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Crown Law Department,
Perth, 18th January, 1967.

THE undermentioned Regulations made under the provisions of the Offenders Probation and Parole Act, 1963, are reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

OFFENDERS PROBATION AND PAROLE ACT, 1963.

**OFFENDERS PROBATION AND PAROLE
REGULATIONS, 1964.**

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OFFENDERS PROBATION AND PAROLE REGULATIONS, 1964.

1. (1) These regulations may be cited as the Offenders Probation and Parole Regulations, 1964.

(2) In these regulations "the Act" means the Offenders Probation and Parole Act, 1963.

Interpretation.
See s. 39
Act No. 30
of 1918.

2. These regulations are divided into Parts as follows:—

Arrangement.

- Part I.—Pre-sentence Reports.
- Part II.—Probation Orders.
- Part III.—Discharge and Amendment of Probation Orders.
- Part IV.—Breach of Probation Orders.
- Part V.—Chief Probation Officer.
- Part VI.—Deputy Chief Probation Officer.
- Part VII.—Probation Officers.
- Part VIII.—Supervision of Male and Female Probationers.
- Part IX.—Parole Orders.
- Part X.—Cancellation of Parole Orders.
- Part XI.—Good Conduct Remissions.
- Part XII.—Notifications to the Board of Prisoners Eligible for Parole and Reports on Prisoners.
- Part XIII.—The Secretary to the Board.
- Part XIV.—The Chief Parole Officer.
- Part XV.—Deputy Chief Parole Officer.
- Part XVI.—Parole Officers.
- Part XVII.—Supervision of Male and Female Persons on Parole.
- Part XVIII.—Annual Report.

Part I.—Pre-sentence Reports.

3. (1) A Court that desires to receive a pre-sentence report on any convicted person may request the report from the Chief Probation Officer in the form, or to the effect, of Form A in the Schedule to these regulations.

(2) Form A may be signed by the Clerk of the Court or an officer thereof.

4. A pre-sentence report shall be furnished to the Court so requesting it within twenty-one days of the receipt of the request by the Chief Probation Officer.

5. The Chief Probation Officer shall assign a probation officer to prepare a pre-sentence report requested by a Court.

6. The report shall be submitted in triplicate to the Court requesting it, and at the discretion of the Court, copies may be made available to the parties representing the prosecution and the defence in the proceedings before the Court.

7. Where a Court requires a pre-sentence report to be accompanied by a medical, psychiatric or psychological report on the convicted person to whom the report relates, the Form A may be endorsed accordingly and if the form is so endorsed, the Chief Probation Officer shall obtain the medical, psychiatric or psychological report from the appropriate medical officer, psychiatrist or psychologist and forward it to the Court with the pre-sentence report.

Part II.—Probation Orders.

8. A probation order shall be in the form, or to the effect, of Form B in the Schedule to these regulations.

9. In addition to the conditions set forth in Form B, there shall be specified in a probation order all other conditions subject to which the order is made by the Court.

10. The fact that an offender to whom a probation order relates has expressed his willingness to comply with the requirements of the order, shall be signified by the offender endorsing the order in the appropriate place.

11. (1) The Court by which a probation order is made shall, in accordance with subsection (9) of section nine of the Act, cause copies of the probation order to be given—

- (a) to the probationer named therein;
- (b) to the Chief Probation Officer;
- (c) to the person in charge of any institution in which the probationer is required to reside; and
- (d) to the supervising Court, together with such documents and information relating to the probationer and the offence with which he was charged before the Court, as that Court considers likely to be of assistance to the supervising Court.

(2) Where a Court includes in a probation order a requirement that the offender to whom the probation order relates pay damages for injury or compensation for loss, the Court shall cause a copy of the order to be given to the person to whom the damages or compensation is to be paid.

Part III.—Discharge and Amendment of Probation Orders.

12. The Chief Probation Officer shall determine when an application by a probation officer for discharge of a probation order under section twelve of the Act, or for substitution of a new supervising Court under section thirteen of the Act, or for amendment of a probation order under section fourteen of the Act, shall be made.

