

PRISONS (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

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

The Statutory and Other Offices Remuneration (Corrective Services) Amendment Bill, 1978, is cognate with this Bill.

1. The objects of this Bill are to constitute the Corrective Services Commission of New South Wales and to transfer to it the powers, authorities, duties and functions formerly conferred or imposed on the Commissioner of Corrective Services, to constitute the Corrective Services Advisory Council and to make other amendments to the Prisons Act, 1952.

2. Clauses 1-3 contain the usual preliminary provisions—the short title, commencement and arrangement of provisions.

3. Clause 4 effects the amendments to the Prisons Act, 1952, that are set forth in Schedules 1, 2 and 3.

4. Clause 5 substitutes the word "Commission" for the word "Commissioner" in all relevant places in the Prisons Act, 1952.

5. Clause 6 effects amendments to Acts specified in Schedule 4 that are consequential upon the substitution of the Commission for the Commissioner.

6. Clause 7 provides for references in any Act or instrument to certain defunct persons or bodies to be construed in accordance with the new nomenclature.

7. Clause 8 contains a transitional provision to continue the effect of any thing done, omitted to be done or suffered by the Commissioner or Deputy Commissioner of Corrective Services before the commencement of the amending provisions contained in the Bill.

8. Schedule 1 contains amendments to the Prisons Act, 1952, relating to the constitution of the Corrective Services Commission of New South Wales and other minor amendments.

The Corrective Services Commission is to be constituted by a substituted section 6 of the Prisons Act, 1952, and provisions relating to its constitution and procedure are to be found in a new Schedule 3 to be inserted in that Act (Schedule 1 (4), (17)).

A new section 7A, to be inserted in the Prisons Act, 1952, will provide for the Chairman of the Commission, as its chief executive officer, to be responsible for the management of the Department of Corrective Services in accordance with directions given to him by the Commission and to have such of the powers, authorities, duties and functions conferred or imposed on the Commission by the Prisons Act, 1952, or any other Act, by regulations made under any such Act or by the prison rules as may be prescribed (Schedule 1 (5)).

Section 17 of the Prisons Act, 1952, which deals with prisoners suffering from a venereal disease is to be repealed, as section 16 of the Act is adequate to deal with those prisoners (Schedule 1 (6)).

9. Under a new section 7B, to be inserted in the Prisons Act, 1952, there is to be constituted the Corrective Services Advisory Council to consist of not more than 15 members appointed by the Minister of whom—

- (a) one shall be a Judge of the Supreme Court or the District Court; and
- (b) the remaining members shall be persons who have had experience in one of the following disciplines or activities, namely, criminology, religion, sociology, behavioural science, social work, law, medicine, psychiatry, psychology, public administration, education, representation of employees or representation of employers, or in any similar or related discipline or activity (Schedule 2 (2)).

Under a new section 7C, to be inserted in the Prisons Act, 1952, the Corrective Services Advisory Council—

- (a) is to be required to investigate and report to the Minister on such policies, practices and programmes of the Commission and other matters relating to the powers, authorities, duties and functions of the Commission as are referred to it by the Minister for investigation and report; and
- (b) is to be given power, with the approval of the Minister, to investigate and report to the Minister on any of the matters referred to in paragraph (a) (Schedule 2 (2)).

10. The Bill contains amendments to the Prisons Act, 1952, by way of statute law revision (Schedule 3).

11. The Bill also contains provisions of a consequential, minor or ancillary character.

PRISONS (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Prisons Act, 1952, for the purpose of constituting the Corrective Services Commission of New South Wales and transferring to it the powers, authorities, duties and functions formerly conferred or imposed on the Commissioner of Corrective Services; and for other purposes.

[MR HAIGH—28 *November*, 1978.]

See also the Statutory and Other Offices Remuneration (Corrective Services) Amendment Bill, 1978.

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 :—

5 **1.** This Act may be cited as the "Prisons (Amendment) Act, Short title. 1978".

2. (1) Except as provided by subsection (2), this Act shall **Commence-**
commence on the date of assent to this Act. **ment.**

(2) Sections 4 to 8 and Schedules 1 to 4 shall commence
10 on such day as may be appointed by the Governor in respect thereof
and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— **Schedules.**

15 **SCHEDULE 1.—AMENDMENTS TO THE PRISONS ACT, 1952,
RELATING TO THE CONSTITUTION OF THE CORRECTIVE
SERVICES COMMISSION OF NEW SOUTH WALES.**

**SCHEDULE 2.—AMENDMENTS TO THE PRISONS ACT, 1952,
RELATING TO THE CONSTITUTION OF THE CORRECTIVE
SERVICES ADVISORY COUNCIL.**

20 **SCHEDULE 3.—AMENDMENTS TO THE PRISONS ACT, 1952,
BY WAY OF STATUTE LAW REVISION.**

**SCHEDULE 4.—AMENDMENTS TO ACTS CONSEQUENT
UPON THE CONSTITUTION OF THE CORRECTIVE SERVICES
COMMISSION OF NEW SOUTH WALES.**

4. The Prisons Act, 1952, is amended in the manner set forth **Amendment**
25 in Schedules 1, 2 and 3. **of Act No.**
9, 1952.

Prisons (Amendment).

5. The Prisons Act, 1952, is further amended—
- (a) by omitting therefrom (sections 4, 6, 17, 29 (2), 41 (4) and 48D excepted) the word “Commissioner” wherever occurring and by inserting instead the word “Commissioner”;
- (b) by omitting from section 22 (1) the words “he may” and by inserting instead the words “it or he may”.
6. Each Act specified in Column 1 of the Table in Schedule 4 is amended in the manner set out opposite that Act in Column 2 of that Table.
7. A reference in any Act, in any instrument made under any Act or in any other instrument of any kind—
- (a) to the Comptroller-General of Prisons, the Deputy Comptroller-General of Prisons, the Commissioner of Corrective Services or the Deputy Commissioner of Corrective Services shall be read as a reference to the Corrective Services Commission of New South Wales; or
- (b) to the Department of Prisons shall be read as a reference to the Department of Corrective Services.
8. (1) Any thing done, omitted to be done or suffered by the Commissioner of Corrective Services or the Deputy Commissioner of Corrective Services before the day appointed and notified under section 2 (2) shall on and after that day have the same force and effect as it would have had if it had been done, omitted to be done or suffered by the Corrective Services Commission of New South Wales and if the provisions of sections 4 to 6 and Schedules 1 to 4 had been in force when it was done, omitted to be done or suffered.
- (2) Subsection (1) does not apply to a delegation made by the Commissioner of Corrective Services under section 48D of the Prisons Act, 1952, as in force at any time before the day appointed and notified under section 2 (2).

Further amendment of Act No. 9, 1952.

Consequential amendments.

References to Commissioner of Corrective Services, etc.

Transitional.

Prisons (Amendment).

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES.

5 (1) (a) Section 3 (1)—

Omit "the First Schedule to this Act", insert instead
"Schedule 1".

(b) Section 3 (4)—

10 Omit "the Second Schedule", insert instead "Schedule
2".

(2) (a) Section 4, definitions of "Chairman", "Commission",
"Commissioner"—

Omit the definition of "Commissioner", insert
instead :—

15 "Chairman" means the Chairman of the Commis-
sion;

"Commission" means the Corrective Services Com-
mission of New South Wales;

20 "Commissioner" means a person holding office as
a member of the Commission;

(b) Section 4, definition of "Deputy Chairman"—

After the definition of "convicted prisoner", insert :—

"Deputy Chairman" means the Deputy Chairman
of the Commission;

25 (c) Section 4, definition of "prison rules"—

After the definition of "prison", insert :—

"prison rules" means rules that have been made
under section 49 and are in force;

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 (3) Section 5 (3)—

Omit the subsection.

(4) Section 6—

Omit the section, insert instead :—

10 6. (1) There is hereby constituted a corporation under
the name of the "Corrective Services Commission of New
South Wales".

Constitu-
tion of
Corrective
Services
Commis-
sion of New
South Wales.

(2) Schedule 3 has effect with respect to the con-
stitution and procedure of the Commission.

(5) Section 7A—

15 After section 7, insert :—

7A. (1) The Chairman—

Chairman's
powers,
authorities,
duties and
functions.

