

FIRST PRINT

**PROBATION AND PAROLE (PAROLE BOARD)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The Prisons (Release on Licence Board) Amendment Bill 1987 is cognate with this Bill.

The object of this Bill is to amend the Probation and Parole Act 1983 so as—

- (a) to vary the constitution of the Parole Board by providing for a Substitute Chairman and Deputy Chairman of the Board instead of 2 Deputy Chairmen of the Board; and
- (b) to permit the appointment of a retired Supreme Court or District Court Judge as Chairman, Substitute Chairman or Deputy 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.

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 or Deputy Chairman, of the Board.

*Probation and Parole (Parole Board) Amendment 1987*

---

Schedule 1 (1) amends section 4 (Interpretation) of the Principal Act so that references in that Act to judicial members of the Board will include references to persons holding the proposed office of Substitute Chairman.

Schedule 1 (2) (a), (b) (iii), (c) (iii), (f) (ii) and (g) amend Schedule 1 (Provisions relating to the members of the Board, Divisions of the Board and procedure) to the Principal Act as a consequence of the replacement of one of the 2 offices of Deputy Chairman of the Board by the office of Substitute Chairman.

Schedule 1 (2) (b) (i) amends clause 2 (Composition of the Board) of Schedule 1 to the Principal Act so as to effect the object of the proposed Act stated above.

Schedule 1 (2) (b) (ii) amends clause 2 of Schedule 1 to the Principal Act so as to require a retired Judge who is appointed as a judicial member of the Board (namely as the Chairman, Substitute Chairman or Deputy Chairman) to be under the age of 72 years.

Schedule 1 (2) (c) (i) and (ii) amend clause 3 (Acting members) of Schedule 1 to the Principal Act so as to provide—

- (a) that the Substitute Chairman will act in the office of Chairman in the illness or absence of the latter;
- (b) that the Deputy Chairman will act in the office of the Substitute Chairman in the illness or absence of the latter (and exercise the functions of the Chairman in the illness or absence of both the Chairman and the Deputy Chairman); and
- (c) that a retired Judge may be appointed to act in the office of the Deputy Chairman.

Schedule 1 (2) (d) amends clause 7 (Casual vacancies) of Schedule 1 to the Principal Act so that a judicial member of the Board may continue in office until the age of 72 years, instead of vacating office on attaining the age of 70 years.

Schedule 1 (2) (e) amends clause 9 (Divisions of the Board) of Schedule 1 to the Principal Act to provide that the Substitute Chairman (or the Deputy Chairman) and 2 other non-judicial members may sit as a Division of the Board.

Schedule 1 (2) (f) (i) amends clause 13 (Presiding members) of Schedule 1 to the Principal Act to the effect that—

- (a) if the Chairman is absent, the Substitute Chairman will preside at meetings of the Board; and
  - (b) if both of those members are absent, the Deputy Chairman (or any person appointed to act in the office of a sick or absent Deputy Chairman) will preside.
-

**PROBATION AND PAROLE (PAROLE BOARD)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 194, 1983
5. Transitional provisions

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

---



**PROBATION AND PAROLE (PAROLE BOARD)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



No.           , 1987

---

**A BILL FOR**

An Act to amend the Probation and Parole Act 1983 with respect to the constitution of the Parole Board; and for other purposes.

---

---

See also Prisons (Release on Licence Board) Amendment Bill 1987.

*Probation and Parole (Parole 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 "Probation and Parole (Parole 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 Probation and Parole Act 1983 is referred to in this Act as the Principal Act.

**Amendment of Act No. 194, 1983**

**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 office under the Principal Act as—

(a) Chairman of the Parole Board; or

(b) Deputy Chairman of the Parole 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, Substitute Chairman or Deputy Chairman of the Parole Board.

---

## SCHEDULE 1

(Sec. 4)

## AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 4 (**Interpretation**)—

5 Section 4 (1), definition of “judicial member of the Board”—

Omit “or a”, insert instead “, Substitute Chairman or”.