13. (1) Where a probation officer or a probationer, as the case may be, makes application to a Court for discharge of a probation order under section twelve of the Act, or for substitution of a new supervising Court under section thirteen of the Act, or for amendment of a probation order under section fourteen of the Act, the probation officer or the probationer, as the case may be, shall give at least seven days' notice in writing of the application to the probationer concerned or the probation officer, as the case requires.

(2) An application for the substitution of a new supervising Court in place of the appointed supervising Court shall, in respect of a probation order, be in the form or to the effect of Form C in the Schedule to these regulations.

14. Where a Court discharges a probation order under section twelve of the Act, or substitutes a new supervising Court under section thirteen of the Act, or amends a probation order under section fourteen of the Act, the Court shall cause the Chief Probation Officer to be notified of its action in that behalf by an appropriate endorsement in the form, or to the effect, of Form D in the Schedule to these regulations, on the back of the probation order, and where the application was made by a probation officer, the Chief Probation Officer shall, as soon as practicable after receiving such notification, notify the probationer concerned, accordingly.

Part IV.—Breach of Probation Orders.

15. A probation officer shall not take action under, or for the purposes of, section sixteen or seventeen of the Act unless he has first obtained the written authority of the Chief Probation Officer to do so.

16. Where a Court deals with a probationer for a breach of any provisions of the Act relating to probation, or of the probation order, the Court shall cause the Chief Probation Officer to be informed of the action taken.

Part V.—Chief Probation Officer.

17. The duties of the Chief Probation Officer shall be as follows:—

- (1) To be responsible to the Minister or such other person as the Minister shall from time to time in writing determine, for the administration of the probation service;
- (2) To assign probation officers to individual cases—
 - (a) for a pre-sentence report; or
 - (b) for supervision;
- (3) To maintain a list of all honorary probation officers appointed under section six of the Act;
- (4) To supervise the work of all probation officers;
- (5) To maintain case records and statistics of the probation service;
- (6) To determine when an application for discharge of a probation order under section twelve of the Act, or for substitution of a new supervising Court under section thirteen of the Act, or for amendment of a probation order under section fourteen of the Act, shall be made by any probation officer;
- (7) To determine when action is to be taken by a probation officer under section sixteen or seventeen of the Act for breach of a probation order;
- (8) To prepare and submit such reports as required by the Minister, or person referred to in paragraph (1) of this regulation;
- (9) To report to the Minister before the first day of October in each year as required by section eight of the Act;
- (10) To perform such other duties as may be required to be performed by him or under the Act, or by the Minister or person referred to in paragraph (1) of this regulation.

Part VI.—Deputy Chief Probation Officer.

18. The duties of the Deputy Chief Probation Officer shall be as follows:—

- (1) In the absence of the Chief Probation Officer or during any vacancy in the office of Chief Probation Officer, to act as Chief Probation Officer;
- (2) To supervise the work of probation officers as directed by the Chief Probation Officer;
- (3) To perform such other duties as directed by the Chief Probation Officer.

Part VII.—Probation Officers.

19. The duties of a probation officer shall be—

- (1) To prepare pre-sentence reports as directed by the Chief Probation Officer;
- (2) To carry out directions of the Court in relation to the probation order;

- (3) To supervise persons placed on probation as assigned by the Chief Probation Officer;
- (4) To maintain case records and statistics as required by the Chief Probation Officer;
- (5) To keep a register in the form, or to the effect of Form E in the Schedule to these regulations;
- (6) To perform such other duties as directed by the Chief Probation Officer.

Part VIII.—Supervision of Male and Female Probationers.

20. Male probation officers only shall be assigned to supervise male probationers and female probation officers only shall be assigned to supervise female probationers.

Part IX.—Parole Orders.

21. A parole order shall be in the form or to the effect of, Form F in the Schedule to these regulations.

22. A parole order shall be signed by any two members of the Board.

23. A parole order shall be made out and signed in triplicate, of which one copy shall be—

- (a) endorsed by the prisoner named therein and retained at the appropriate prison as authority for the release of the prisoner from the prison;
- (b) given to the prisoner named therein; and
- (c) retained by the Board.