20 (a) as the chief executive officer of the Commission,
shall be responsible for the management of the
Department of Corrective Services in accordance
with any directions given to him by the Com-
mission; and

25 (b) subject to any limitations or restrictions specified
in regulations made for the purposes of this
paragraph, shall have and may exercise and
perform such of the Commission's powers,
authorities, duties and functions under this or any
other Act, under regulations made under this or
any other Act or under the prison rules as
30 may be specified in regulations made for the
purposes of this paragraph.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 (2) A regulation made for the purposes of sub-
section (1) (b) may specify any power, authority, duty or
function in general or particular terms or by reference to
the provision of the Act, regulation or prison rules by
which it is conferred or imposed on the Commission.

10 (3) Any thing done, omitted to be done or suffered
by the Chairman while acting pursuant to subsection (1)
(b) shall be deemed to have been done, omitted to be done
or suffered by the Commission.

15 (4) An instrument purporting to be signed by the
Chairman and relating to the purported exercise or perfor-
mance of any power, authority, duty or function specified
in regulations made for the purposes of subsection (1) (b)
shall in all courts and before all persons acting judicially
20 be received in evidence as if it were an instrument executed
by the Commission under seal and, until the contrary is
proved, shall be deemed to be an instrument signed by
the Chairman.

25 (5) Nothing in subsection (1) prevents the
Commission from exercising or performing any power,
authority, duty or function specified in regulations made
for the purposes of subsection (1) (b).

(6) Section 17—

Omit the section.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- 5 (7) (a) Section 23—
Omit “or of a prison officer” wherever occurring,
insert instead “, of a full-time Commissioner or of a
prison officer”.
- (b) Section 23—
20 Omit “or a prison officer”, insert instead “, a full-time
Commissioner or a prison officer”.
- (c) Section 23—
Omit “and prison officers”, insert instead “, the full-
time Commissioners and prison officers”.
- 15 (8) (a) Section 29 (1)—
Omit “Minister” wherever occurring, insert instead
“Commission”.
- (b) Section 29 (2)—
Omit the subsection.
- 20 (9) Section 29A—
Omit “subsection (1) or (2) of section 29”, insert instead
“section 29 (1)”.
- (10) Section 30—
25 After “All”, insert “persons employed in the Department
of Corrective Services and all”.
- (11) Section 41 (4)—
Omit “the Commissioner”, insert instead “any full-time
Commissioner”.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 (12) (a) Section 48A (1)—

Omit "Minister" wherever occurring, insert instead
"Commission".

(b) Section 48A (2)—

Omit "approved by the Minister".

10 (c) Section 48A (3)—

Omit "Minister", insert instead "Commission".

(13) Section 48C—

After "operation of the", insert "Commission and the".

(14) Section 48D—

15 Omit the section, insert instead :—

48D. (1) The Commission may, by resolution, delegate Delegation.
to—

20 (a) a full-time Commissioner or an officer of the
Public Service employed in the administration of
this Act; or

(b) a person belonging to such class of officers of the
Public Service so employed as is specified in the
resolution,

25 the exercise or performance of such of the Commission's
powers, authorities, duties or functions (other than this
power of delegation, a power, authority, duty or function
which the Chairman may, under section 7A (1) (b),
exercise or perform or the Commission's power under

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 section 49) under this or any other Act, under regulations
made under this or any other Act or under the prison rules
as are specified in the resolution, and may, by a further
resolution, revoke wholly or in part any such delegation.

10 (2) The Chairman may, by instrument in writing,
delegate to—

(a) either of the other full-time Commissioners or
an officer of the Public Service employed in the
administration of this Act; or

15 (b) a person belonging to such class of officers of the
Public Service so employed as is specified in the
instrument of delegation,

20 the exercise or performance of such of the powers,
authorities, duties or functions of the Chairman under
section 7A (1) (b) as are specified in the instrument of
delegation and may, by a further instrument in writing,
revoke wholly or in part any such delegation.

25 (3) 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.

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

(5) Notwithstanding any delegation under this
section, the Commission or the Chairman, as the case may
be, may continue to exercise or perform all or any of the
powers, authorities, duties or functions delegated.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 (6) Any thing done, omitted to be done or suffered by a delegate while acting in the exercise of a delegation under this section shall be deemed to have been done, omitted to be done or suffered by the Commission or the Chairman, as the case may be.

10 (7) An instrument purporting to be signed by a delegate of the Commission or the Chairman 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 Commission under seal or by
15 the Chairman, as the case may be, and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commission or the Chairman, as the case may be, under this section.

(15) First Schedule, heading—

20 Omit "FIRST SCHEDULE", insert instead "SCHEDULE 1".

(16) Second Schedule, heading—

Omit "SECOND SCHEDULE", insert instead "SCHEDULE 2".

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 (17) Schedule 3—

After the Second Schedule, insert :—

SCHEDULE 3.

Sec. 6.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COMMISSION.

- 10 (1) The Commission shall consist of 5 Commissioners appointed in accordance with subclause (2) of this clause. Composition
of the
Commission
- (2) Of the Commissioners—
- (a) 3 shall be appointed, by an instrument in writing executed by the Governor, as full-time Commissioners; and
- 15 (b) 2 shall be appointed, by an instrument in writing executed by the Governor, as part-time Commissioners.
- (3) The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a person as a Commissioner and a Commissioner, in his capacity as a Commissioner, is not, except as provided in subclause (4) of this clause, subject to
- 20 the provisions of that Act during his term of office.
- (4) If the terms and conditions on which a Commissioner is appointed so provide, any specified provisions of the Public Service Act, 1902, of the regulations thereunder, or of the Public Service
- 25 (Amendment) Act, 1919 (with or without any specified modifications) apply, except to the extent of any inconsistency between any such provision and any provision of this Act, to and in respect of him as if he were an officer within the meaning of the Public Service (Amendment) Act, 1919.
- 30 2. A person who is of or above the age of 65 years shall not be appointed as a Commissioner or to act in the office of a Commissioner under clause 8 (4). Age of Com-
missioners.
- 35 3. (1) A Commissioner shall, subject to this Act, be appointed for such term, not exceeding 7 years, as may be specified in the instrument of his appointment. Terms of
office of
Commis-
sioners.
- (2) A Commissioner is, subject to this Act, eligible for re-appointment from time to time for a further term not exceeding 7 years.

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- 5 4. One of the full-time Commissioners shall, by the instrument of his appointment as a Commissioner or by another instrument executed by the Governor, be appointed as Chairman and another of them as Deputy Chairman. Chairman and Deputy Chairman.
- 10 5. The full-time Commissioners shall devote the whole of their time to the duties of their offices. Provisions relating to full-time Commissioners.
- 15 6. (1) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision does not operate to disqualify him from holding that office and also the office of a part-time Commissioner or from accepting and retaining any remuneration payable to a part-time Commissioner under clause 7 (2). Provisions relating to part-time Commissioners.
- (2) The office of part-time Commissioner shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.
- 20 7. (1) A full-time Commissioner is entitled to be paid— Remuneration of Commissioners.
- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.
- 25 (2) A part-time Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.
- 30 8. (1) If at any time the office of Chairman is vacant or the Chairman is absent from his office on leave or through illness or any other cause and— Substitutes for Commissioners.
- (a) no person holds, under subclause (2) of this clause, an appointment to act in the office of the Chairman, the Deputy Chairman—
- (i) shall act in the office of the Chairman; and
- 35 (ii) shall have and may exercise and perform the powers, authorities, duties and functions of, and shall be deemed to be, the Chairman; or

