

CRIMES (AMENDMENT) ACT.

Act No. 36, 1950.

**George VI,
No. 36, 1950.** An Act to provide for the constitution of a Parole Board and for the exercise of certain functions by that Board; to amend the Crimes Act, 1900, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 16th November, 1950.]

BE it enacted by the King'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
and
commence-
ment.

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1950."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
40, 1900.
New sec.
464A.

2. The Crimes Act, 1900, as amended by subsequent Acts, is amended by inserting next after section four hundred and sixty-four the following new section:—

Parole
Board.

464A. (1) (a) There shall be constituted a board to be called the Parole Board (in this section referred to as the "board").

(b) The board shall consist of four members who shall be appointed by the Governor.

Of the members so appointed, one shall be a District Court judge or a retired District Court judge and one shall be a legally qualified medical practitioner having special qualifications in psychiatry.

(c) One of the members of the board, being a District Court judge or a retired District Court judge shall, in and by the instrument of his appointment, be appointed President of the board.

(d)

(d) A member of the board shall, ^{No. 36, 1950} subject to this subsection, hold office for a period of five years from the date of his appointment, and shall be eligible for re-appointment from time to time upon the expiration of his term of office.

(e) A member of the board shall be deemed to have vacated his office if he—

- (i) is absent from three consecutive ordinary meetings of the board except upon leave granted by the Governor;
- (ii) resigns his office by writing under his hand addressed to the Governor;
- (iii) dies; or
- (iv) is removed from office by the Governor.

(f) The members of the board shall be paid such fees and allowances as the Governor may direct:

Provided that no such fees or allowances shall be payable to any member who, for the time being, holds office as a *District Court* judge.

(g) A member of the board who is an officer within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, shall, notwithstanding anything contained in that Act or in any other Act or in any regulations made under any Act, be entitled to receive fees and allowances under this subsection for his own use and benefit in addition to any remuneration to which he is otherwise entitled.

(h) Service as a member of the board shall not be deemed to be employment in the service of the State for the purposes of section ninety-four of the Superannuation Act, 1916-1948.

(i) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member of the board, and a member shall not, in his capacity as such, be subject to the provisions of any such Act during his term of office.

(2) (a) Meetings of the board shall be held at such times and places as the President or the board determines.

(b)

Crimes (Amendment) Act.

No. 36, 1950.

(b) At each meeting of the board the President shall preside:

Provided that where the President is absent from a meeting and the Governor has not appointed a person to act in his place, the members present at the meeting may choose one of their number to preside at that meeting.

(c) At any meeting of the board three members shall form a quorum and any meeting at which a quorum is present shall be competent to transact any business of the board.

(d) The board shall not make any decision, determination or recommendation unless at least three members concur therein.

(3) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, appoint a secretary to the board and such other officers as may be necessary to assist the board in the exercise of its functions.

(4) It shall be the duty of the board to consider the case of any prisoner referred to it by the Minister with a view to making a recommendation to the Minister as to whether the prisoner should be granted a written license to be at large and as to the limits of residence and the conditions which should be specified in or endorsed on the license.

(5) The Comptroller-General of Prisons and all persons employed in a prison shall grant to the members of the board or to any person authorised in writing by the board in that behalf access at all reasonable times to any prisoner confined in that prison whose case has been referred to the board by the Minister under subsection four of this section and provide for such members or person facilities for communicating with or observing such prisoner.

(6) (a) The Comptroller-General of Prisons and the Commissioner of Police shall, if so requested by the board, furnish or cause to be furnished to the board reports on the conduct and character of any prisoner whose case has been referred to it by the Minister under subsection four of this section.

(b)

(b) Where the prisoner whose case has ^{No. 36, 1950.} been so referred was formerly an inmate of an institution within the meaning of the Child Welfare Act, 1939, as amended by subsequent Acts, the Director of the Child Welfare Department shall, if so requested by the board, furnish or cause to be furnished to the board a report on the conduct and character of the prisoner while an inmate of the institution.

(c) There shall be included in any report on the conduct and character of a prisoner furnished or caused to be furnished to the board under this subsection any information available to the person furnishing the report or causing the same to be furnished which may be of assistance to the board in considering the case of the prisoner.

(7) In this section "prisoner" includes an habitual criminal.

(8) Nothing contained in this section shall be so construed as to limit or affect in any manner the Royal prerogative of mercy.

(9) (a) The Governor may make regulations not inconsistent with this section prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this section.

(b) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.