24. (1) Where the Governor acting pursuant to section forty-two of the Act, on the recommendation of the Board, by order releases on parole a prisoner undergoing a sentence of imprisonment, either with or without hard labour, for life, the Clerk of the Executive Council shall forthwith send to the Board a copy of the Order in Council evidencing the release by the Governor.

(2) In order to give effect to the order of the Governor and the provisions of the Act, the Board shall thereupon issue a parole order in the form, or to the effect of, Form F in the Schedule to these regulations, making such adaptations as the circumstances require, and the prisoner shall be released accordingly.

Part X.—Cancellation of Parole Orders.

25. An order cancelling a parole order shall be in the form, or to the effect of Form G in the Schedule to these regulations.

26. A warrant authorising apprehension and return to prison of a prisoner, where the parole order that relates to the prisoner is cancelled, shall be in the form or to the effect of Form H in the Schedule to these regulations.

27. A warrant referred to in regulation 26 of these regulations, is sufficient authority to the Superintendent of a prison or person in charge thereof, to receive the prisoner into custody and detain him until released according to law and upon reception of the prisoner the Superintendent or person in charge of a prison shall notify the Secretary of the Board.

Part XI.—Good Conduct Remissions.

28. Pursuant to subsection (2) of section thirty-nine of the Act, where a minimum term is fixed, a maximum of three days' reduction from the term so fixed for each month actually served by the prisoner undergoing the term may be granted by the Comptroller General, if he is satisfied that the good conduct and industry of the prisoner throughout the term actually served merit such reduction.

Part XII.—Notifications to the Board of Prisoners Eligible for Parole and Reports on Prisoners.

29. The Superintendent or person in charge of a prison shall notify in writing the Chief Parole Officer, of the date upon which it is expected that a prisoner therein, who has been sentenced to a term of imprisonment in respect of which a minimum term has been fixed, will be eligible to be released on parole and such notification shall be so given not less than six weeks before that date.

30. In assessing the date on which it is expected a prisoner will be eligible to be released on parole, the Superintendent or person in charge of the prison where the prisoner is imprisoned shall deduct the amount of good conduct remission granted or expected to be granted under subsection (2) of section thirty-nine of the Act as prescribed in regulation 28 of these regulations and shall add the period of any sentence referred to in subsection (2) of section thirty-eight of the Act.

31. The Chief Parole Officer shall submit the case of each prisoner who will be eligible for parole to the Board not less than twenty-eight days prior to the date on which it is expected that the prisoner will be eligible for parole together with such reports on the prisoner as the Board may require including a report on the employment, if any, available to that prisoner if he is released on parole.

Part XIII.—The Secretary to the Board.

32. The duties of the Secretary to the Board are—

- (1) To act as Secretary to the Board;
- (2) To record the Minutes of the meetings of the Board;
- (3) To prepare the agenda of parole cases for each meeting of the Board;
- (4) To prepare parole orders as determined and directed by the Board;
- (5) To carry out such other duties as directed by the Board.

Part XIV.—The Chief Parole Officer.

33. The duties of the Chief Parole Officer are—

- (1) To be responsible to the Minister for the administration of the parole service;
- (2) To assign parole officers for supervision of persons released on parole;
- (3) To supervise the work of all parole officers;
- (4) To submit the case of each prisoner who will be eligible for parole to the Board as required by regulation thirty-one of these regulations;
- (5) To maintain case records and statistics of the parole service as required by the Board;
- (6) To submit such reports as required by the Board;
- (7) To apply to the Board for the cancellation of a parole order in any case where he thinks it proper to do so;
- (8) To submit reports to the Board where cancellation of a parole order is applied for;
- (9) To perform such other duties as may be required by or under the Act by the Board or by the Minister.

Part XV.—Deputy Chief Parole Officer.

34. The duties of the person appointed under paragraph (b) of subsection (1) of section thirty-five of the Act, are—

- (1) In the absence of the Chief Parole Officer or during any vacancy in the office of Chief Parole Officer to act as Chief Parole Officer.
- (2) To supervise the work of parole officers as directed by the Chief Parole Officer.
- (3) To perform such other work as directed by the Chief Parole Officer.

