

Western Australia

LEGISLATIVE ASSEMBLY

**Acts Amendment (Prisons  
Administration) Bill 2000**

**A Bill for**

**An Act to amend —**

- **the *Prisoners (Release for Deportation) Act 1989*;**
- **the *Prisons Act 1981*;**
- ***The Criminal Code*; and**
- **the *Young Offenders Act 1994*,**

**to facilitate the reassignment of certain responsibilities from the Governor in Executive Council to the Minister.**

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

**1. Short title**

This Act may be cited as the *Acts Amendment (Prisons Administration) Act 2000*.

5 **2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**Part 2 — Prisoners (Release for Deportation) Act 1989  
amended**

**3. The Act amended**

5 The amendments in this Part are to the *Prisoners (Release for  
Deportation) Act 1989*\*.

[\* *Act No. 15 of 1989.*

*For subsequent amendments see 1998 Index to Legislation of  
Western Australia, Table 1, p. 200.]*

**4. Section 4 amended**

10 Section 4(4) is amended by deleting “of a prisoner, the  
Governor may by order” and inserting instead —

“

of —

15 (a) a prisoner being detained during the Governor’s  
pleasure, the Governor may; or

(b) a prisoner serving a term of imprisonment, the  
Minister may,

by order

”.

20 **5. Section 5 amended**

Section 5(1) is repealed and the following subsections are  
inserted instead —

“

25 (1) Where the Governor has directed by order under  
section 4(4) that a prisoner who is being detained  
during the Governor’s pleasure is to be released for the  
purposes of deportation, the Governor may, at any time  
before the release of that prisoner, vary or revoke that  
order for release.

**s. 6**

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5 (1a) Where the Minister has directed by order under section 4(4) that a prisoner who is serving a term of imprisonment is to be released for the purposes of deportation, the Minister may, at any time before the release of that prisoner, vary or revoke that order for release.

”.

**6. Section 7 amended**

10 Section 7 is amended by deleting “Governor.” and inserting instead —

“

15 Governor, nor to the Minister in relation to the making of any order given under section 4(4), or any variation or revocation of an order under section 5(1a).

”.

### **Part 3 — Prisons Act 1981 amended**

#### **7. The Act amended**

The amendments in this Part are to the *Prisons Act 1981*\*.

[\* Reprinted as at 21 November 1996.

5       For subsequent amendments see 1998 Index to Legislation of  
Western Australia, Table 1, p. 201 and Acts Nos. 43 and 47  
of 1999.]

#### **8. Section 3 amended**

Section 3 is amended as follows:

- 10       (a) by deleting the definition of “Executive Director  
(Corrective Services)”;
- (b) in paragraph (b) of the definition of “prison” by deleting  
“by proclamation”.

#### **9. Section 5 amended and transitional provisions**

15       (1) Section 5(1) is amended as follows:

- (a) by deleting “The Governor may by proclamation —”  
and inserting instead —

“

20                       The Minister may, by notice published in the  
*Gazette* —

”;

- (b) in paragraph (c) by deleting “proclamation” in both  
places where it occurs and inserting instead —

“ notice ”.

**s. 10**

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(2) Section 5(2) is repealed and the following subsection is inserted instead —

“

(2) The Minister may amend or revoke a notice given under subsection (1).

”.

(3) Buildings, enclosures or places declared to be prisons by proclamation before the commencement of this Act continue as prisons as if they were declared by notice given under section 5 of the *Prisons Act 1981*, as amended by this Act.

(4) A proclamation made under section 5 of the *Prisons Act 1981* before the commencement of this Act may, from the commencement of this Act, be amended or revoked by the Minister as if it were a notice given under section 5 of the *Prisons Act 1981*, as amended by this Act.

**10. Section 6 amended**

(1) Section 6(1) is repealed.

(2) Section 6(2) is repealed.

**11. Section 7 amended**

Section 7(1) is amended by inserting after “responsible for” the following —

“

assisting the Minister with the administration of this Act, and for

”.

**12. Section 8 amended**

- (1) Section 8(1) is repealed and the following subsection is inserted instead —

“

5

- (1) The chief executive officer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate any of his powers or duties under this Act, other than this power of delegation and his powers and duties under section 35.

10

”.

- (2) Section 8(1a) is repealed.

**13. Section 35 amended**

Section 35(1) is amended by deleting “on the recommendation of the Executive Director (Corrective Services) and”.

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**14. Section 54 amended and transitional**

- (1) Section 54(1) is amended by deleting “Governor” and inserting instead —

“ Minister ”.

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- (2) Section 54(5) is amended by deleting “Governor” and inserting instead —

“ Minister ”.

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- (3) A person with a current appointment as a prison visitor or a visiting justice on the commencement of this Act, continues in that capacity as if he or she were appointed for the same term by the Minister under section 54 of the *Prisons Act 1981*, as amended by this Act.

**s. 15**

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**15. Section 83 amended**

Section 83(1) is amended by deleting “and to section 86”.

**16. Section 86 repealed**

Section 86 is repealed.

5 **17. Section 107 amended and transitional**

(1) Section 107(1)(a) is amended by deleting “Governor” and inserting instead —

“ Minister ”.

10 (2) The chairman immediately prior to the commencement of this Act continues in that capacity as if he or she were appointed for the same term by the Minister under section 107 of the *Prisons Act 1981*, as amended by this Act.



## **Part 4 — *The Criminal Code* amended**

### **18. The Code amended**

The amendments in this Part are to *The Criminal Code*\*.

5 [\* Reprinted as at 2 October 1999 as the Schedule to the  
*Criminal Code Act 1913* appearing in Appendix B to the  
*Criminal Code Compilation Act 1913*.  
For subsequent amendments see Acts Nos. 35, 43 and 47  
of 1999.]

### **19. Section 282 amended**

10 Section 282 is amended as follows:

- (a) in paragraph (c)(iii) by inserting after “thereafter,” —  
“ subject to section 83 of the *Prisons Act 1981*, ”;
- (b) in paragraph (d)(ii) by inserting after “thereafter,” —  
“ subject to section 83 of the *Prisons Act 1981*, ”.

**Part 5 — *Young Offenders Act 1994* amended**

**20. The *Young Offenders Act 1994* amended and transitional provisions**

- 5 (1) Section 12(1) of the *Young Offenders Act 1994*\* is amended by deleting “Governor” and inserting instead —
- “ Minister ”.
- (2) Section 12(2) of the *Young Offenders Act 1994* is amended by deleting “Governor” and inserting instead —
- “ Minister ”.
- 10 (3) Buildings, enclosures or places declared to be Departmental or subsidized facilities by order of the Governor before the commencement of this Act continue as Departmental or subsidized facilities as if they were declared by order given under section 12 of the *Young Offenders Act 1994*, as amended by
- 15 this Act.
- (4) An order given under section 12 of the *Young Offenders Act 1994* before the commencement of this Act may, from the commencement of this Act, be amended or revoked by the Minister as if it were an order given under section 12 of the
- 20 *Young Offenders Act 1994*, as amended by this Act.

[\* Reprinted as at 26 November 1996.

*For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, p. 279 and Act No. 47 of 1999.]*

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