(2) Schedule 1 (**Provisions relating to the members of the Board, Divisions of the Board and procedure**)—(a) Clause 1 (**Interpretation**)—

10 (i) Clause 1, definition of “Deputy Chairman”—

Omit “a”, insert instead “the”.

(ii) Clause 1, definition of “judicial member”—

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

15 (iii) Clause 1, definition of “non-judicial member”—

Omit “or a Deputy Chairman.”, insert instead “, Substitute Chairman or Deputy Chairman;”.

(iv) Clause 1, definitions of “retired Judge”, “Substitute Chairman”—

20 After the definition of “non-judicial member”, insert:

“retired Judge” means a person who has retired from the office of a Judge of the Supreme or District Court of New South Wales;

25 “Substitute Chairman” means the Substitute Chairman of the Board.

*Probation and Parole (Parole Board) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) Clause 2 (**Composition of the Board**)—

(i) Clause 2 (2) (a)—

Omit the paragraph, insert instead:

5 (a) 3 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 Governor, as—

(i) Chairman of the Board;

10 (ii) Substitute Chairman of the Board; and

(iii) Deputy Chairman of the Board;

(ii) Clause 2 (3A)—

After clause 2 (3), insert:

15 (3A) A retired Judge of or above the age of 72 years shall not be appointed as a judicial member.

(iii) Clause 2 (4)–(6)—

Omit “or a” wherever occurring, insert instead “, Substitute Chairman or”.

(c) Clause 3 (**Acting members**)—

20 (i) Clause 3 (1), (1A)—

Omit the subclauses, insert instead:

(1) The Substitute Chairman shall, during the illness or absence of the Chairman, act in the office of the Chairman and shall have and may exercise all the functions of the Chairman.

25 (1A) The Deputy Chairman shall, during the illness or absence of the Substitute Chairman, act in the office of the Substitute Chairman and shall have and may exercise all the functions of the Substitute Chairman.



*Probation and Parole (Parole Board) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(ii) Clause 3 (2)—

Omit “, to act in the office of a”, insert instead “or retired Judge, to act in the office of the”.

(iii) Clause 3 (5)—

5 Omit the subclause, insert instead:

(5) For the purposes of this clause—

(a) a vacancy in the office of Chairman, Substitute Chairman or Deputy Chairman shall be deemed to be an absence from office of the Chairman, Substitute Chairman or Deputy Chairman; and

(b) the Substitute Chairman or Deputy Chairman shall be deemed to be absent from the office of Substitute Chairman or Deputy Chairman during any period of acting in another office pursuant to subclause (1) or (1A).

(d) Clause 7 (**Casual vacancies**)—

Clause 7 (1) (f)—

After “Judge”, insert “(except because of retirement) or attains the age of 72 years”.

20 (e) Clause 9 (**Divisions of the Board**)—

Clause 9 (3) (b)—

Omit the paragraph, insert instead:

(b) the Substitute Chairman, or Deputy Chairman, and 2 non-judicial members.

25 (f) Clause 13 (**Presiding members**)—

(i) Clause 13 (1)—

Omit “or, in the absence of the Chairman, a Deputy Chairman”.

*Probation and Parole (Parole Board) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