Prisons (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- 5 (b) a person holds, under subclause (2) of this clause, an
appointment to act in the office of the Chairman, that
person—
- 10 (i) shall act in the office of the Chairman; and
(ii) shall have and may exercise and perform the
powers, authorities, duties and functions of, and
shall be deemed to be, the Chairman.
- 15 (2) If at any time the office of the Chairman is vacant or the
Chairman is absent from his office on leave or through illness or
any other cause, a person may be appointed by an instrument in
writing executed by the Minister to act in the office of the Chairman
while the office of Chairman is vacant or the Chairman is absent
from his office on leave or through illness or other cause.
- 20 (3) If at any time the office of a full-time Commissioner
(other than the Chairman) is vacant or such a Commissioner is
absent from his office on leave or through illness or any other
cause, a person may be appointed by an instrument in writing
executed by the Minister to act in the office of that full-time Com-
missioner and the person so appointed, while so acting, shall have
and may exercise and perform the powers, authorities, duties and
25 functions of, and shall be deemed to be, a full-time Commissioner.
- 30 (4) The Minister may appoint any person to act in the office
of a part-time Commissioner while the part-time Commissioner is
absent from his office on leave or through illness or any other
cause, and the person so appointed, while so acting, shall have and
may exercise and perform the powers, authorities, duties and
functions of, and shall be deemed to be, a part-time Commissioner.
- 35 (5) A Commissioner shall, for the purposes of subclause (4)
of this clause, be deemed to be absent from his office if there is a
vacancy in that office which has not been filled in accordance with
clause 10.
- 40 (6) No person shall be concerned to inquire whether or not
any occasion has arisen requiring or authorising a person to act in
the office of a Commissioner or the Chairman or Deputy Chairman,
and all things done or omitted to be done by that person while so
acting shall be as valid and effectual and shall have the same

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 consequences as if they had been done or omitted to be done by
that Commissioner or by the Chairman or Deputy Chairman, as the
case may be.

9. (1) A Commissioner shall be deemed to have vacated his office— Vacation
of office.

- 10 (a) if he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any
law for the relief of bankrupt or insolvent debtors, com-
pounds with his creditors or makes an assignment of his
remuneration, allowances or estate for their benefit;
- 15 (c) if he is absent from 3 consecutive ordinary meetings of
the Commission of which reasonable notice has been given
to him, either personally or in the ordinary course of
post, unless on leave granted by the Minister or unless,
before the expiration of 4 weeks after the last of those
20 meetings, he is excused by the Minister for his absence
from those meetings;
- (d) if he becomes a temporary patient, a continued treatment
patient, a protected person or an incapable person within
25 the meaning of the Mental Health Act, 1958, or a person
under detention under Part VII of that Act;
- (e) if he is convicted in New South Wales of a felony or
misdemeanour which is punishable by imprisonment for
30 12 months or upwards, or if he is convicted elsewhere
than in New South Wales of an offence which, if com-
mitted in New South Wales, would be a felony or
misdemeanour so punishable;
- (f) if he resigns his office by writing under his hand addressed
to the Governor;
- 35 (g) if he is removed from office by the Governor under
subclause (2) of this clause; or
- (h) upon his attaining the age of 65 years.

(2) The Governor may remove a Commissioner from office
for any cause which to him seems sufficient.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- 5 10. On the occurrence of a vacancy in the office of a Commis- Filling of
 sioner, the Governor may, subject to clause 3, appoint a person to casual
 the vacant office. vacancy in
 office of
 Commis-
 sioner.
11. Three Commissioners constitute a quorum at a meeting of Quorum.
 the Commission.
- 10 12. (1) A duly convened meeting of the Commission at which a Meetings.
 quorum is present shall be competent to transact any business of the
 Commission.
- (2) Questions arising at a meeting of the Commission shall
 be determined by a majority of votes of the Commissioners present
15 and voting.
- (3) The Chairman shall preside at all meetings of the
 Commission at which he is present.
- (4) If the Chairman is not present at a meeting of the Com-
 mission at which the Deputy Chairman is present, the Deputy
20 Chairman shall preside at that meeting.
- (5) If both the Chairman and the Deputy Chairman are not
 present at a meeting of the Commission at which the remaining
 full-time Commissioner is present, that full-time Commissioner shall
 preside at that meeting.
- 25 (6) The person presiding at a meeting of the Commission
 has a deliberative vote and, in the event of an equality of votes,
 also has a casting vote.
13. The Commission shall cause full and accurate minutes to be Minutes.
 kept of its proceedings at meetings and shall submit to the Minister
30 a copy of the minutes of each meeting within 14 days after the date
 on which the meeting is held.
14. The procedure for the calling of, and for the conduct of General
 business at, meetings of the Commission shall, subject to any pro- procedure.
 cedure that is specified in this Act or prescribed, be as determined
 by the Commission.
- 35

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- 5 15. No matter or thing done, and no contract entered into, by the Commission, and no matter or thing done by a Commissioner or by any other person acting under the direction or as delegate of the Commission or the Chairman shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, the regulations made under this Act or the prison rules, subject a Commissioner or person personally to any action, liability, claim or demand.
- 10
- 15 16. (1) In this clause—
 “statutory body” means any body declared under clause 18 to be a statutory body for the purposes of this Schedule;
 “superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.
- 20 (2) Subject to subclause (3) of this clause and to the terms of his appointment, where a full-time Commissioner was, immediately before his appointment as a full-time Commissioner—
- 25 (a) an officer of the Public Service;
 (b) a contributor to a superannuation scheme;
 (c) an officer employed by a statutory body; or
 (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,
- 30 he—
 (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
 (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a full-time Commissioner; and
 (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- 35 as if he had continued to be such an officer, contributor or person during his service as a full-time Commissioner, and—
 (h) his service as a full-time Commissioner shall be deemed to be service as an officer or employee for the purpose of

Protection
from
liability.Preservation
of rights of
full-time
Commissioners.

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

5 any law under which those rights accrued or were accruing,
under which he continues to contribute or by which that
entitlement is conferred; and

10 (i) he shall be deemed to be an officer or employee for the
purpose of the superannuation scheme to which he is
entitled to contribute under this clause.

15 (3) If a full-time Commissioner would, but for this subclause,
be entitled under subclause (2) of this clause to contribute to a
superannuation scheme or to receive any payment, pension or gratuity
under that scheme he shall not be so entitled upon his becoming
20 (whether upon his appointment as a full-time Commissioner or at
any later time while he holds office as a full-time Commissioner) a
contributor to any other superannuation scheme, and the provisions
of subclause (2) (i) of this clause cease to apply to or in respect
of him in any case where he becomes a contributor to such another
superannuation scheme.

25 (4) Subclause (3) of this clause does not prevent the pay-
ment to a full-time Commissioner upon his ceasing to be a contributor
to a superannuation scheme of such amount as would have been
payable to him if he had ceased, by reason of his resignation, to be
an officer or employee for the purposes of that scheme.

(5) A full-time Commissioner shall not, in respect of the
same period of service, be entitled to claim a benefit under this Act
and another Act.

30 17. (1) In this clause—
“retiring age” means—

- (a) in relation to a person who was, immediately before
his appointment as a full-time Commissioner, an
officer of the Public Service—the age of 60 years;
and
- 35 (b) in relation to a person who was, immediately before
his appointment as a full-time Commissioner, an
officer or employee of a statutory body—the age
at which officers or employees (being officers or
employees of the class to which that person belonged

Full-time
Commis-
sioner
entitled to
re-appoint-
ment in
former
employment
in certain
cases.

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- 5 immediately before his appointment as a full-time
Commissioner), as the case may be, of that statutory
body are entitled to retire;
- “statutory body” means any body declared under clause 18 to
be a statutory body for the purposes of this Schedule.
- 10 (2) A person who ceases to be a full-time Commissioner,
otherwise than pursuant to clause 9 (1) (paragraph (h) excepted),
shall, if he has not attained the retiring age, be entitled to be
appointed, where, immediately before his appointment as a full-time
Commissioner, he was—
- 15 (a) an officer of the Public Service—to some office in the
Public Service; or
- (b) an officer or employee of a statutory body—to some office
in the service of that body,
- 20 not lower in classification and salary than that which he held
immediately before his appointment as a full-time Commissioner.
18. The Governor may, by proclamation published in the Gazette, **Declaration**
declare any body constituted by or under any Act to be a statutory **of statutory**
body for the purposes of this Schedule. **bodies.**
- 25 19. In proceedings by or against the Commission, no proof shall **Presump-**
be required (until evidence is given to the contrary) of— **tions.**
- (a) the constitution of the Commission;
- (b) the passing of any resolution of the Commission;
- (c) the appointment of any Commissioner; or
- 30 (d) the presence of a quorum at any meeting of the
Commission.

Prisons (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL.

