

FIRST PRINT

**PRISONS (RELEASE ON LICENCE BOARD)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Probation and Parole (Parole Board) Amendment Bill 1987.

The object of this Bill is to amend the Prisons Act 1952 so as—

- (a) to vary the constitution of the Release on Licence Board by providing for a Substitute Chairman of the Board instead of a Deputy Chairman; and
- (b) to permit the appointment of a retired Supreme Court or District Court Judge as Chairman or Substitute Chairman of the Board.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 defines the Principal Act.

Clause 4 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Clause 5 provides for the Chairman and Deputy Chairman of the Board to vacate those offices on the commencement of the proposed amendments and declares that they may be appointed, or re-appointed, to the office of Chairman or Substitute Chairman of the Board.

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Schedule 1 (1) amends section 59 (Constitution of Release on Licence Board) of the Principal Act so as to effect the object of the proposed Act stated above.

Schedule 1 (2) and (3) (b) (i), (d) and (e) amend Schedule 5 (Provisions relating to the constitution and procedure of the Board) of the Principal Act by altering references to the office of Deputy Chairman of the Board to references to the proposed office of Substitute Chairman.

Schedule 1 (3) (a) amends clause 1 (Age of members) of Schedule 5 to the Principal Act so as to require a retired Judge who holds the office of Chairman or Deputy Chairman of the Board to be under the age of 72 years.

Schedule 1 (3) (b) (ii) and (iii) amend clause 2 (Acting appointed members) of Schedule 5 to the Principal Act so as to permit a Judge or retired Judge to be appointed by the Minister to act in the office of Chairman of the Board during the illness or absence of both the Chairman and Substitute Chairman.

Schedule 1 (3) (c) amends clause 4 (Provisions applicable to acting members) of Schedule 5 to the Principal Act as a consequence of the amendments last described.

Schedule 1 (3) (f) amends clause 8 (Vacation of office) of Schedule 5 to the Principal Act so that the Chairman and Substitute Chairman of the Board may continue in office until the age of 72 years instead of vacating office on attaining the age of 70 years.

**PRISONS (RELEASE ON LICENCE BOARD)
AMENDMENT BILL 1987**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 9, 1952
5. Transitional provisions

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

**PRISONS (RELEASE ON LICENCE BOARD)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Prisons Act 1952 with respect to the constitution of the Release on Licence Board; and for other purposes.

Prisons (Release on Licence Board) Amendment 1987

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 Short title

1. This Act may be cited as the "Prisons (Release on Licence Board) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

15 3. The Prisons Act 1952 is referred to in this Act as the Principal Act.

Amendment of Act No. 9, 1952

4. The Principal Act is amended in the manner set forth in Schedule 1.

Transitional provisions

20 5. (1) Any person who, immediately before the commencement of this Act, held the office under the Principal Act of—

(a) Chairman of the Release on Licence Board; or

(b) Deputy Chairman of the Release on Licence Board,

shall vacate that office on that commencement.

25 (2) Nothing in this Act prevents the appointment or re-appointment under the Principal Act, as amended by this Act, of a person to whom subsection (1) applies as Chairman or Substitute Chairman of the Release on Licence Board.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 59 (**Constitution of Release on Licence Board**)—

5 (a) Section 59 (3) (a)—

Omit the paragraph, insert instead:

10 (a) 2 shall each be either a Judge or a retired Judge and shall respectively be appointed, in and by the instruments by which the members are appointed or by subsequent instruments executed by the Minister, as—

(i) Chairman of the Board; and

(ii) Substitute Chairman of the Board;

(b) Section 59 (8)—

Omit the subsection, insert instead:

15 (8) In this section and in Schedule 5—

“Departmental officer” means a Commissioner or an officer of the Department of Corrective Services;

“Judge” means a Judge of the District Court;

20 “retired Judge” means a person who has retired from the office of a Judge of the Supreme or District Court.

(2) Section 61 (**Special provisions relating to certain recommendations of the Board**)—

Section 61 (1)—

Omit “Deputy”, insert instead “Substitute”.

25 (3) Schedule 5 (**Provisions relating to the constitution and procedure of the Board**)—(a) Clause 1 (**Age of members**)—

(i) Clause 1—

30 Omit “A”, insert instead “Except as provided by subclause (2), a”.

Prisons (Release on Licence Board) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(ii) Clause 1 (2)—

At the end of clause 1, insert:

(2) A retired Judge who is not of or above the age of 72 years is eligible to be appointed as or to act in the office of Chairman or Substitute Chairman of the Board.