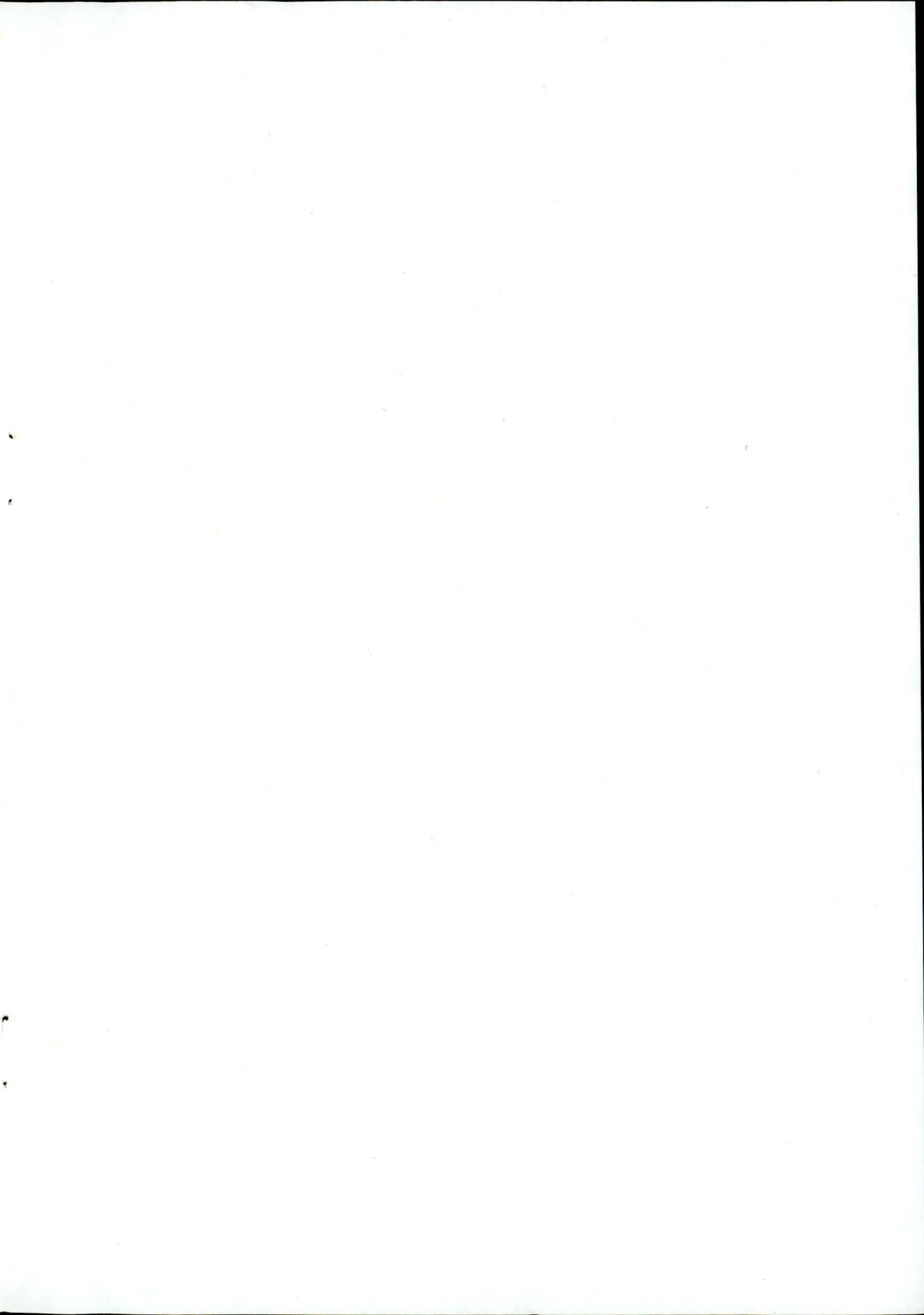
(ii) Clause 13 (2)—

Omit the subclause, insert instead:

(2) At a meeting of a Division, the judicial member of the Division shall preside.

5 (g) Clause 14 (**Voting at meetings of the Board**)—

Omit “one or both of the Deputy Chairmen is or are both”, insert instead “the Substitute Chairman or Deputy Chairman, or both, are”.





**PROBATION AND PAROLE (PAROLE BOARD)  
AMENDMENT ACT 1987 No. 137**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 194, 1983
5. Transitional provisions

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

---

PROHIBITED BY LAW TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

NOV 11 1971

NOV 11 1971

NOV 11 1971

**PROBATION AND PAROLE (PAROLE BOARD) AMENDMENT ACT  
1987 No. 137**

**NEW SOUTH WALES**



**Act No. 137, 1987**

An Act to amend the Probation and Parole Act 1983 with respect to the constitution of the Parole Board; and for other purposes. [Assented to 16 June 1987]

---

See also Prisons (Release on Licence Board) Amendment Act 1987.