5 (1) Section 4, definition of "Council"—

After the definition of "convicted prisoner", insert :—

"Council" means the Corrective Services Advisory Council constituted under section 7B;

(2) Sections 7B, 7C, 7D—

10 Before section 8, insert :—

7B. (1) There shall be constituted a Council, to be called the Corrective Services Advisory Council.

Constitution of
Corrective
Services
Advisory
Council.

(2) The Council shall consist of not more than 15 members appointed by the Minister of whom—

15 (a) one shall be a Judge of the Supreme Court of New South Wales or the District Court of New South Wales; and

20 (b) the remaining members shall be persons who have had experience in at least one of the following disciplines or activities, namely, criminology, religion, sociology, behavioural science, social work, law, medicine, psychiatry, psychology, public administration, education, representation of employees or representation of employers, or

25 in any similar or related discipline or activity.

(3) The Chairman of the Council shall be the person appointed under subclause (2) (a) of this clause.

Prisons (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

5 (4) A Commissioner or a person employed as an
officer of the Department of Corrective Services is not
eligible to be a member of the Council.

10 (5) A member of the Council shall, subject to this
Act, hold office for a period of 3 years from the date of
his appointment and shall be eligible for re-appointment.

(6) Schedule 4 has effect with respect to the
Council.

7c. (1) The Council—

15 (a) shall investigate and report to the Minister on
such policies, practices and programmes of the
Commission and other matters relating to the
powers, authorities, duties and functions of the
Commission as are referred to it by the Minister
for investigation and report; and

20 (b) may, with the approval of the Minister, investi-
gate and report to the Minister on any policies,
practices or programmes of the Commission or
other matters relating to the powers, authorities,
duties and functions of the Commission.

25 (2) The Minister may publish any report made to
him by the Council and any statements or documents
accompanying it.

30 (3) For the purpose of the exercise or performance
of the powers and duties of the Council, any member of
the Council—

(a) may visit and examine any prison at any time
he thinks fit; and

Powers and
duties of
the Council.

Prisons (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

5 (b) may examine any files or records of the
Department of Corrective Services other than
personal files relating to officers employed in
the Department or in any prison.

10 (4) The Commission shall, at the request of any
member of the Council, afford him the opportunity of con-
ferring with any person employed as an officer of the
Department of Corrective Services.

15 7D. (1) The Council may establish sub-committees for
the purpose of advising the Council on any matters relating
to its powers and functions, and may dissolve any such
sub-committee or terminate the appointment of a member
of any such sub-committee at any time and for any reason
it thinks fit. Sub-
committees.

20 (2) A person employed as an officer of the Depart-
ment of Corrective Services shall not be appointed as a
member of such a sub-committee except with the
concurrence of the Chairman of the Commission.

(3) Schedule 4—

25 After Schedule 3, to be inserted by section 4 and Schedule
1 (16), insert :—

SCHEDULE 4.

Sec. 7B.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COUNCIL.

30 1. Meetings of the Council shall be held at least once every
calendar month. Meetings
of the
Council.

*Prisons (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

- 5 2. (1) The Chairman of the Council shall preside at all meetings of the Council at which he is present. **Chairman of the Council.**
- (2) If the Chairman of the Council is absent from any meeting, the members of the Council present shall appoint one of their number to preside at that meeting.
- 10 3. Six members constitute a quorum at a meeting of the Council. **Quorum.**
4. (1) A member of the Council shall be deemed to have vacated his office if he— **Vacation of office.**
- (a) dies;
- 15 (b) resigns his office by writing under his hand addressed to the Minister;
- (c) is removed from office by the Minister under subclause (2) of this clause; or
- 20 (d) is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings.
- (2) The Minister may remove any member of the Council from office—
- 25 (a) if that member discloses any information obtained in connection with the exercise or performance of his functions as such a member unless that disclosure is made—
- 30 (i) in connection with the exercise or performance of his functions as such a member;
- (ii) for the purpose of any legal proceedings arising out of this Act or of any report of any such proceedings; or
- (iii) with other lawful excuse; or
- 35 (b) for any other cause of any kind whatsoever that to the Minister seems sufficient.

Prisons (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

- 5 5. Each member of the Council shall receive such remuneration Remunera-
(including travelling and subsistence allowances) as the Minister tion.
may from time to time determine in respect of him.
- 10 6. The procedure for the calling of, and for the conduct of General
business at, meetings of the Council shall, subject to any procedure procedure.
that is prescribed, be as determined by the Council.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION.

- (1) (a) Section 3 (2) (b)—
- 15 Omit “, or of any Act amending the said Acts”
wherever occurring.
- (b) Section 3 (2) (c)—
- Omit “Superannuation Acts, 1916–1951”, insert
instead “Superannuation Act, 1916”.
- 20 (2) Section 4, definition of “convicted prisoner”—
- From paragraph (a), omit “subsection (3) of section 23
of the Mental Health Act, 1958, as amended by sub-
sequent Acts”, insert instead “section 23 (3) of the Mental
Health Act, 1958”.

Prisons (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION—*continued.*

- (3) (a) Section 9 (2)—
5 Omit “or of any Act amending that Act.”
- (b) Section 9 (2)—
Omit “of any such Act”, insert instead “of that Act”.
- (c) Section 9 (4) and (5)—
10 Omit “as amended by subsequent Acts,” wherever
occurring.
- (4) Section 11—
Omit “Chairman of Quarter Sessions”, insert instead
“District Court”.
- (5) Section 23A—
15 Omit “paragraph (j), (k), (l), (n), (o), (p) or (q) of
section 23”, insert instead “section 23 (j), (k), (l), (n),
(o), (p) or (q)”.
- (6) Section 24 (3)—
20 Omit “subsection (3) of section 20”, insert instead “section
20 (3)”.
- (7) (a) Section 25—
Omit “subsection (1) of section 35”, insert instead
“section 35 (1)”.

Prisons (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 25—
5 Omit “, as amended by subsequent Acts” wherever occurring.
- (8) (a) Section 29A—
Omit “subsection (2) of section 12” where firstly occurring, insert instead “section 12 (2)”.
- 10 (b) Section 29A—
Omit “the said subsection (2) of section 12”, insert instead “section 12 (2)”.
- (9) Section 30—
Omit “, or of any Act amending the same”.
- 15 (10) (a) Section 50 (1A)—
Omit the subsection, insert instead :—
- (1A) A provision of a regulation may—
- (a) apply generally or be limited in its applica-
tion by reference to specified exceptions or
20 factors;
- (b) apply differently according to different
factors of a specified kind; or
- (c) authorise any matter or thing to be from
time to time determined, applied or regu-
lated by any person or body specified or
25 described in the regulation,
- or may do any combination of those things.

Prisons (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 50 (3)—

5 Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
Act as if this Act had been passed after the com-
10 mencement of the Interpretation (Amendment) Act,
1969.

(11) (a) Section 53 (1), definitions of “authorized person”,
“constable”, “court”, “magistrate”, “order”, “prison”
and “the Territory”—

15 Omit “subsection (1) of section 3”, insert instead
“section 3 (1)”.

(b) Section 53 (1), definition of “the Governor-General”—
Omit “Acts Interpretation Act 1901, as subsequently
amended, of the Parliament of the Commonwealth of
Australia”, insert instead “Acts Interpretation Act
20 1901 of the Parliament of the Commonwealth”.

(c) Section 53 (2)—

Omit “of Australia” wherever occurring.

(12) Section 54 (2)—

Omit “of Australia”.

Prisons (Amendment).

SCHEDULE 4.

Sec. 6.

AMENDMENTS TO ACTS CONSEQUENT UPON THE CONSTITUTION
OF THE CORRECTIVE SERVICES COMMISSION OF NEW SOUTH
WALES.