(b) Clause 2 (**Acting appointed members**)—

(i) Clause 2 (1A)—

Omit “Deputy”, insert instead “Substitute”.

(ii) Clause 2 (2)—

Omit the subclause, insert instead:

(2) Without limiting subclause (1), the Minister may, from time to time, appoint a person to act in the office of the Chairman of the Board during the illness or absence of the Chairman and the Substitute Chairman, and the person, while so acting, shall have and may exercise and perform all the powers, authorities, duties and functions of the Chairman.

(iii) Clause 2 (3)—

Omit “Deputy”.

(c) Clause 4 (**Provisions applicable to acting members**)—

(i) Clause 4 (2), (3)—

Omit “, the Chairman of the Board or the Deputy” wherever occurring, insert instead “or of the”.

(ii) Clause 4 (3)—

Omit “, Chairman or Deputy Chairman”, insert instead “or Chairman”.

Prisons (Release on Licence Board) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(iii) Clause 4 (4) (b), (c)—

Omit clause 4 (4) (b) and (c), insert instead:

; and

5 (b) a reference to the Chairman of the Board includes a reference to a person acting in the office of the Chairman of the Board.

(d) Clause 6 (**Presiding member**)—

Omit “Deputy”, insert instead “Substitute”.

(e) Clause 7 (**Quorum and voting**)—

10 Clause 7 (1), (2A)—

Omit “Deputy” wherever occurring, insert instead “Substitute”.

(f) Clause 8 (**Vacation of office**)—

(i) Clause 8 (1) (e)—

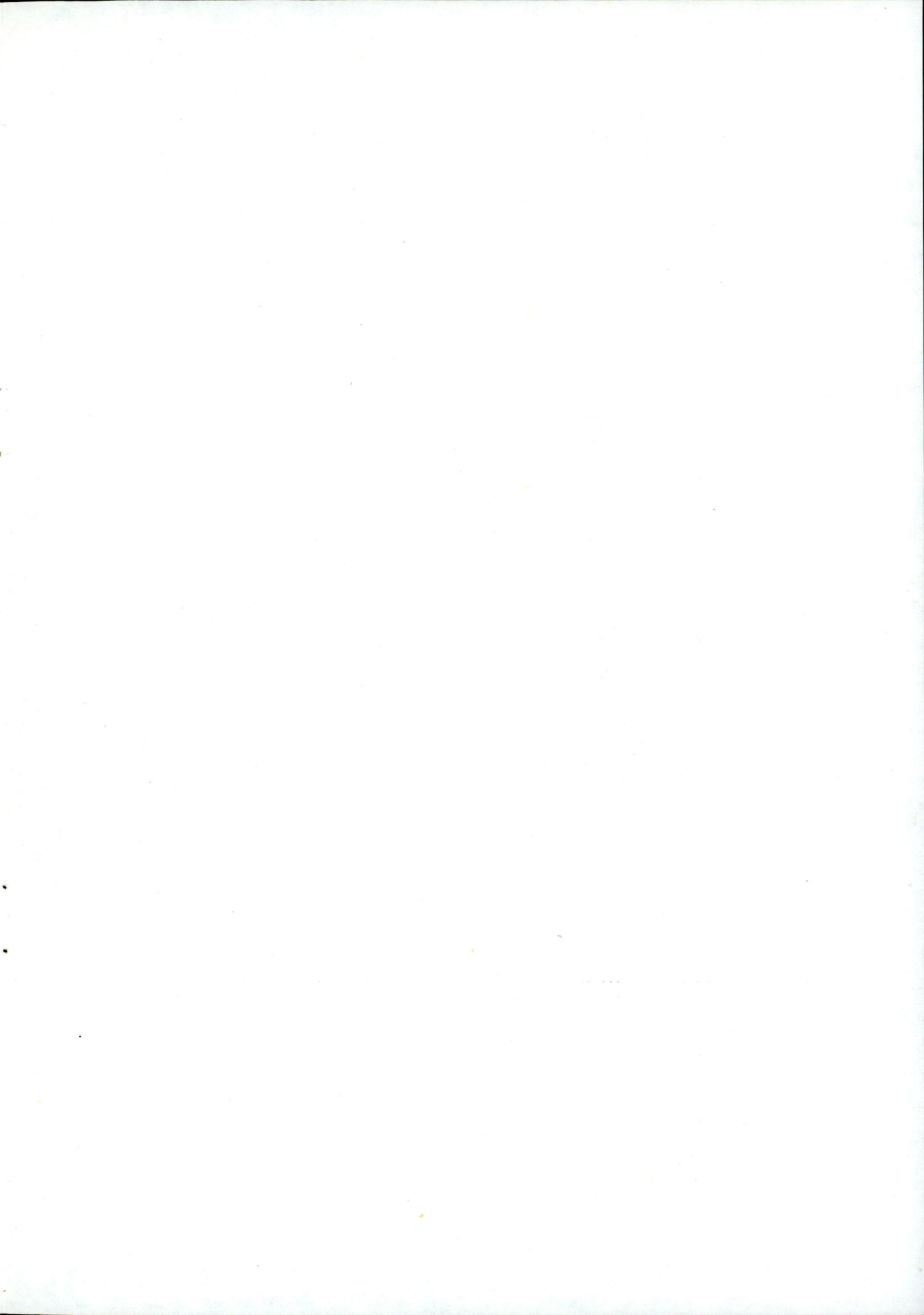
Omit the paragraph, insert instead:

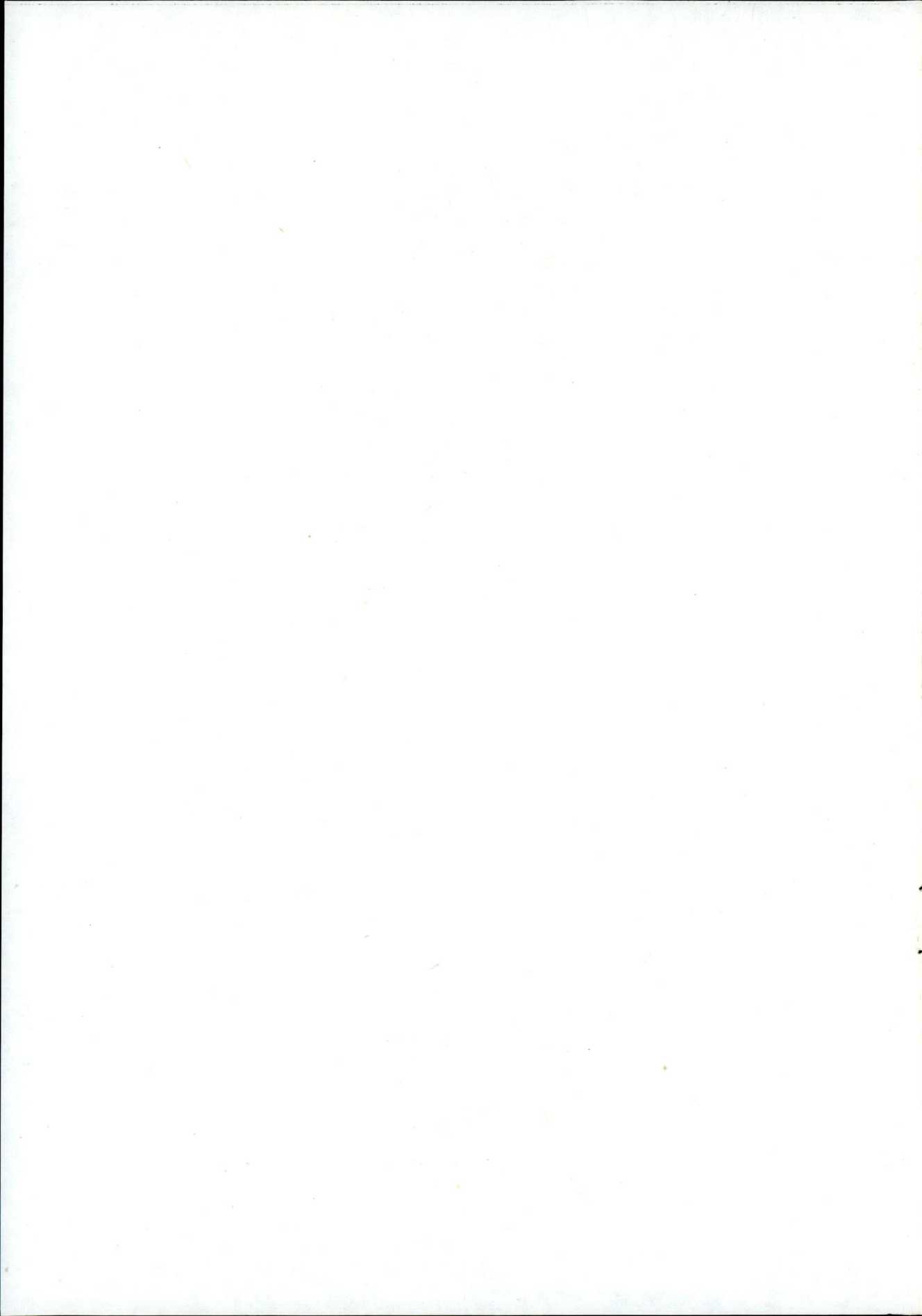
15 (e) in the case of the Chairman of the Board or Substitute Chairman of the Board, attains the age of 72 years or, in any other case, attains the age of 70 years; or

