

WESTERN AUSTRALIA

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# ACTS AMENDMENT (CORRECTIVE SERVICES) ACT

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No. 47 of 1987

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AN ACT to amend the *Prisons Act 1981*, the *Offenders Probation and Parole Act 1963*, the *Prisoners (Interstate Transfer) Act 1983*, *The Criminal Code*, and the *Parliamentary Commissioner Act 1971*.

[Assented to 3 October 1987.]

**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:—

## PART I—PRELIMINARY

### Short title

1. This Act may be cited as the *Acts Amendment (Corrective Services) Act 1987*.

### Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

## PART II—PRISONS ACT 1981

**Principal Act**

3. In this Part, the *Prisons Act 1981*\* is referred to as the principal Act.

[\*Act No. 115 of 1981 as amended by Acts Nos. 66 of 1982, 28 and 52 of 1984 and 98 of 1985.]

**Section 3 amended**

4. Section 3 of the principal Act is amended—

(a) by inserting after the definition of “Appeal Tribunal” the following definition—

“ “Department” means the department of the Government principally assisting the Minister with the administration of this Act; ”;

(b) by deleting the definitions of “Director”, “paragraph”, “Part”, “section” and “subsection”; and

(c) by inserting after the definition of “officer” the following definition—

“ “permanent head” means the permanent head of the Department; ”.

**Section 6 amended**

5. Section 6 of the principal Act is amended in subsection (1) by deleting “a Permanent Head of the Prisons Department who shall be known as the Director of the Western Australia Prisons Department” and substituting the following—

“ a permanent head of the Department ”.

**Section 8 amended**

6. Section 8 of the principal Act is amended in subsection (2) by deleting “power” in the third place where it occurs and substituting the following—

“ duty ”.

**Section 11 amended**

7. Section 11 of the principal Act is amended—

- (a) in subsection (1) by deleting “Prisons”; and
- (b) in subsection (2) by deleting “Prisons”.

**Section 13 amended**

8. Section 13 of the principal Act is amended in subsection (2) by deleting “the Western Australia Prisons Department” in paragraph (a) and substituting the following—

“ Western Australia ”.

**Section 35 amended**

9. Section 35 of the principal Act is amended in subsection (1) by deleting “Western Australia Prisons”.

**Section 95 amended**

10. Section 95 of the principal Act is amended in subsection (1) by deleting “Director’s” and substituting the following—

“ permanent head’s ”.

**References to “Director” amended**

11. The principal Act is amended by deleting “Director” wherever it occurs in the provisions referred to in the Table to this section and substituting in each case the following—

“ permanent head ”.

**TABLE OF PROVISIONS**

Sections 6 (2) and (4), 7, 8 (1), (2), (4) (b), (5) and (6), 9 (1), 12 (c) and (d), 13 (3), (4) and (5), 15, 16 (1), (5), (7), (8) and (9), 19 (1) and (2), 20, 21, 22, 23, 25, 26, 27 (3) (b) and (6), 31 (1), 33, 34 (1), 35 (1), (2), (5) and (6), 36 (1), 37 (1) and (2), 38 (1), (2) and (3) (d), 39 (a), (d), (e) and (h), 40, 41 (3) (c), 42 (3), 43, 45 (b), 46, 47 (1) and (2), 48 (1), 49 (5), 50 (2) and (7), 52 (1) and (2), 53 (2), 55 (1) (c) and (d), 59 (2), 60 (6) (a), 64, 65, 66 (2), 67 (1) (b) and (3), 68 (2) and (4) (f), 80 (2), 81, 82, 83, 87 (1), (2) (b), (5) and (7), 88, 89, 90, 91, 92 (3) and (5), 93, 94 (1), 95 (1), 99 (2), 102 (2), 103 (1), (2), (3) and (5), 104, 105 (1) and (2), 106, 107 (1) (b) and (3) (b), 108 (1), (2) and (4), 109 (1) and (2), 110 (1) (o), 114 (11).

## PART III—OFFENDERS PROBATION AND PAROLE ACT 1963

**Principal Act**

12. In this Part, the *Offenders Probation and Parole Act 1963*\* is referred to as the principal Act.

[\*Reprinted as approved 11 June 1984 and amended by Acts Nos. 52 of 1984 and 24 and 118 of 1985.]

**Section 4 amended**

13. Section 4 of the principal Act is amended—

- (a) by deleting the definitions of “Director” and “Director of Prisons”;
- (b) in the definition of “parole officer” by deleting “a parole officer appointed under this Act and includes the Director and Deputy Director, Probation and Parole Services, an honorary parole officer” and substituting the following—

“ the permanent head and a parole officer or honorary parole officer appointed in accordance with section 35 ”;
- (c) by inserting after the definition of “parole order” the following definition—

“ “permanent head” means the permanent head of the department of the Government principally assisting the Minister administering the *Prisons Act 1981* with the administration of that Act; ”;
- (d) in the definition of “probation officer” by deleting “a probation officer or honorary probation officer appointed under this Act and includes the Director and Deputy Director, Probation and Parole Services” and substituting the following—

“ the permanent head and a probation officer or honorary probation officer appointed in accordance with section 6 ”.