5 TABLE.

Column 1. Act.		Column 2.
Year and No.	Short title.	Amendment.
10	1912, No. 41 .. Parliamentary Electorates and Elections Act, 1912.	Section 41 (2) (a)— Omit "Commissioner of Corrective Services", insert instead "Corrective Services Commission of New South Wales".
15	1957, No. 19 .. Habitual Criminals Act, 1957.	Section 5 (2) (a) (i)— Omit "the Comptroller-General of Prisons, or the Deputy Comptroller of Prisons," insert instead "any full-time member of the Corrective Services Commission of New South Wales".
20	1966, No. 41 .. Parole of Prisoners Act, 1966.	Section 8 (1), (2) (a)— Omit "Commissioner of Corrective Services" wherever occurring, insert instead "Corrective Services Commission of New South Wales".
25	1970, No. 90 .. Periodic Detention of Prisoners Act, 1970.	Section 2, definition of "Commission"— Omit the definition of "Commissioner", insert instead:— "Commission" means the Corrective Services Commission of New South Wales;
30		Section 5 (4)— Omit "Commissioner", insert instead "Commission".
35		Section 6 (1) (a), (b)— Omit "Commissioner" wherever occurring, insert instead "Commission".
40		Section 7 (1)— Omit "Commissioner", insert instead "Commission".
45		Section 10 (2)— (a) Omit "the Commissioner or a person nominated by him", insert instead "a person nominated by the Commission". (b) Omit "The Commissioner or the person nominated by him", insert instead "The person nominated by the Commission".
		Section 10 (3)— Omit "Commissioner" wherever occurring, insert instead "Commission".

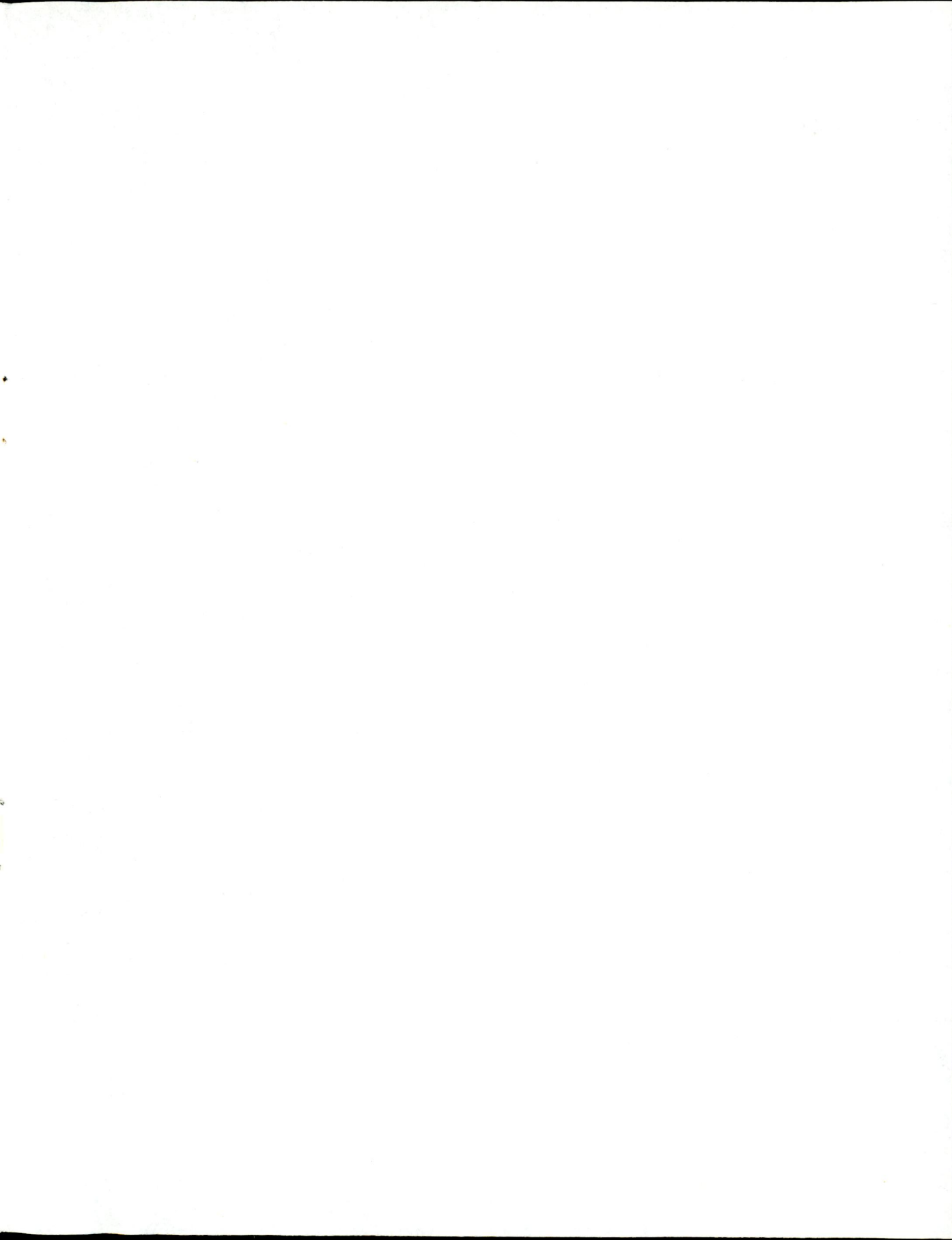
*Prisons (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO ACTS CONSEQUENT UPON THE CONSTITUTION
OF THE CORRECTIVE SERVICES COMMISSION OF NEW SOUTH
WALES—*continued.*5 TABLE—*continued.*

Column 1. Act.		Column 2.
Year and No.	Short title.	Amendment.
10 1977, No. 18 ..	Jury Act, 1977..	Schedule 2 (5)— After "person", insert "who is a member of the Corrective Services Commission of New South Wales or is".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[56c]





PRISONS (AMENDMENT) ACT, 1978, No. 155

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 155, 1978.

An Act to amend the Prisons Act, 1952, for the purpose of constituting the Corrective Services Commission of New South Wales and transferring to it the powers, authorities, duties and functions formerly conferred or imposed on the Commissioner of Corrective Services; and for other purposes. [Assented to, 29th December, 1978.]

See also the Statutory and Other Offices Remuneration (Corrective Services) Amendment Act, 1978.

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 :—

Short title. **1.** This Act may be cited as the "Prisons (Amendment) Act, 1978".

**Commence-
ment.** **2.** (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 4 to 8 and Schedules 1 to 4 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules. **3.** This Act contains the following Schedules :—

**SCHEDULE 1.—AMENDMENTS TO THE PRISONS ACT, 1952,
RELATING TO THE CONSTITUTION OF THE CORRECTIVE
SERVICES COMMISSION OF NEW SOUTH WALES.**

**SCHEDULE 2.—AMENDMENTS TO THE PRISONS ACT, 1952,
RELATING TO THE CONSTITUTION OF THE CORRECTIVE
SERVICES ADVISORY COUNCIL.**

**SCHEDULE 3.—AMENDMENTS TO THE PRISONS ACT, 1952,
BY WAY OF STATUTE LAW REVISION.**

**SCHEDULE 4.—AMENDMENTS TO ACTS CONSEQUENT
UPON THE CONSTITUTION OF THE CORRECTIVE SERVICES
COMMISSION OF NEW SOUTH WALES.**

**Amendment
of Act No.
9, 1952.** **4.** The Prisons Act, 1952, is amended in the manner set forth in Schedules 1, 2 and 3.

Prisons (Amendment).

5. The Prisons Act, 1952, is further amended—

Further amendment of Act No. 9, 1952.

- (a) by omitting therefrom (sections 4, 6, 17, 29 (2), 41 (4) and 48D excepted) the word "Commissioner" wherever occurring and by inserting instead the word "Commission";
- (b) by omitting from section 22 (1) the words "he may" and by inserting instead the words "it or he may".

6. Each Act specified in Column 1 of the Table in Schedule 4 is amended in the manner set out opposite that Act in Column 2 of that Table.

Consequential amendments.

7. A reference in any Act, in any instrument made under any Act or in any other instrument of any kind—

References to Commissioner of Corrective Services, etc.

- (a) to the Comptroller-General of Prisons, the Deputy Comptroller-General of Prisons, the Commissioner of Corrective Services or the Deputy Commissioner of Corrective Services shall be read as a reference to the Corrective Services Commission of New South Wales; or
- (b) to the Department of Prisons shall be read as a reference to the Department of Corrective Services.