Part XVI.—Parole Officers.

35. The duties of parole officers are—

- (1) To supervise persons released on parole as assigned by the Chief Parole Officer:
- (2) To carry out the directions of the Board in relation to any parole order:
- (3) To maintain case records and statistics as required by the Chief Parole Officer.
- (4) To perform such other duties as directed by the Chief Parole Officer.

Part XVII.—Supervision of Male and Female Persons on Parole.

36. Male parole officers only shall be assigned to supervise male persons who have been released on parole and female parole officers only to supervise female persons so released.

Part XVIII.—Annual Report.

37. Before the first day of October in each year the Board shall make to the Minister, the report required to be made by it pursuant to section thirty-four of the Act in respect of the year ending on the last preceding thirtieth day of June, and once in every year the Board shall make the report required to be made under subsection (2) of that section.

Schedule.

Form A.

Offenders Probation and Parole Act, 1963.

REQUEST FOR PRE-SENTENCE REPORT

Chief Probation Officer, Perth.

At (name of Court) on / /19 , (name in full) (surname in block letters) who resides at (full address) was convicted of
and remanded for sentence in custody
on bail

(strike out words not applicable) at

He is to appear for sentence at on / /19 .

Please submit a pre-sentence report to

Medical report, ^{required} _{not required} (strike out words not required).

Psychiatric report, ^{required} _{not required} (strike out words not required).

Psychological report, ^{required} _{not required} (strike out words not required).

(Clerk or Officer of the Court.)

Dated / /19 .

N.B.—This report is to be submitted in triplicate within 21 days after receipt of this request.

Form B.

Offenders Probation and Parole Act, 1963.

PROBATION ORDER

To (name in full) (surname in block letters),
of

WHEREAS you have been found guilty of:—

at (name of Court) on / /19 .

The provisions of subsection (8) of section nine of the abovementioned Act having been complied with this Court hereby directs, with your consent, that you be admitted to probation and requires that you be under the supervision of the probation officer assigned by the Chief Probation Officer in respect of this order for a period of years from this date on the following conditions:—

- (1) That you abstain from violation of the law.
- (2) That within twenty-four hours after this date you report to the personally.
- (3) That you carry out the lawful instruction of the probation officer.
- (4) That you report and receive visits as directed by the probation officer.
- (5) That you notify the probation officer within 48 hours of any change of your address or change of your employment during the probation period.

The following special conditions also apply to this order: —

(Set out any conditions imposed under subsections (6) or (7) of section nine of the abovementioned Act.)

This Court hereby appoints the Court of Petty Sessions at as the Supervising Court under this order.

Dated at this day of ,
19 .

* Judge, Chairman, Stipendiary
Magistrate, Justice, Officer of the
Court.

* Strike out where not applicable.

I, , hereby confirm that I have consented to the terms and conditions of this order and will comply with the requirements of the order.

Dated / /19 .

(Signature).

Note:—

- (1) A copy of this order will be forwarded to the Chief Probation Officer, Perth.
- (2) The Chief Probation Officer will advise you of the name and address of the probation officer who will supervise your probation.
- (3) You are required to give seven days' notice in writing to the Chief Probation Officer prior to any application to the Court by you for discharge or amendment of this order.

Form C.

Offenders Probation and Parole Act, 1963.

APPLICATION FOR SUBSTITUTION OF NEW
SUPERVISING COURT.

To
The Court of Petty Sessions
At

The application of _____ of _____
in the State of Western Australia made this
day of _____, 19____, before the undersigned
Justice of the Peace for the State who says that on the
day of _____, 19____, at (name of Court)
that (name of probationer) (or I) of _____ was
convicted of (offence) and the Court instead of sentencing him/her/
me made a probation order requiring him/her/me to be under the
supervision of a probation officer for a period of _____ years
from (date of order) and under the Offenders Probation and
Parole Act, 1963, the Court of Petty Sessions at _____ was
appointed as the Supervising Court in the probation order: And
whereas the applicant now desires that the Court of Petty Sessions
at _____ in the State shall be substituted under that
Act in lieu of the Court of Petty Sessions at _____ in
the State as the Supervising Court of the said probation order
and the applicant prays that you the said Court of Petty Sessions,
will proceed in the premises according to law.

