

OFFENDERS PROBATION AND PAROLE.

No. 68 of 1983.

AN ACT to amend the Offenders Probation and
Parole Act 1963-1982.

[Assented to 22 December 1983.]

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. (1) This Act may be cited as the *Offenders Probation and Parole Amendment Act 1983*. Short title and citation.

(2) In this Act the Offenders Probation and Parole Act 1963-1982 is referred to as the principal Act. Reprinted as approved 11 November 1977 and amended by Acts Nos. 96 of 1980, 116 of 1981 and 89 of 1982.

(2aa) The provisions of section 21A of this Act apply to and in relation to an appointment under subsection (2) of this section as though the appointment were a recommendation under that section. ”;

(b) in subsection (3), by inserting after “Act,” in paragraph (a) the following—

“ being a person holding an office as judge of the Supreme Court or District Court at the time of his appointment as member, ”; and

(c) by inserting after subsection (7) the following subsection—

“ (8) Where the person appointed to be judicial member of the Board does not hold office as a judge of the Supreme Court or District Court the provisions of subsections (4), (5), (6) and (7) apply to and in relation to the terms and conditions of his appointment as though he were an appointed member. ”.

Section 25
amended.

7. Section 25 of the principal Act is amended—

(a) by inserting before “The” the following—

“ (1) ”;

(b) by deleting “, except a member who is a judge,” and substituting the following—

“ , other than a person holding office as judge of the Supreme Court or District Court, as the case may be, ”; and

(c) by inserting the following subsection—

“ (2) The payment pursuant to subsection (1) of this section of any remuneration, travelling and other

allowances to a member who is a retired judge of the Supreme Court or District Court does not affect any entitlement of that person under the Judges Salaries and Pensions Act 1950. ”.

8. Section 34A of the principal Act is amended by repealing subsection (4) and substituting the following subsection—

Section 34A amended.

“ (4) Where a person is delivered at a place of detention pursuant to a warrant issued under this section, the person shall be kept in such strict custody as was initially ordered by the Court until further order of the Governor for the safe custody of such person. ”.

9. After section 37 of the principal Act the following section is inserted—

Section 37A inserted.

“ 37A. In fixing a minimum term under this Part in respect of any term of imprisonment, the court shall have regard to the part, if any, of the term of imprisonment that would, in the ordinary course of events, have been remitted pursuant to section 29 of the Prisons Act 1981 if the application of that section had not been excluded by this Act and the court shall not fix the minimum term to extend beyond the date at which the prisoner in respect of whom the minimum term is being fixed would have been eligible for release under that section. ”.

Court to have regard to remission provisions when fixing minimum terms.

10. Section 39 of the principal Act is amended by repealing subsection (1).

Section 39 amended.

Section 51
amended.

11. Section 51 of the principal Act is amended—

(a) by deleting “or” after paragraph (a); and

(b) in paragraph (b), by deleting “so,” and substituting the following—

“ so; or

(c) to such persons or bodies or in such circumstances as the Attorney General approves from time to time, ”.
