

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

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 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.

Prisons (Release on Licence Board) Amendment 1987

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”.

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
(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)”.