(ii) Clause 8 (1) (f)(i)—

20 After “ceases”, insert “(except because of retirement)”.







**PRISONS (RELEASE ON LICENCE BOARD)
AMENDMENT ACT 1987 No. 138**

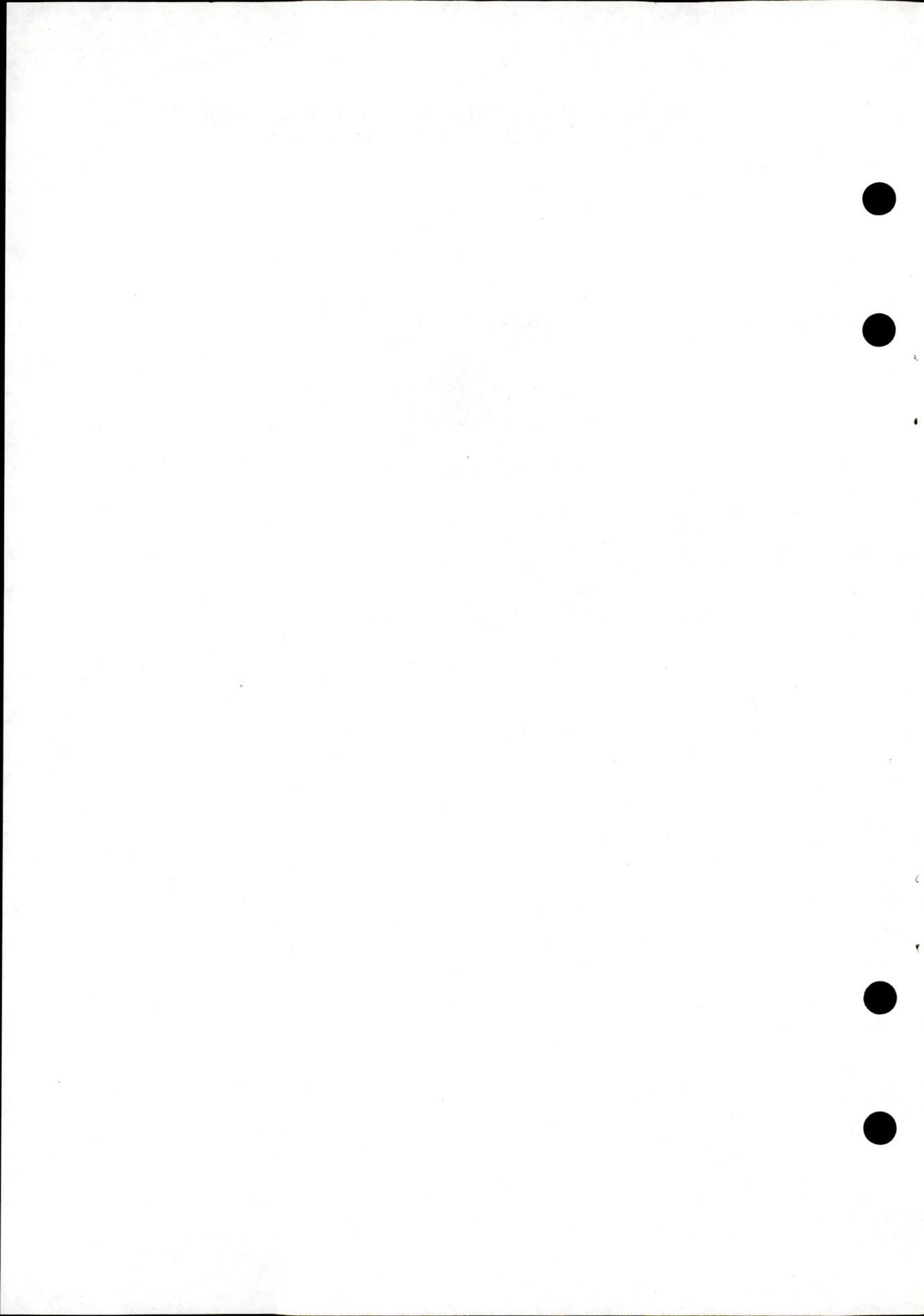
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
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SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT



**PRISONS (RELEASE ON LICENCE BOARD) AMENDMENT ACT
1987 No. 138**

NEW SOUTH WALES



Act No. 138, 1987

An Act to amend the Prisons Act 1952 with respect to the constitution of the Release on Licence Board; and for other purposes. [Assented to 16 June 1987]

Prisons (Release on Licence Board) Amendment 1987

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 (Release on Licence Board) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The Prisons Act 1952 is referred to in this Act as the Principal Act.

Amendment of Act No. 9, 1952

4. The Principal Act is amended in the manner set forth in Schedule 1.

Transitional provisions

5. (1) Any person who, immediately before the commencement of this Act, held the office under the Principal Act of—

(a) Chairman of the Release on Licence Board; or

(b) Deputy Chairman of the Release on Licence Board,

shall vacate that office on that commencement.

(2) Nothing in this Act prevents the appointment or re-appointment under the Principal Act, as amended by this Act, of a person to whom subsection (1) applies as Chairman or Substitute Chairman of the Release on Licence Board.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 59 (**Constitution of Release on Licence Board**)—

(a) Section 59 (3) (a)—

Omit the paragraph, insert instead:

- (a) 2 shall each be either a Judge or a retired Judge and shall respectively be appointed, in and by the instruments by which the members are appointed or by subsequent instruments executed by the Minister, as—

(i) Chairman of the Board; and

(ii) Substitute Chairman of the Board;

(b) Section 59 (8)—

Omit the subsection, insert instead:

- (8) In this section and in Schedule 5—

“Departmental officer” means a Commissioner or an officer of the Department of Corrective Services;

“Judge” means a Judge of the District Court;

“retired Judge” means a person who has retired from the office of a Judge of the Supreme or District Court.

(2) Section 61 (**Special provisions relating to certain recommendations of the Board**)—

Section 61 (1)—

Omit “Deputy”, insert instead “Substitute”.

(3) Schedule 5 (**Provisions relating to the constitution and procedure of the Board**)—(a) Clause 1 (**Age of members**)—

(i) Clause 1—

Omit “A”, insert instead “Except as provided by subclause (2), a”.

Prisons (Release on Licence Board) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(ii) Clause 1 (2)—

At the end of clause 1, insert:

(2) A retired Judge who is not of or above the age of 72 years is eligible to be appointed as or to act in the office of Chairman or Substitute Chairman of the Board.

(b) Clause 2 (**Acting appointed members**)—

(i) Clause 2 (1A)—

Omit “Deputy”, insert instead “Substitute”.

(ii) Clause 2 (2)—

Omit the subclause, insert instead:

(2) Without limiting subclause (1), the Minister may, from time to time, appoint a person to act in the office of the Chairman of the Board during the illness or absence of the Chairman and the Substitute Chairman, and the person, while so acting, shall have and may exercise and perform all the powers, authorities, duties and functions of the Chairman.

(iii) Clause 2 (3)—

Omit “Deputy”.

(c) Clause 4 (**Provisions applicable to acting members**)—

(i) Clause 4 (2), (3)—

Omit “, the Chairman of the Board or the Deputy” wherever occurring, insert instead “or of the”.

(ii) Clause 4 (3)—

Omit “, Chairman or Deputy Chairman”, insert instead “or Chairman”.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(iii) Clause 4 (4) (b), (c)—

Omit clause 4 (4) (b) and (c), insert instead:

; and

(b) a reference to the Chairman of the Board includes a reference to a person acting in the office of the Chairman of the Board.

(d) Clause 6 (**Presiding member**)—

Omit “Deputy”, insert instead “Substitute”.

(e) Clause 7 (**Quorum and voting**)—

Clause 7 (1), (2A)—

Omit “Deputy” wherever occurring, insert instead “Substitute”.

(f) Clause 8 (**Vacation of office**)—

(i) Clause 8 (1) (e)—

Omit the paragraph, insert instead:

(e) in the case of the Chairman of the Board or Substitute Chairman of the Board, attains the age of 72 years or, in any other case, attains the age of 70 years; or

(ii) Clause 8 (1) (f)(i)—

After “ceases”, insert “(except because of retirement)”.

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