8. (1) Any thing done, omitted to be done or suffered by the Commissioner of Corrective Services or the Deputy Commissioner of Corrective Services before the day appointed and notified under section 2 (2) shall on and after that day have the same force and effect as it would have had if it had been done, omitted to be done or suffered by the Corrective Services Commission of New South Wales and if the provisions of sections 4 to 6 and Schedules 1 to 4 had been in force when it was done, omitted to be done or suffered.

Transitional

(2) Subsection (1) does not apply to a delegation made by the Commissioner of Corrective Services under section 48D of the Prisons Act, 1952, as in force at any time before the day appointed and notified under section 2 (2).

Prisons (Amendment).

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES.

(1) (a) Section 3 (1)—

Omit “the First Schedule to this Act”, insert instead
“Schedule 1”.

(b) Section 3 (4)—

Omit “the Second Schedule”, insert instead “Schedule
2”.

(2) (a) Section 4, definitions of “Chairman”, “Commission”,
“Commissioner”—

Omit the definition of “Commissioner”, insert
instead :—

“Chairman” means the Chairman of the Commis-
sion;

“Commission” means the Corrective Services Com-
mission of New South Wales;

“Commissioner” means a person holding office as
a member of the Commission;

(b) Section 4, definition of “Deputy Chairman”—

After the definition of “convicted prisoner”, insert :—

“Deputy Chairman” means the Deputy Chairman
of the Commission;

(c) Section 4, definition of “prison rules”—

After the definition of “prison”, insert :—

“prison rules” means rules that have been made
under section 49 and are in force;

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

(3) Section 5 (3)—

Omit the subsection.

(4) Section 6—

Omit the section, insert instead :—

6. (1) There is hereby constituted a corporation under the name of the “Corrective Services Commission of New South Wales”.

Consti-
tion of
Corrective
Services
Commis-
sion of New
South Wales.

(2) Schedule 3 has effect with respect to the constitution and procedure of the Commission.

(5) Section 7A—

After section 7, insert :—

7A. (1) The Chairman—

Chairman's
powers,
authorities,
duties and
functions.

(a) as the chief executive officer of the Commission, shall be responsible for the management of the Department of Corrective Services in accordance with any directions given to him by the Commission; and

(b) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise and perform such of the Commission's powers, authorities, duties and functions under this or any other Act, under regulations made under this or any other Act or under the prison rules as may be specified in regulations made for the purposes of this paragraph.

Prisons (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

(2) A regulation made for the purposes of subsection (1) (b) may specify any power, authority, duty or function in general or particular terms or by reference to the provision of the Act, regulation or prison rules by which it is conferred or imposed on the Commission.

(3) Any thing done, omitted to be done or suffered by the Chairman while acting pursuant to subsection (1) (b) shall be deemed to have been done, omitted to be done or suffered by the Commission.

(4) An instrument purporting to be signed by the Chairman and relating to the purported exercise or performance of any power, authority, duty or function specified in regulations made for the purposes of subsection (1) (b) shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Commission under seal and, until the contrary is proved, shall be deemed to be an instrument signed by the Chairman.

(5) Nothing in subsection (1) prevents the Commission from exercising or performing any power, authority, duty or function specified in regulations made for the purposes of subsection (1) (b).

(6) Section 17—
Omit the section.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

- (7) (a) Section 23—
Omit “or of a prison officer” wherever occurring, insert instead “, of a full-time Commissioner or of a prison officer”.
- (b) Section 23—
Omit “or a prison officer”, insert instead “, a full-time Commissioner or a prison officer”.
- (c) Section 23—
Omit “and prison officers”, insert instead “, the full-time Commissioners and prison officers”.
- (8) (a) Section 29 (1)—
Omit “Minister” wherever occurring, insert instead “Commission”.
- (b) Section 29 (2)—
Omit the subsection.
- (9) Section 29A—
Omit “subsection (1) or (2) of section 29”, insert instead “section 29 (1)”.
- (10) Section 30—
After “All”, insert “persons employed in the Department of Corrective Services and all”.
- (11) Section 41 (4)—
Omit “the Commissioner”, insert instead “any full-time Commissioner”.

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

(12) (a) Section 48A (1)—

Omit "Minister" wherever occurring, insert instead
"Commission".

(b) Section 48A (2)—

Omit "approved by the Minister".

(c) Section 48A (3)—

Omit "Minister", insert instead "Commission".

(13) Section 48C—

After "operation of the", insert "Commission and the".

(14) Section 48D—

Omit the section, insert instead :—

Delegation.

48D. (1) The Commission may, by resolution, delegate
to—

(a) a full-time Commissioner or an officer of the
Public Service employed in the administration of
this Act; or

(b) a person belonging to such class of officers of the
Public Service so employed as is specified in the
resolution,

the exercise or performance of such of the Commission's
powers, authorities, duties or functions (other than this
power of delegation, a power, authority, duty or function
which the Chairman may, under section 7A (1) (b),
exercise or perform or the Commission's power under

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

section 49) under this or any other Act, under regulations made under this or any other Act or under the prison rules as are specified in the resolution, and may, by a further resolution, revoke wholly or in part any such delegation.

(2) The Chairman may, by instrument in writing, delegate to—

- (a) either of the other full-time Commissioners or an officer of the Public Service employed in the administration of this Act; or
- (b) a person belonging to such class of officers of the Public Service so employed as is specified in the instrument of delegation,

the exercise or performance of such of the powers, authorities, duties or functions of the Chairman under section 7A (1) (b) as are specified in the instrument of delegation and may, by a further instrument in writing, revoke wholly or in part any such delegation.

(3) 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.

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

(5) Notwithstanding any delegation under this section, the Commission or the Chairman, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

Prisons (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

(6) Any thing done, omitted to be done or suffered by a delegate while acting in the exercise of a delegation under this section shall be deemed to have been done, omitted to be done or suffered by the Commission or the Chairman, as the case may be.

(7) An instrument purporting to be signed by a delegate of the Commission or the Chairman 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 Commission under seal or by the Chairman, as the case may be, and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commission or the Chairman, as the case may be, under this section.

(15) First Schedule, heading—

Omit "FIRST SCHEDULE", insert instead "SCHEDULE 1".

(16) Second Schedule, heading—

Omit "SECOND SCHEDULE", insert instead "SCHEDULE 2".

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

(17) Schedule 3—

After the Second Schedule, insert :—

SCHEDULE 3.

Sec. 6.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COMMISSION.

1. (1) The Commission shall consist of 5 Commissioners appointed in accordance with subclause (2) of this clause.

Composition
of the
Commis-
sion.

(2) Of the Commissioners—

(a) 3 shall be appointed, by an instrument in writing executed by the Governor, as full-time Commissioners; and

(b) 2 shall be appointed, by an instrument in writing executed by the Governor, as part-time Commissioners.

(3) The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a person as a Commissioner and a Commissioner, in his capacity as a Commissioner, is not, except as provided in subclause (4) of this clause, subject to the provisions of that Act during his term of office.

(4) If the terms and conditions on which a Commissioner is appointed so provide, any specified provisions of the Public Service Act, 1902, of the regulations thereunder, or of the Public Service (Amendment) Act, 1919 (with or without any specified modifications) apply, except to the extent of any inconsistency between any such provision and any provision of this Act, to and in respect of him as if he were an officer within the meaning of the Public Service (Amendment) Act, 1919.

2. A person who is of or above the age of 65 years shall not be appointed as a Commissioner or to act in the office of a Commissioner under clause 8 (4).

Age of Com-
missioners.

3. (1) A Commissioner shall, subject to this Act, be appointed for such term, not exceeding 7 years, as may be specified in the instrument of his appointment.

Terms of
office of
Commis-
sioners.

(2) A Commissioner is, subject to this Act, eligible for re-appointment from time to time for a further term not exceeding 7 years.

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

Chairman
and Deputy
Chairman.

4. One of the full-time Commissioners shall, by the instrument of his appointment as a Commissioner or by another instrument executed by the Governor, be appointed as Chairman and another of them as Deputy Chairman.

Provisions
relating to
full-time
Commis-
sioners.

5. The full-time Commissioners shall devote the whole of their time to the duties of their offices.

Provisions
relating to
part-time
Commis-
sioners.

6. (1) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision does not operate to disqualify him from holding that office and also the office of a part-time Commissioner or from accepting and retaining any remuneration payable to a part-time Commissioner under clause 7 (2).

