
Parole (Amendment) Ordinance (No. 2) 1982

No. 83 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act* 1910.

Dated 13 October 1982.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

N. A. BROWN
Minister of State for Communications
acting for and on behalf of the Attorney-General

An Ordinance to amend the *Parole Ordinance* 1976

Short title

1. This Ordinance may be cited as the *Parole (Amendment) Ordinance (No. 2)* 1982.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Parole Ordinance* 1976.²

Interpretation

3. Section 5 of the Principal Ordinance is amended by omitting paragraph (b) of the definition of "Chairman" in sub-section (1) and substituting the following paragraph:

"(b) a person who is acting as the Chairman in accordance with section 13A;".

Establishment and constitution of Parole Board

4. Section 9 of the Principal Ordinance is amended by inserting in sub-section (4) "and one member at least shall be a male" after "female".

Leave of absence

5. Section 11 of the Principal Ordinance is amended by omitting "as to remuneration or otherwise".

6. After section 13 of the Principal Ordinance the following section is inserted:

Acting Chairman

"13A. (1) The Governor-General may appoint a person who is, or has been, a Judge of the Federal Court of Australia or of the Supreme Court of a State or an internal Territory to act as the Chairman—

- (a) during a vacancy in the office of Chairman; or
- (b) during any period, or during all periods, when the Chairman is absent from duty on leave of absence granted by the Attorney-General under section 11 or is absent from Australia or is, for any reason, unable or unavailable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

"(2) The appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

"(3) The appointment of a person under sub-section (1) ceases to have effect if the person resigns his appointment by writing signed by him and delivered to the Governor-General.

"(4) Where a person is acting as the Chairman in accordance with paragraph (1) (b) and the office of the Chairman becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

"(5) While a person is acting as the Chairman in accordance with this section, he has, and may exercise, all the powers and shall perform all the functions of the Chairman.

"(6) The validity of anything done by a person purporting to act in accordance with this section shall not be called in question on the ground that the occasion for his appointment had not arisen, that his appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased."

Acting appointments

7. Section 14 of the Principal Ordinance is amended—

- (a) by omitting sub-section (4) and substituting the following sub-section:

"(4) In this section, 'member' means a member other than the Chairman."; and

- (b) by omitting sub-section (5).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 20 October 1982.
2. No. 29, 1976 as amended by No. 46, 1978; No. 1, 1982.