

Act No. 138

**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.

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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.

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