

Act No. 137

**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.
-