

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 8 August 1985

PENAL INSTITUTIONS AMENDMENT BILL (NO. 2)

Proposed Amendments

Hon. GEOFFREY PALMER, in Committee, to move the following amendments:

Clause 3: To insert on page 2, after subclause (1), the following subclauses:

(1A) Section 3 (3) of the principal Act (as so substituted) is hereby further amended by inserting in paragraph (b), after the word "officer", the words "or employee".

(1B) Section 3 (4) of the principal Act (as so substituted) is hereby amended by inserting, after the word "officer", the words "or employee".

To insert in line 33 on that page, after the word "officer", the words "or employee".

Clause 8: To insert on page 5, after subclause (2), the following subclause:

(2A) Section 12 of the principal Act (as so substituted) is hereby further amended by omitting from paragraph (d) of subsection (1), and also from paragraph (e) of that subsection, the words "or paragraph (b)".

Clause 10: To insert in line 7 on page 7, after the words "the Superintendent", the words "of the penal institution in which the inmate is detained".

To omit from line 17 on that page the words "by the Secretary for Justice".

To insert in line 20 on that page, after the words "the Superintendent", the words "of the penal institution in which the inmate is detained".

To insert in line 23 on that page, after the expression "(3) (a)", the expression "(3) (b)".

Clause 11: To omit from line 16 on page 10 the word "the" where it first occurs, and substitute the word "any".

To add to the proposed section 21B on that page the following proposed subsection:

“(5) Where the District Prisons Board reverses or modifies any decision of the Superintendent on review under this section, the Superintendent shall give such direction, or impose, modify, or cancel such conditions, under section 21A of this Act as may be necessary to give effect to the Board’s decision.”

Clause 12: To omit subclause (1) (all the words in lines 25 to 29 on page 10), and substitute the following subclauses:

(1) Section 21C of the principal Act (as inserted by section 2 of the Penal Institutions Amendment Act 1961) is hereby amended by omitting from subsection (3) the words “this section”, and substituting the words “section 21A of this Act”.

(2) Section 21C of the principal Act (as so inserted) is hereby further amended by inserting in subsection (4) (e), after the word “fine”, the words “or reparation”.

Clause 17: To omit the clause on page 13, and substitute the following clause:

17. Powers of Visiting Justice in relation to offences by inmates—(1) Section 33 (3) of the principal Act is hereby amended by repealing paragraph (a) (as substituted by section 15 of the Penal Institutions Amendment Act 1975), and substituting the following paragraph:

“(a) Postponement for a specified period of any eligibility of the inmate for remission of sentence in accordance with section 81A of the Criminal Justice Act 1985 in respect of any sentence that the inmate is then serving; but no period of postponement shall exceed the shorter of the following periods:

“(i) Three months; or

“(ii) A period which by itself or when added to such other period or periods of postponement as there may be affecting the same sentence is equal to one-half of the term already served under the sentence.”.

(2) Section 33 (3) (e) of the principal Act is hereby repealed.

(3) Section 33 (5) of the principal Act (as added by section 15 (3) of the Penal Institutions Amendment Act 1975) is hereby repealed.

(4) The following enactments are hereby consequentially repealed:

(a) Section 15 (1) of the Penal Institutions Amendment Act 1975:

(b) Section 4 (1) of the Penal Institutions Amendment Act 1979.

(5) For the purposes of the principal Act and of the Criminal Justice Act 1985, the postponement by a Visiting Justice, at any time before the commencement of this Act, for a specified period of any eligibility of the inmate for release in accordance with section 31 of the principal Act shall be deemed to be a postponement for the same period of any eligibility of the inmate for remission of sentence in accordance with section 81A of the Criminal Justice Act 1985.

Clause 18: To omit the clause on page 14, and substitute the following clause:

18. Powers of Superintendent in relation to certain offences by inmates—(1) Section 34 (3) of the principal Act is hereby amended by repealing paragraph (a) (as substituted by section 16 (1) of the Penal Institutions Amendment Act 1975), and substituting the following paragraph:

“(a) Postponement for a specified period of any eligibility of the inmate for remission of sentence in accordance with section 81A of the Criminal Justice Act 1985 in respect of any sentence that the inmate is then serving; but no period of postponement shall exceed the shorter of the following periods:

“(i) Seven days; or

“(ii) A period which by itself or when added to such other period or periods of postponement as there may be affecting the same sentence is equal to one-half of the term already served under the sentence.”.

(2) Section 34 (3) (e) of the principal Act is hereby repealed.

(3) Section 34 (5) of the principal Act (as added by section 16 (3) of the Penal Institutions Amendment Act 1975) is hereby repealed.

(4) The following enactments are hereby consequentially repealed:

(a) Section 16 (1) of the Penal Institutions Amendment Act 1975:

(b) Section 4 (2) of the Penal Institutions Amendment Act 1979.

(5) For the purposes of the principal Act and of the Criminal Justice Act 1985, the postponement by the Superintendent, at any time, before the commencement of this Act, for a specified period of any eligibility of the inmate for release in accordance with section 31 of the principal Act shall be deemed to be a postponement for the same period of any eligibility of the inmate for remission of sentence in accordance with section 81A of the Criminal Justice Act 1985.

Clause 21: To omit from line 35 on page 14 the word “and”, and substitute the word “from”.

EXPLANATORY NOTE

All the amendments are of a technical drafting nature, consequent upon the changes recommended by the Statutes Revision Committee or found to be necessary on checking the principal Act in the light of those changes.