**Section 5A repealed and a section substituted**

14. Section 5A of the principal Act is repealed and the following section is substituted—

**Delegation by permanent head**

“ 5A. (1) The permanent head may, by writing signed by him, delegate to his deputy or some other officer any of his powers or duties under this Act, other than this power of delegation.

(2) For the purposes of this Act, the exercise of a power or the performance of a duty by a delegate under this section shall be deemed to be the exercise of the power or the performance of the duty by the permanent head. ”.

**Section 6 amended**

15. Section 6 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) There may be appointed under and subject to the *Public Service Act 1978* such probation officers and other officers as are required for the purposes of this Act. ”; and

(b) in subsection (2) by deleting “be appointed under this Act to”.

**Section 21 amended**

16. Section 21 of the principal Act is amended—

(a) in subsection (2) by deleting paragraphs (b) and (c) and substituting the following paragraphs—

“ (b) the permanent head;

(c) a prescribed officer nominated by the permanent head; ”; and

(b) by inserting after subsection (3) the following subsection—

“ (4) In this section and in sections 23 and 23A “prescribed officer” means an officer employed in accordance with section 6 (1) or section 35 (1). ”.

**Section 23 amended**

17. Section 23 of the principal Act is amended in subsection (3)—
- (a) in paragraph (b) by deleting “Director of Prisons” and substituting the following—  
“ permanent head ”; and
  - (b) in paragraph (c) by deleting “hold the office of Director” and substituting the following—  
“ be a prescribed officer nominated by the permanent head ”.

**Section 23A amended**

18. Section 23A of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

- “ (1) The permanent head may nominate—
- (a) an officer of the department of the Government of which he is the permanent head to be his deputy; and
  - (b) a prescribed officer to be the deputy of the officer nominated by the permanent head under section 21 (2) (c),

and, at any meeting of the Board when the permanent head or the officer nominated by the permanent head under section 21 (2) (c) is not present, his deputy, if any, may attend and while so attending may exercise all the powers and perform all the functions of a member. ”.

**Section 35 amended**

19. Section 35 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting the following subsection—  
“ (1) There may be appointed under and subject to the *Public Service Act 1978* such parole officers and other officers, including a person to be secretary to the Board, as are required for the purposes of this Act. ”; and
- (b) in subsection (2) by deleting “be appointed under this Act to”.

**Section 36 amended**

20. Section 36 of the principal Act is amended by deleting “Chief Parole Officer” and substituting the following—

“ permanent head ”.

**References to “Director” amended**

21. The principal Act is amended by deleting “Director” wherever it occurs in the provisions referred to in the Table to this section and substituting in each case the following—

“ permanent head ”.

## TABLE OF PROVISIONS

Sections 7, 8, 9 (1a), (7b), (7c), (9), (9a) and (10), 20B (6a), (6b) (a), (7) (b) and (8), 20F (1) (ca) and (3), 20G (a) (ii), 34A (2) (a), 36, 40 (2), 41 (3b), (3c), (3d), (3e), (3f) and (4), 41A (7), 49, 50C (1), 50D, 50N (3), 50P, 50Q (5), 50R (10), 50W (1), 51A (1).

## PART IV—PRISONERS (INTERSTATE TRANSFER) ACT 1983

**Principal Act**

22. In this Part, the *Prisoners (Interstate Transfer) Act 1983\** is referred to as the principal Act.

[\*Act No. 75 of 1983.]

**Section 3 amended**

23. Section 3 of the principal Act is amended in subsection (1)—

- (a) by deleting the definition of “Director”; and
- (b) by inserting after the definition of “participating State” the following definition—

“ “permanent head” means the permanent head of the department of the Government principally assisting the Minister administering the *Prisons Act 1981* with the administration of that Act; ”.

**References to “Director” amended**

24. The principal Act is amended by deleting “Director” wherever it occurs in the provisions referred to in the Table to this section and substituting in each case the following—

“ permanent head ”.

## TABLE OF PROVISIONS

Sections 12 (2), 22 (1) (a) and (3), 29 (1) (b) (iii), 33.

## PART V—THE CRIMINAL CODE

**Section 684 amended**

25. Section 684 of 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* is amended in subsection (1) by deleting “Director of the Department of Corrections” and substituting the following—

“ permanent head of the department of the Government principally assisting the Minister administering the *Prisons Act 1981* with the administration of that Act ”.

[\*Reprinted as approved 13 December 1983 and amended by Acts Nos. 13, 52 and 121 of 1984 and 14, 74 and 119 of 1985.]

## PART VI—PARLIAMENTARY COMMISSIONER ACT 1971

**Section 17A amended**

26. Section 17A of the *Parliamentary Commissioner Act 1971*\* is amended in subsection (4) by deleting “Director of the Western Australia Prisons Department appointed under section 6 (1) of the *Prisons Act 1981*” and substituting the following—

“ permanent head of the department of the Government principally assisting the Minister administering the *Prisons Act 1981* with the administration of that Act ”.

[\*Reprinted as approved 19 July 1983 and amended by Acts Nos. 124 of 1984, 69, 92, 98, 107 and 110 of 1985 and 39, 51 and 101 of 1986.]

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