

PENAL INSTITUTIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Penal Institutions Act 1954.

Clause 1 relates to the Short Title.

Clause 2: Section 3 (3) of the principal Act provides that subject to the control of the Minister of Justice, and the general directions of the Secretary for Justice, any Assistant Secretary for Justice may exercise all the powers, duties, and functions of the Secretary for Justice under that Act.

This clause extends those provisions to apply also to the Deputy Secretary for Justice and to any other officer of the Department of Justice authorised for the purpose by the Secretary.

Clause 3: Section 21A of the principal Act (as inserted by section 2 of the Penal Institutions Amendment Act 1961) provides for the part-time release to enable them to engage in employment of inmates undergoing a sentence of imprisonment, borstal training, or corrective training. This power may be exercised on the recommendation of the committee established under section 21B of the principal Act.

Subclause (1) of this clause extends this provision to inmates undergoing a sentence of preventive detention.

The effect of *subclause (2)* will be that in the case of an inmate undergoing borstal training, the jurisdiction to direct his part-time release to engage in employment will be exercised by the Secretary for Justice, who may delegate that power to the Superintendent of the borstal institution. Such a delegation may relate to inmates of the institution generally or to specified classes of inmates.

Clause 4 provides that the Minister of Justice may revoke, in whole or in part, any remission of sentence granted by him if after the granting of the remission the conduct or industry of the inmate has been unsatisfactory or the remission was granted in error.

Hon. Mr Hanan

PENAL INSTITUTIONS AMENDMENT

ANALYSIS

Title
1. Short Title
2. Administration of Act

3. Part-time release to engage in employment
4. Revocation of remission of part of sentence

A BILL INTITULED

An Act to amend the Penal Institutions Act 1954

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Penal Institutions Amendment Act 1963, and shall be read together with and deemed part of the Penal Institutions Act 1954* (hereinafter referred to as the principal Act).

10 **2. Administration of Act**—Section 3 of the principal Act is hereby amended—

15 (a) By omitting from subsection (3) the words “any Assistant Secretary for Justice” where they first occur, and substituting the words “the Deputy Secretary for Justice, any Assistant Secretary for Justice, and any officer of the Department of Justice who is for the time being authorised for the purpose by the Secretary for Justice”:

*1957 Reprint, Vol. 11, p. 667
Amendment: 1961, No. 18

- (b) By omitting from subsection (3) the words “any Assistant Secretary for Justice” where they secondly occur, and substituting the words “the Deputy Secretary for Justice, any Assistant Secretary for Justice, or any officer of the Department of Justice”.

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3. Part-time release to engage in employment—(1) Section 21A of the principal Act (as inserted by section 2 of the Penal Institutions Amendment Act 1961) is hereby amended by inserting in subsection (1), after the word “imprisonment” the words “or preventive detention”.

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(2) Section 21A of the principal Act (as inserted as aforesaid) is hereby further amended by repealing subsection (2), and substituting the following subsections:

“(2) The Secretary for Justice may direct that any specified inmate who is serving a sentence of borstal training and who wishes to be released under this section shall be released from day to day to engage in such employment (including self employment) as the Secretary may from time to time specify. Any such direction may be given subject to such conditions as the Secretary may impose.

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“(2A) The Secretary may from time to time in writing delegate to the person for the time being holding the office of Superintendent of any borstal institution the powers conferred on the Secretary by subsection (2) of this section with respect to inmates of that institution, either generally or with respect to any specified class or classes of such inmates. Every delegation under this subsection may be revoked by the Secretary at any time, and no such delegation shall prevent the exercise of any power by the Secretary.

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“(2B) Every delegation made under subsection (2A) of this section shall, until it is revoked, continue in force according to its tenor, notwithstanding that the Secretary by whom it was made has ceased to hold office, and shall continue in force as if made by his successor in office.

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“(2c) Any direction under this section may be revoked at any time—

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“(a) By the Secretary, in the case of a direction given by the Secretary:

“(b) By the Secretary or the Superintendent, in the case of a direction given by the Superintendent of a borstal institution.”

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(3) The principal Act is hereby further amended—

(a) By omitting from subsection (1) of section 21A (as so inserted) the words “borstal training”:

- (b) By omitting from subsection (3) of section 21A (as so inserted) the words “subsection (1) of”:
- (c) By inserting in subsection (4) of section 21A (as so inserted), after the words “a direction”, the words “given by the Secretary”:
- 5 (d) By inserting in paragraph (a) of subsection (9) of section 21B (as inserted by section 2 of the Penal Institutions Amendment Act 1961) and also in paragraph (c) of the same subsection, before the words “section 21A”, the words “subsection (1) of”:
- 10 (e) By omitting from subsection (5) of section 21C (as inserted by section 2 of the Penal Institutions Amendment Act 1961) the words “by him or by the committee”.

15 **4. Revocation of remission of part of sentence**—Section 31 of the principal Act is hereby amended by inserting, after subsection (1A) (as inserted by section 2 of the Penal Institutions Amendment Act 1955), the following subsection:

20 “(1B) A grant under this section of remission of any part of the sentence of any inmate may be revoked, in whole or in part, by the Minister at any time before the offender is released, if the Minister is satisfied that the conduct or industry of the inmate since the granting of the remission has been unsatisfactory or that the grant was made in error.”