

EXPLANATORY STATEMENT

Australian Capital Territory

NO. 1 of 1982

PAROLE (AMENDMENT) ORDINANCE 1982

The purpose of the proposed Ordinance is to amend the Parole Ordinance 1976 (the Principal Ordinance) in several respects. Most importantly, the Ordinance will increase the membership of the Parole Board of the Australian Capital Territory from 3 to 5, create the office of Secretary to the Board and introduce a requirement that the Board furnish annual reports.

Clause 1 provides for the short title and citation.

Clause 2 identifies the Principal Ordinance.

Clause 3 provides for the commencement of the Ordinance.

Clause 4 is an interpretation provision.

Clause 5 revises the existing provisions in section 9 of the Principal Ordinance in relation to the composition of the Parole Board. The net effect of this provision is to increase from 3 to 5 the number of members of the Board. The qualifications for appointment as Chairman of the Board are also revised so that both current and former Federal and Supreme Court Judges are eligible to be appointed to that office.



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Clause 6 inserts new section 9A into the Principal Ordinance to replace the current provisions in section 9 dealing with the period of tenure of Board members. While confirming the general principle of a three year term, the new provision sets out the formula for calculating the period of the office of the House of Assembly nominee.

Clause 7 revises existing section 10 of the Principal Ordinance dealing with fees and allowances payable to Board members. In future, where such fees and allowances are determined under the Remuneration Tribunals Act 1973, it will no longer be necessary for these to be prescribed.

Clause 8 revises existing provisions in sub-section 12(2) of the Principal Ordinance by specifying additional grounds for terminating the appointment of Board members. Hereafter, the appointment of a member will automatically terminate in the event that he is absent, except by leave of the Attorney-General, from 3 consecutive meetings of the Board. Moreover, it is made clear that the appointment of the House of Assembly nominee lapses in the event that he ceases to be a member of that House.

Clause 9 amends sub-section 14(4) of the Principal Ordinance in relation to the qualifications of persons appointed to act as Chairman of the Parole Board and is consequential upon clause 5.

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Clause 10 omits sub-section 15(2) of the Principal Ordinance and inserts new provisions to provide for a quorum at meetings of the Board and consequential voting procedures.

Clause 11 inserts a new section 16A to create the office of Secretary to the Board and sets out the duties of the holder of that office.

Clause 12 revises existing procedures under section 17 of the Principal Ordinance to recognise the role of the Secretary to the Board to refer reports to the Board Chairman.

Clause 13 provides for amendments to section 18 of the Principal Ordinance consequential upon the revision of section 17.

Clause 14 inserts new section 27A which requires the Board to prepare and furnish reports to the Attorney-General on an annual basis and for such reports to be tabled by the Attorney-General in the Parliament.

Clause 15 provides for the continuation in office of existing Board members notwithstanding the reconstitution of the Board provided for in clause 5.

Ord. No. 30/80



Authorised by the Attorney-General