

ACTS AMENDMENT
(PRISONS).

No. 116 of 1981.

AN ACT to amend The Criminal Code and the
Offenders Probation and Parole Act 1963-1980.

[Assented to 14 December 1981.]

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 (Prisons) Act 1981*. Short title.

2. This Act shall come into operation on the day fixed for the coming into operation of the Prisons Act 1981. Commencement.

PART I.—THE CRIMINAL CODE.

Interpreta-
tion.
Reprinted
as approved
8 December
1978 and
amended by
Acts Nos. 67,
68, and 107
of 1979 and
96 of 1980.

3. 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.

Section 18
amended.

4. Section 18 of the Code is amended by deleting “Detention in a reformatory prison” and substituting the following—

“ Detention during the Governor’s pleasure in a prison ” .

Section 661
amended.

5. Section 661 of the Code is amended by deleting “reformatory”.

Section 662
amended.

6. Section 662 of the Code is amended by deleting “reformatory” in both places where it occurs.

Section 663
amended.

7. Section 663 of the Code is amended by deleting “reformatory”.

Section 665
amended.

8. Section 665 of the Code is amended in subsection (2) by deleting “reformatory prison under and subject to such provisions as shall be made by law for the establishment of such prisons and” and substituting the following—

“ prison under and subject to such provisions as shall be made by law ” .

Section 688
amended.

9. Section 688 of the Code is amended in subsection (1a) by deleting paragraph (a) and substituting the following paragraph—

“ (a) against any sentence of detention in a prison passed upon him under section 661 or 662 of this Code; and ” .

PART II.—OFFENDERS PROBATION AND
PAROLE ACT 1963-1980.

10. (1) In this Part, the Offenders Probation and Parole Act 1963-1980 is referred to as the principal Act.

Citation.
Reprinted
as approved
11 November
1977 and
amended by
Act No. 96
of 1980.

(2) The principal Act as amended by this Act may be cited as the Offenders Probation and Parole Act 1963-1981.

11. Section 4 of the principal Act is amended— Section 4
amended.

(a) in the definition of “Director”, by deleting “Director of the Department of Corrections appointed under the Prisons Act, 1903,” and substituting the following—

“ Permanent Head of the Western Australia Prisons Department appointed under the Prisons Act 1981 ” ;

(b) in the definition of “prison” by deleting “four of the Prisons Act, 1903” and substituting the following—

“ 3 of the Prisons Act 1981 ” ; and

(c) by deleting the definition of “remission regulations”.

12. Section 19 of the principal Act is amended Section 19
amended. in subsection (3) by deleting “fifty-two of the Prisons Act, 1903,” and substituting the following—

“ 21 of the Prisons Act 1981 ” .

13. Section 20P of the principal Act is amended Section 20P
amended. in subsection (3) by deleting “fifty-two of the Prisons Act, 1903,” and substituting the following—

“ 21 of the Prisons Act 1981 ” .

Section 34
amended.

14. Section 34 of the principal Act is amended in paragraph (a) of subsection (1) by deleting "Prisons Act, 1903," and substituting the following—

“ Prisons Act 1981 ” .

Section 37
amended.

15. Section 37 of the principal Act is amended in subparagraph (i) of paragraph (b) of subsection (2) by deleting "reformatory".

Section 39
amended.

16. Section 39 of the principal Act is amended—

(a) in subsection (1), by deleting "the remission regulations do" and substituting the following—

“ section 29 of the Prisons Act 1981 does ” ; and

(b) in subsection (3), by deleting "the remission regulations on account of his industry and good conduct if those regulations" and substituting the following—

“ section 29 of the Prisons Act 1981 if that section ” .

Section 41
amended.

17. Section 41 of the principal Act is amended in subsection (1) by deleting "reformatory" wherever it occurs in paragraphs (b), (c), and (d).

Section 43
amended.

18. Section 43 of the principal Act is amended in paragraph (c) by deleting "reformatory".

Section 45
amended.

19. Section 45 of the principal Act is amended by deleting "reformatory".

20. Section 48 of the principal Act is repealed and the following section is substituted—

Section 48
repealed and
substituted.

“ 48. In fixing a minimum term under this Part in respect of any term of imprisonment, the Board 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 Board 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. ” .

Board to
have regard
to remission
provisions
when fixing
minimum
sentence.