(2) The office of part-time Commissioner shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

Remunera-
tion of Com-
missioners.

7. (1) A full-time Commissioner is entitled to be paid—

- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

(2) A part-time Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Substitutes
for Com-
missioners.

8. (1) If at any time the office of Chairman is vacant or the Chairman is absent from his office on leave or through illness or any other cause and—

- (a) no person holds, under subclause (2) of this clause, an appointment to act in the office of the Chairman, the Deputy Chairman—
 - (i) shall act in the office of the Chairman; and
 - (ii) shall have and may exercise and perform the powers, authorities, duties and functions of, and shall be deemed to be, the Chairman; or

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

(b) a person holds, under subclause (2) of this clause, an appointment to act in the office of the Chairman, that person—

- (i) shall act in the office of the Chairman; and
- (ii) shall have and may exercise and perform the powers, authorities, duties and functions of, and shall be deemed to be, the Chairman.

(2) If at any time the office of the Chairman is vacant or the Chairman is absent from his office on leave or through illness or any other cause, a person may be appointed by an instrument in writing executed by the Minister to act in the office of the Chairman while the office of Chairman is vacant or the Chairman is absent from his office on leave or through illness or other cause.

(3) If at any time the office of a full-time Commissioner (other than the Chairman) is vacant or such a Commissioner is absent from his office on leave or through illness or any other cause, a person may be appointed by an instrument in writing executed by the Minister to act in the office of that full-time Commissioner and the person so appointed, while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of, and shall be deemed to be, a full-time Commissioner.

(4) The Minister may appoint any person to act in the office of a part-time Commissioner while the part-time Commissioner is absent from his office on leave or through illness or any other cause, and the person so appointed, while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of, and shall be deemed to be, a part-time Commissioner.

(5) A Commissioner shall, for the purposes of subclause (4) of this clause, be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 10.

(6) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a Commissioner or the Chairman or Deputy Chairman, and all things done or omitted to be done by that person while so acting shall be as valid and effectual and shall have the same

*Prisons (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

consequences as if they had been done or omitted to be done by that Commissioner or by the Chairman or Deputy Chairman, as the case may be.

**Vacation
of office.**

9. (1) A Commissioner shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Commission of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings;
- (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Governor;
- (g) if he is removed from office by the Governor under subclause (2) of this clause; or
- (h) upon his attaining the age of 65 years.

(2) The Governor may remove a Commissioner from office for any cause which to him seems sufficient.

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

10. On the occurrence of a vacancy in the office of a Commissioner, the Governor may, subject to clause 3, appoint a person to the vacant office.

Filling of casual vacancy in office of Commissioner.

11. Three Commissioners constitute a quorum at a meeting of the Commission.

Quorum.

12. (1) A duly convened meeting of the Commission at which a quorum is present shall be competent to transact any business of the Commission.

Meetings.

(2) Questions arising at a meeting of the Commission shall be determined by a majority of votes of the Commissioners present and voting.

(3) The Chairman shall preside at all meetings of the Commission at which he is present.

(4) If the Chairman is not present at a meeting of the Commission at which the Deputy Chairman is present, the Deputy Chairman shall preside at that meeting.

(5) If both the Chairman and the Deputy Chairman are not present at a meeting of the Commission at which the remaining full-time Commissioner is present, that full-time Commissioner shall preside at that meeting.

(6) The person presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

13. The Commission shall cause full and accurate minutes to be kept of its proceedings at meetings and shall submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

Minutes.

14. The procedure for the calling of, and for the conduct of business at, meetings of the Commission shall, subject to any procedure that is specified in this Act or prescribed, be as determined by the Commission.

General procedure.

Prisons (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
 CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
 OF NEW SOUTH WALES—*continued.*

 Protection
 from
 liability.

15. No matter or thing done, and no contract entered into, by the Commission, and no matter or thing done by a Commissioner or by any other person acting under the direction or as delegate of the Commission or the Chairman shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, the regulations made under this Act or the prison rules, subject a Commissioner or person personally to any action, liability, claim or demand.

 Preservation
 of rights of
 full-time
 Commis-
 sioners.

16. (1) In this clause—

“statutory body” means any body declared under clause 18 to be a statutory body for the purposes of this Schedule;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where a full-time Commissioner was, immediately before his appointment as a full-time Commissioner—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a full-time Commissioner; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a full-time Commissioner, and—

- (h) his service as a full-time Commissioner shall be deemed to be service as an officer or employee for the purpose of

Prisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
OF NEW SOUTH WALES—*continued.*

any law under which those rights accrued or were accruing,
under which he continues to contribute or by which that
entitlement is conferred; and

- (i) he shall be deemed to be an officer or employee for the
purpose of the superannuation scheme to which he is
entitled to contribute under this clause.

(3) If a full-time Commissioner would, but for this subclause,
be entitled under subclause (2) of this clause to contribute to a
superannuation scheme or to receive any payment, pension or gratuity
under that scheme he shall not be so entitled upon his becoming
(whether upon his appointment as a full-time Commissioner or at
any later time while he holds office as a full-time Commissioner) a
contributor to any other superannuation scheme, and the provisions
of subclause (2) (i) of this clause cease to apply to or in respect
of him in any case where he becomes a contributor to such another
superannuation scheme.

(4) Subclause (3) of this clause does not prevent the pay-
ment to a full-time Commissioner upon his ceasing to be a contributor
to a superannuation scheme of such amount as would have been
payable to him if he had ceased, by reason of his resignation, to be
an officer or employee for the purposes of that scheme.

(5) A full-time Commissioner shall not, in respect of the
same period of service, be entitled to claim a benefit under this Act
and another Act.

17. (1) In this clause—

“retiring age” means—

- (a) in relation to a person who was, immediately before
his appointment as a full-time Commissioner, an
officer of the Public Service—the age of 60 years;
and
- (b) in relation to a person who was, immediately before
his appointment as a full-time Commissioner, an
officer or employee of a statutory body—the age
at which officers or employees (being officers or
employees of the class to which that person belonged

Full-time
Commis-
sioner
entitled to
re-appoint-
ment in
former
employment
in certain
cases.

Prisons (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
 CONSTITUTION OF THE CORRECTIVE SERVICES COMMISSION
 OF NEW SOUTH WALES—*continued.*

immediately before his appointment as a full-time Commissioner), as the case may be, of that statutory body are entitled to retire;

“statutory body” means any body declared under clause 18 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a full-time Commissioner, otherwise than pursuant to clause 9 (1) (paragraph (h) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a full-time Commissioner, he was—

- (a) an officer of the Public Service—to some office in the Public Service; or
- (b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as a full-time Commissioner.

Declaration
of statutory
bodies.

18. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Presump-
tions.

19. In proceedings by or against the Commission, no proof shall be required (until evidence is given to the contrary) of—

- (a) the constitution of the Commission;
 - (b) the passing of any resolution of the Commission;
 - (c) the appointment of any Commissioner; or
 - (d) the presence of a quorum at any meeting of the Commission.
-

Prisons (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL.

(1) Section 4, definition of "Council"—

After the definition of "convicted prisoner", insert :—

"Council" means the Corrective Services Advisory Council constituted under section 7B;

(2) Sections 7B, 7C, 7D—

Before section 8, insert :—

7B. (1) There shall be constituted a Council, to be called the Corrective Services Advisory Council.

Constitution of
Corrective
Services
Advisory
Council.

(2) The Council shall consist of not more than 15 members appointed by the Minister of whom—

(a) one shall be a Judge of the Supreme Court of New South Wales or the District Court of New South Wales; and

(b) the remaining members shall be persons who have had experience in at least one of the following disciplines or activities, namely, criminology, religion, sociology, behavioural science, social work, law, medicine, psychiatry, psychology, public administration, education, representation of employees or representation of employers, or in any similar or related discipline or activity.

(3) The Chairman of the Council shall be the person appointed under subclause (2) (a) of this clause.

Prisons (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

(4) A Commissioner or a person employed as an officer of the Department of Corrective Services is not eligible to be a member of the Council.

(5) A member of the Council shall, subject to this Act, hold office for a period of 3 years from the date of his appointment and shall be eligible for re-appointment.

