

ACTS AMENDMENT
(STRICT SECURITY LIFE
IMPRISONMENT).

No. 96 of 1980.

AN ACT to amend sections 18 and 679 of The Criminal Code, the Prisons Act 1903-1979 and the Offenders Probation and Parole Act 1963-1977.

[Assented to 9 December 1980.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Acts Amendment (Strict Security Life Imprisonment) Act 1980*. Short title.

PART I—THE CRIMINAL CODE.

2. In this Part, "the Code" means The Criminal Code set out in the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Act Compilation Act 1913, as amended from time to time.

Inter-
pretation.
Reprinted
as approved
8 December
1978 and
amended by
Acts Nos. 67,
68 and 107
of 1979.

Section 18
amended.

3. Section 18 of the Code is amended by inserting after "Death;" the following—

“ Strict security life imprisonment; ” .

Section 679
amended.

4. Section 679 of the Code is amended—

(a) by inserting in the first paragraph after “extend mercy” the following—

“ on condition of the offender being the subject of an order of strict security life imprisonment or ”; and

(b) by inserting in the second paragraph—

(i) after “make an order” the following—

“ of strict security life imprisonment or ”; and

(ii) after “convicted.” at the end thereof the following—

“ An order of strict security life imprisonment shall specify the place in which the offender is to be imprisoned ”; and

(c) by inserting after the fourth paragraph the following paragraph—

“ If in any case the Governor extends the Royal mercy to an offender who is the subject of an order of strict security life imprisonment, the Chief Secretary shall cause the order signifying the extension of mercy, together with an explanatory note as to the circumstances, to be tabled in each House of Parliament within fifteen sitting days of that House after the making of the order. ” .

PART II—PRISONS ACT 1903-1979.

5. (1) In this Part, the Prisons Act 1903-1979 is referred to as the principal Act.

Citation.
Reprinted
as approved
1 April 1976
and
amended
by Acts Nos.
94 of 1978
and 50
of 1979.

(2) The principal Act as amended by this Act may be cited as the Prisons Act 1903-1980.

6. Section 53 of the principal Act is amended by deleting "Prisoners may" and substituting the following—

Section 53
amended.

" Subject to section 56A of this Act, prisoners may "

7. Section 54 of the principal Act is amended by deleting "Any prisoner", where it first occurs, and substituting the following—

Section 54
amended.

" Subject to section 56A of this Act, any prisoner "

8. Section 55 of the principal Act is amended by deleting "Any prisoner" and substituting the following—

Section 55
amended.

" Subject to section 56A of this Act, any prisoner "

9. After section 56 of the principal Act, the following section is inserted—

Section 56A
inserted.

" 56A. In relation to a person sentenced to strict security life imprisonment—

Restric-
tions
affecting
sections 53,
54 and 55.

- (a) a person on whom a power is conferred under section 53, 54 or 55 of this Act may, subject to paragraph (b) of this section, exercise the power only if he is of the opinion that an emergency requires him to exercise the power without delay, and in any such event he shall report, in writing and with an explanatory note, his exercise of the power to the Minister in the case of section 53 and 54 and the Governor in the case of section 55;

- (b) the powers referred to in sections 53, 54 and 55, or any of them, may be exercised by authority conferred by order of the Governor and the Minister shall cause every order made under this paragraph, together with an explanatory note as to the circumstances, to be tabled in each House of Parliament within fifteen sitting days of that House after the making of the order. ” .

Section 64R
amended.

10. Section 64R of the principal Act is amended—

- (a) by inserting after the section designation “64R.” the subsection designation “(1)”;
- (b) by deleting “With the” in subsection (1) and substituting the following—
“ Subject to subsection (2) of this section, with the ” ; and
- (c) by inserting after subsection (1) the following subsections—
“ (2) Subsection (1) of this section does not apply in relation to a prisoner sentenced to strict security life imprisonment.
(3) Where the Governor is of the opinion that special circumstances exist, the Governor may by order grant leave of absence to a prisoner sentenced to strict security life imprisonment for the purpose and subject to the conditions specified in the order and the Minister shall cause every order made under this subsection, together with an explanatory note as to the circumstances, to be tabled in each House of Parliament within fifteen sitting days of that House after the making of the order.

(4) The Governor may at any time and from time to time, vary or cancel an order made under subsection (3) of this section and the Minister shall cause every order made under this subsection, together with an explanatory note as to the circumstances, to be tabled in each House of Parliament within fifteen sitting days of that House after the making of the order. ” .

PART III—OFFENDERS PROBATION AND PAROLE
ACT 1963-1977.

11. (1) In this Part, the Offenders Probation and Parole Act 1963-1977 is referred to as the principal Act.

Citation.
Reprinted
as approved
11 Novem-
ber 1977.

(2) The principal Act as amended by this Act may be cited as the Offenders Probation and Parole Act 1963-1980.

12. Section 34 of the principal Act is amended—

Section 34
amended.

(a) in subsection (2)—

(i) by deleting subparagraph (i) of paragraph (b) and substituting the following subparagraph—

“ (i) every prisoner for the time being undergoing a sentence of strict security life imprisonment or a sentence of life imprisonment; ” ;

(ii) by deleting the comma at the end of subparagraph (ii) of paragraph (ba), substituting a semi-colon and inserting after subparagraph (ii) the following subparagraph—

“ (iii) undergoing a sentence of strict security life imprisonment commuted pursuant

to section six hundred and seventy-nine of The Criminal Code from a sentence of death, furnish to the Minister, as soon as practicable after and not before a period of twenty years has elapsed from the date the sentence was so commuted and thereafter as soon as practicable after each period of three years, ” ; and

(b) by inserting after subsection (2) the following subsection—

“ (3) Notwithstanding subparagraph (iii) of paragraph (ba) of subsection (2) of this section, the Board may, at any time in circumstances which appear to the Board to be exceptional, furnish to the Minister a written report with respect to a prisoner undergoing a sentence of strict security life imprisonment. ” .

Section 42
amended.

13. Section 42 of the principal Act is amended—

(a) in subsection (1),

(i) by deleting “The Governor” where it first occurs and substituting the following—

“ Subject to subsection (2) of this section, the Governor ”;

(ii) by inserting after “a sentence of” the following—

“ strict security life imprisonment or ”;

(b) by inserting after subsection (1) the following subsection—

“ (2) In the case of a prisoner undergoing a sentence of strict security life

imprisonment, an order under subsection (1) of this section shall not be made earlier than twenty years after the date of commutation of sentence except where the Governor is of the opinion that special circumstances exist and the Minister shall cause every order made under that subsection in respect of such a prisoner, together with an explanatory note as to the circumstances, to be tabled in each House of Parliament within fifteen sitting days of that House after the making of the order. ”.