*Probation and Parole (Parole 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 "Probation and Parole (Parole 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 Probation and Parole Act 1983 is referred to in this Act as the Principal Act.

**Amendment of Act No. 194, 1983**

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 office under the Principal Act as—

- (a) Chairman of the Parole Board; or
- (b) Deputy Chairman of the Parole 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, Substitute Chairman or Deputy Chairman of the Parole Board.

---



## SCHEDULE 1

(Sec. 4)

## AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 4 (**Interpretation**)—

Section 4 (1), definition of “judicial member of the Board”—

Omit “or a”, insert instead “, Substitute Chairman or”.

(2) Schedule 1 (**Provisions relating to the members of the Board, Divisions of the Board and procedure**)—(a) Clause 1 (**Interpretation**)—

## (i) Clause 1, definition of “Deputy Chairman”—

Omit “a”, insert instead “the”.

## (ii) Clause 1, definition of “judicial member”—

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

## (iii) Clause 1, definition of “non-judicial member”—

Omit “or a Deputy Chairman.”, insert instead “, Substitute Chairman or Deputy Chairman;”.

## (iv) Clause 1, definitions of “retired Judge”, “Substitute Chairman”—

After the definition of “non-judicial member”, insert:

“retired Judge” means a person who has retired from the office of a Judge of the Supreme or District Court of New South Wales;

“Substitute Chairman” means the Substitute Chairman of the Board.

*Probation and Parole (Parole Board) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) Clause 2 (**Composition of the Board**)—

(i) Clause 2 (2) (a)—

Omit the paragraph, insert instead:

(a) 3 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 Governor, as—

(i) Chairman of the Board;

(ii) Substitute Chairman of the Board; and

(iii) Deputy Chairman of the Board;

(ii) Clause 2 (3A)—

After clause 2 (3), insert:

(3A) A retired Judge of or above the age of 72 years shall not be appointed as a judicial member.

(iii) Clause 2 (4)–(6)—

Omit “or a” wherever occurring, insert instead “, Substitute Chairman or”.

(c) Clause 3 (**Acting members**)—

(i) Clause 3 (1), (1A)—

Omit the subclauses, insert instead:

(1) The Substitute Chairman shall, during the illness or absence of the Chairman, act in the office of the Chairman and shall have and may exercise all the functions of the Chairman.

(1A) The Deputy Chairman shall, during the illness or absence of the Substitute Chairman, act in the office of the Substitute Chairman and shall have and may exercise all the functions of the Substitute Chairman.

*Probation and Parole (Parole Board) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(ii) Clause 3 (2)—

Omit “, to act in the office of a”, insert instead “or retired Judge, to act in the office of the”.

(iii) Clause 3 (5)—

Omit the subclause, insert instead:

(5) For the purposes of this clause—

(a) a vacancy in the office of Chairman, Substitute Chairman or Deputy Chairman shall be deemed to be an absence from office of the Chairman, Substitute Chairman or Deputy Chairman; and

(b) the Substitute Chairman or Deputy Chairman shall be deemed to be absent from the office of Substitute Chairman or Deputy Chairman during any period of acting in another office pursuant to subclause (1) or (1A).

(d) Clause 7 (**Casual vacancies**)—

Clause 7 (1) (f)—

After “Judge”, insert “(except because of retirement) or attains the age of 72 years”.

(e) Clause 9 (**Divisions of the Board**)—

Clause 9 (3) (b)—

Omit the paragraph, insert instead:

(b) the Substitute Chairman, or Deputy Chairman, and 2 non-judicial members.

(f) Clause 13 (**Presiding members**)—

(i) Clause 13 (1)—

Omit “or, in the absence of the Chairman, a Deputy Chairman”.

*Probation and Parole (Parole Board) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(ii) Clause 13 (2)—

Omit the subclause, insert instead:

(2) At a meeting of a Division, the judicial member of the Division shall preside.

(g) Clause 14 (**Voting at meetings of the Board**)—

Omit “one or both of the Deputy Chairmen is or are both”, insert instead “the Substitute Chairman or Deputy Chairman, or both, are”.