.....
(Signature of Applicant.)

Made before me, day and year first abovementioned at
in the said State.

A Justice of the Peace.

Form D.

(To be endorsed on back of Form B.)

ENDORSEMENTS TO PROBATION ORDER.

Chief Probation Officer, Perth.

Offenders Probation and Parole Act, 1963.
(Section 12.)

Notice is hereby given that this order has this day been dis-
charged.

Date:

Clerk of Petty Sessions.

Offenders Probation and Parole Act, 1963.
(Section 13.)

Notice is hereby given that the Court of Petty Sessions at _____
has been appointed Supervising Court in respect
of this order.

Date:

Clerk of Petty Sessions.

Offenders Probation and Parole Act, 1963.
(Section 14.)

Notice is hereby given that this order has been amended as
follows:—

Date:

Clerk of Petty Sessions.

Form E.

Offenders Probation and Parole Act, 1963.

REGISTER TO BE KEPT BY EACH PROBATION OFFICER.

Name.	Age.	Religion.	Court Where Tried.	Date.	Presiding Judge or Magistrate.	Offence.	Supervising Court and Conditions of Probation.	Dates of Visits to Probationer.	Dates of Receipts of Reports from Probationer.	Occupation.	Where and by Whom Employed.	Periodical Reports by Probation Officer.

Form F.

Offenders Probation and Parole Act, 1963.

PAROLE ORDER.

To (name in full) (surname in block letters) whereas you were convicted of _____ at _____ and sentenced to _____

Now this Board directs that you be released on parole on _____ on the following general conditions:—

- That you abstain from violation of the law.
- That you shall not frequently consort with reputed criminals or persons of ill repute.
- That you carry out the lawful instructions of the parole officer.
- That you report as and when directed by the parole officer.
- That you be available for interview by a parole officer at such time and place as directed by the parole officer.
- That you notify the parole officer within 48 hours of any change of your address or change of your employment during the parole period.

The following special conditions also apply to this order:—

- You are still under sentence and the Board may cancel your parole at any time.
- If you are sentenced to another term of imprisonment your parole is automatically cancelled.

Otherwise if you observe the conditions of this order your parole will expire on

The parole officer who is assigned to supervise your parole is

Dated at this day of 19 .

For and on behalf of the Parole Board,

Member.

Member.

I declare that I fully understand the conditions of my parole and undertake to comply with them.

Dated:

Signed

One copy of this order is to be signed by the prisoner and retained at the prison as authority for release.

One copy is to be handed to the prisoner on release.

One copy is to be retained by the Board.

Form G.

Offenders Probation and Parole Act, 1963.

ORDER FOR CANCELLATION OF PAROLE.

Whereas (surname in block letters) was convicted of (state offence) at on and sentenced to and by order of this Board dated was released on parole from on .

Now this Board hereby orders cancellation of such parole.

Dated at this day of 19 .

For and on behalf of the Parole Board,

Member.

Member.

Form H.

Offenders Probation and Parole Act, 1963.

WARRANT FOR APPREHENSION AND
RETURN TO PRISON.

To _____ and all other members of the Police Force in the State of Western Australia and to the Superintendent or other person in charge of the prison at _____ in the said State or of any other prison which is more accessible or convenient.

Whereas (surname in block letters) was convicted of (state offence) at _____ on _____ and sentenced to _____ and by the order of this Board dated _____ was released on parole from _____ on _____.

Now this Board having ordered cancellation of such parole on (or the prisoner having been convicted of _____ at _____ on _____) this warrant authorises any member of the Police Force, or other officer, to apprehend the prisoner and return him to a prison, and this warrant requires the Superintendent or other person in charge of the prison to receive the prisoner into custody and detain him until release according to law.

Dated at _____ this _____ day of _____,

19 _____

For and on behalf of the Parole Board,

Member.

Member.