

OFFENDERS PROBATION AND PAROLE.

No. 16 of 1971.

AN ACT to amend section thirty-four of the Offenders Probation and Parole Act, 1963-1970, to make provision for the Release on Parole of Children or Young Persons detained pursuant to paragraph (a) of subsection (6a) of section nineteen of The Criminal Code, and to provide for the handing over of responsibility by the Parole Service to the Mental Health Services in certain cases.

[Assented to 4th October, 1971.]

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 Act Amendment Act, 1971.*

Short title
and citation.

Reprinted as approved for reprint 16th January, 1970 and amended by Act No. 40 of 1970.

(2) In this Act the Offenders Probation and Parole Act, 1963-1970, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Offenders Probation and Parole Act, 1963-1971.

S. 34 amended.

2. Subsection (2) of section 34 of the principal Act is amended by substituting for the word "and", in line eleven of paragraph (a), the word "or".

S. 34AA added.

3. The principal Act is amended by adding immediately after section 34A a new section as follows—

Power to re-lease certain children and young persons in custody subject to

34AA. (1) Where any child or young person under the age of eighteen years ordered pursuant to paragraph (a) of subsection (6a) of section nineteen of The Criminal Code to be detained in strict custody until the Governor's pleasure is known and, thereafter, in safe custody in such place or places as the Governor may, from time to time, direct is released from custody by order of the Governor, the Governor may in that order specify such conditions as he thinks fit, subject to which the offender shall be released, including a condition that during the period specified in the order he be under the supervision of a parole officer.

(2) Where an offender is so released subject to a condition that he be under the supervision of a parole officer for a period the provisions of this Act apply to him as if he were a person ordered pursuant to section six hundred and fifty-three of The Criminal Code to be kept in safe custody during the pleasure of the Governor and released from custody in accordance with section thirty-four A of this Act. .

4. The principal Act is amended by adding immediately after section 34B a new section as follows—

S. 34C
added.

34C. (1) When the Governor makes an order pursuant to section forty-eight of the Mental Health Act, 1962, that a person be admitted as a patient to an approved hospital the provisions of this Act cease to apply to that person.

Application
of this Act
where an
order is
made under
s. 48 of the
Mental
Health Act,
1962.

(2) When the Governor makes an order pursuant to subsection (2) of section forty-eight of the Mental Health Act, 1962, that a person be returned to strict custody the provisions of this Act again apply to that person. .