(6) Schedule 4 has effect with respect to the Council.

Powers and
duties of
the Council.

7c. (1) The Council—

- (a) shall investigate and report to the Minister on such policies, practices and programmes of the Commission and other matters relating to the powers, authorities, duties and functions of the Commission as are referred to it by the Minister for investigation and report; and
- (b) may, with the approval of the Minister, investigate and report to the Minister on any policies, practices or programmes of the Commission or other matters relating to the powers, authorities, duties and functions of the Commission.

(2) The Minister may publish any report made to him by the Council and any statements or documents accompanying it.

(3) For the purpose of the exercise or performance of the powers and duties of the Council, any member of the Council—

- (a) may visit and examine any prison at any time he thinks fit; and

Prisons (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

(b) may examine any files or records of the Department of Corrective Services other than personal files relating to officers employed in the Department or in any prison.

(4) The Commission shall, at the request of any member of the Council, afford him the opportunity of conferring with any person employed as an officer of the Department of Corrective Services.

7D. (1) The Council may establish sub-committees for the purpose of advising the Council on any matters relating to its powers and functions, and may dissolve any such sub-committee or terminate the appointment of a member of any such sub-committee at any time and for any reason it thinks fit. Sub-committees.

(2) A person employed as an officer of the Department of Corrective Services shall not be appointed as a member of such a sub-committee except with the concurrence of the Chairman of the Commission.

(3) Schedule 4—

After Schedule 3, to be inserted by section 4 and Schedule 1 (16), insert :—

SCHEDULE 4.

Sec. 7B.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COUNCIL.

1. Meetings of the Council shall be held at least once every calendar month. Meetings of the Council.

Prisons (Amendment).

SCHEDULE 2—*continued.*
 AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
 CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
 COUNCIL—*continued.*

Chairman
of the
Council.

2. (1) The Chairman of the Council shall preside at all meetings of the Council at which he is present.

(2) If the Chairman of the Council is absent from any meeting, the members of the Council present shall appoint one of their number to preside at that meeting.

Quorum.

3. Six members constitute a quorum at a meeting of the Council.

Vacation
of office.

4. (1) A member of the Council shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) is removed from office by the Minister under subclause (2) of this clause; or
- (d) is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings.

(2) The Minister may remove any member of the Council from office—

- (a) if that member discloses any information obtained in connection with the exercise or performance of his functions as such a member unless that disclosure is made—
 - (i) in connection with the exercise or performance of his functions as such a member;
 - (ii) for the purpose of any legal proceedings arising out of this Act or of any report of any such proceedings; or
 - (iii) with other lawful excuse; or
- (b) for any other cause of any kind whatsoever that to the Minister seems sufficient.

Prisons (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, RELATING TO THE
CONSTITUTION OF THE CORRECTIVE SERVICES ADVISORY
COUNCIL—*continued.*

5. Each member of the Council shall receive such remuneration **Remunera-**
(including travelling and subsistence allowances) as the Minister **tion.**
may from time to time determine in respect of him.

6. The procedure for the calling of, and for the conduct of **General**
business at, meetings of the Council shall, subject to any procedure **procedure.**
that is prescribed, be as determined by the Council.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION.

(1) (a) Section 3 (2) (b)—

Omit “, or of any Act amending the said Acts”
wherever occurring.

(b) Section 3 (2) (c)—

Omit “Superannuation Acts, 1916–1951”, insert
instead “Superannuation Act, 1916”.

(2) Section 4, definition of “convicted prisoner”—

From paragraph (a), omit “subsection (3) of section 23
of the Mental Health Act, 1958, as amended by sub-
sequent Acts”, insert instead “section 23 (3) of the Mental
Health Act, 1958”.

Prisons (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION—*continued.*

- (3) (a) Section 9 (2)—
Omit “or of any Act amending that Act,”.
- (b) Section 9 (2)—
Omit “of any such Act”, insert instead “of that Act”.
- (c) Section 9 (4) and (5)—
Omit “as amended by subsequent Acts,” wherever occurring.
- (4) Section 11—
Omit “Chairman of Quarter Sessions”, insert instead “District Court”.
- (5) Section 23A—
Omit “paragraph (j), (k), (l), (n), (o), (p) or (q) of section 23”, insert instead “section 23 (j), (k), (l), (n), (o), (p) or (q)”.
- (6) Section 24 (3)—
Omit “subsection (3) of section 20”, insert instead “section 20 (3)”.
- (7) (a) Section 25—
Omit “subsection (1) of section 35”, insert instead “section 35 (1)”.

Prisons (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 25—

Omit “, as amended by subsequent Acts” wherever occurring.

(8) (a) Section 29A—

Omit “subsection (2) of section 12” where firstly occurring, insert instead “section 12 (2)”.

(b) Section 29A—

Omit “the said subsection (2) of section 12”, insert instead “section 12 (2)”.

(9) Section 30—

Omit “, or of any Act amending the same”.

(10) (a) Section 50 (1A)—

Omit the subsection, insert instead :—

(1A) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified or described in the regulation,

or may do any combination of those things.

Prisons (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRISONS ACT, 1952, BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 50 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(11) (a) Section 53 (1), definitions of “authorized person”, “constable”, “court”, “magistrate”, “order”, “prison” and “the Territory”—

Omit “subsection (1) of section 3”, insert instead “section 3 (1)”.

(b) Section 53 (1), definition of “the Governor-General”—
Omit “Acts Interpretation Act 1901, as subsequently amended, of the Parliament of the Commonwealth of Australia”, insert instead “Acts Interpretation Act 1901 of the Parliament of the Commonwealth”.

(c) Section 53 (2)—

Omit “of Australia” wherever occurring.

(12) Section 54 (2)—

Omit “of Australia”.

Prisons (Amendment).

SCHEDULE 4.

Sec. 6.

AMENDMENTS TO ACTS CONSEQUENT UPON THE CONSTITUTION
OF THE CORRECTIVE SERVICES COMMISSION OF NEW SOUTH
WALES.

TABLE.

Column 1. Act.		Column 2.
Year and No.	Short title.	Amendment.
1912, No. 41 ..	Parliamentary Electorates and Elections Act, 1912.	Section 41 (2) (a)— Omit "Commissioner of Corrective Services", insert instead "Corrective Services Com- mission of New South Wales".
1957, No. 19 ..	Habitual Crimi- nals Act, 1957.	Section 5 (2) (a) (i)— Omit "the Comptroller-General of Prisons, or the Deputy Comptroller of Prisons," insert instead "any full-time member of the Corrective Services Commission of New South Wales".
1966, No. 41 ..	Parole of Prison- ers Act, 1966.	Section 8 (1), (2) (a)— Omit "Commissioner of Corrective Services" wherever occurring, insert instead "Corrective Services Commission of New South Wales".
1970, No. 90 ..	Periodic Deten- tion of Prisoners Act, 1970.	Section 2, definition of "Commission"— Omit the definition of "Commissioner", insert instead:— "Commission" means the Corrective Services Commission of New South Wales; Section 5 (4)— Omit "Commissioner", insert instead "Com- mission". Section 6 (1) (a), (b)— Omit "Commissioner" wherever occurring, insert instead "Commission". Section 7 (1)— Omit "Commissioner", insert instead "Com- mission". Section 10 (2)— (a) Omit "the Commissioner or a person nominated by him", insert instead "a person nominated by the Commission". (b) Omit "The Commissioner or the person nominated by him", insert instead "The person nominated by the Commission". Section 10 (3)— Omit "Commissioner" wherever occurring, insert instead "Commission".

Act No. 155, 1978.

*Prisons (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO ACTS CONSEQUENT UPON THE CONSTITUTION
OF THE CORRECTIVE SERVICES COMMISSION OF NEW SOUTH
WALES—*continued.*TABLE—*continued.*

Column 1. Act.		Column 2.
Year and No.	Short title.	Amendment.
1977, No. 18 ..	Jury Act, 1977..	Schedule 2 (5)— After "person", insert "who is a member of the Corrective Services Commission of New South Wales or is".

*In the name and on behalf of Her Majesty I assent to this Act.*A. R. CUTLER,
*Governor.**Government House,
Sydney, 29th December, 1978.*