

(a) (i) by inserting in section 29 (2) after the word "Commissioner" where firstly occurring the words ", the Deputy Commissioner of Corrective Services, a prescribed officer of the Public Service employed in the administration of this Act or a member of a prescribed class or description of officers so employed"; Sec. 29. (Absence from prison in certain circumstances permitted.)

(ii) by inserting in section 29 (2) after the word "Commissioner" where secondly occurring the words ", the Deputy Commissioner, the prescribed officer or a member of the prescribed class or description, as the case may be,";

(b) by inserting after section 48C the following section :— Sec. 48D.

48D. (1) The Commissioner may, by instrument in writing, delegate— Delegation by the Commissioner.

(a) to the Deputy Commissioner of Corrective Services;

(b) to an officer of the Public Service employed in the administration of this Act; or

(c)

(c) to a member of such class or description of officers of the Public Service employed in the administration of this Act as is specified in the instrument of delegation,

the exercise or performance of such of the powers (other than this power of delegation and the powers conferred under sections 29 (2) and 49), authorities, duties or functions conferred or imposed on the Commissioner by or under this or any other Act or the regulations or rules made under this or any other Act as may be specified in the instrument of delegation and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Commissioner may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5)

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Commissioner.

(6) An instrument purporting to be signed by a delegate of the Commissioner in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Commissioner and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commissioner under this section.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[8c]

PRISONS (AMENDMENT) BILL, 1977

No. , 1977.

A BILL FOR

An Act to amend the Prisons Act, 1952, to enable certain persons, in addition to the Commissioner of Corrective Services, to permit the temporary absence of prisoners from prisons in certain circumstances and to enable the Commissioner to delegate certain of his functions under that Act.

[MR HAIGH—7 *June*, 1977.]

BE

27103 113—

Prisons (Amendment).

BE 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 "Prisons (Amendment) Act, 1977". Short title.

2. The Prisons Act, 1952, is amended— Amendment of Act No. 9, 1952.

(a) (i) by inserting in section 29 (2) after the word "Commissioner" where firstly occurring the words ", the Deputy Commissioner of Corrective Services, a prescribed officer of the Public Service employed in the administration of this Act or a member of a prescribed class or description of officers so employed"; Sec. 29. (Absence from prison in certain circumstances permitted.)

(ii) by inserting in section 29 (2) after the word "Commissioner" where secondly occurring the words ", the Deputy Commissioner, the prescribed officer or a member of the prescribed class or description, as the case may be,";

(b) by inserting after section 48C the following section :— Sec. 48D.

48D. (1) The Commissioner may, by instrument in writing, delegate— Delegation by the Commissioner.

(a) to the Deputy Commissioner of Corrective Services;

(b) to an officer of the Public Service employed in the administration of this Act; or

(c)

(c) to a member of such class or description of officers of the Public Service employed in the administration of this Act as is specified in the instrument of delegation,

the exercise or performance of such of the powers (other than this power of delegation and the powers conferred under sections 29 (2) and 49), authorities, duties or functions conferred or imposed on the Commissioner by or under this or any other Act or the regulations or rules made under this or any other Act as may be specified in the instrument of delegation and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Commissioner may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5)

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Commissioner.

(6) An instrument purporting to be signed by a delegate of the Commissioner in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Commissioner and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commissioner under this section.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[8c]

PROOF

PRISONS (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

(a) to enable the Deputy Commissioner of Corrective Services and certain other prescribed persons, in addition to the Commissioner of Corrective Services, to permit the temporary absence of prisoners from prisons in certain circumstances (clause 2 (a)); and

(b) to enable the Commissioner of Corrective Services to delegate the exercise or performance of his powers, authorities, duties and functions under the Prisons Act, 1952, other than that power of delegation, the power to permit the temporary absence of prisoners from prisons in certain circumstances and the power to make rules for the control and management of prisons, to the Deputy Commissioner of Corrective Services or certain officers of the Public Service employed in the administration of that Act (clause 2 (b)).

27103 113—

PROOF

PRISONS (AMENDMENT) BILL, 1977

No. , 1977.

A BILL FOR

An Act to amend the Prisons Act, 1952, to enable certain persons, in addition to the Commissioner of Corrective Services, to permit the temporary absence of prisoners from prisons in certain circumstances and to enable the Commissioner to delegate certain of his functions under that Act.

[MR HAIGH— 7 *June*, 1977.]

BE

27103 113—

Prisons (Amendment).

BE 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 "Prisons (Amendment) Act, 1977". Short title.

2. The Prisons Act, 1952, is amended— Amendment of Act No. 9, 1952.

(a) (i) by inserting in section 29 (2) after the word "Commissioner" where firstly occurring the words ", the Deputy Commissioner of Corrective Services, a prescribed officer of the Public Service employed in the administration of this Act or a member of a prescribed class or description of officers so employed"; Sec. 29. (Absence from prison in certain circumstances permitted.)

(ii) by inserting in section 29 (2) after the word "Commissioner" where secondly occurring the words ", the Deputy Commissioner, the prescribed officer or a member of the prescribed class or description, as the case may be,";

(b) by inserting after section 48C the following section :— Sec. 48D.

48D. (1) The Commissioner may, by instrument in writing, delegate— Delegation by the Commissioner.

(a) to the Deputy Commissioner of Corrective Services;

(b) to an officer of the Public Service employed in the administration of this Act; or

(c)

(c) to a member of such class or description of officers of the Public Service employed in the administration of this Act as is specified in the instrument of delegation,

5 the exercise or performance of such of the powers (other than this power of delegation and the powers conferred under sections 29 (2) and 49), authorities, duties or functions conferred or imposed on the Commissioner by or under this or any other 10 Act or the regulations or rules made under this or any other Act as may be specified in the instrument of delegation and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, 15 the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom 20 the exercise or performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of 25 the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Commissioner may continue 30 to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5)

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Commissioner.

(6) An instrument purporting to be signed by a delegate of the Commissioner in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Commissioner and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commissioner under this section.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

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.

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 18 *August,* 1977.

New South Wales

ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

* *

Act No. 64, 1977.

An Act to amend the Prisons Act, 1952, to enable certain persons, in addition to the Commissioner of Corrective Services, to permit the temporary absence of prisoners from prisons in certain circumstances and to enable the Commissioner to delegate certain of his functions under that Act. [Assented to, 7th September, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

BE 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 "Prisons (Amendment) Act, 1977".

Amendment of Act No. 9, 1952.

2. The Prisons Act, 1952, is amended—

Sec. 29. (Absence from prison in certain circumstances permitted.)

(a) (i) by inserting in section 29 (2) after the word "Commissioner" where firstly occurring the words ", the Deputy Commissioner of Corrective Services, a prescribed officer of the Public Service employed in the administration of this Act or a member of a prescribed class or description of officers so employed";

(ii) by inserting in section 29 (2) after the word "Commissioner" where secondly occurring the words ", the Deputy Commissioner, the prescribed officer or a member of the prescribed class or description, as the case may be,";

Sec. 48D.

(b) by inserting after section 48C the following section :—

Delegation by the Commissioner.

48D. (1) The Commissioner may, by instrument in writing, delegate—

(a) to the Deputy Commissioner of Corrective Services;

(b) to an officer of the Public Service employed in the administration of this Act; or

(c)

(c) to a member of such class or description of officers of the Public Service employed in the administration of this Act as is specified in the instrument of delegation,

the exercise or performance of such of the powers (other than this power of delegation and the powers conferred under sections 29 (2) and 49), authorities, duties or functions conferred or imposed on the Commissioner by or under this or any other Act or the regulations or rules made under this or any other Act as may be specified in the instrument of delegation and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Commissioner may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5)

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Commissioner.

(6) An instrument purporting to be signed by a delegate of the Commissioner in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Commissioner and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commissioner under this section.

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 7th September, 1977.