



VICTORIA GOVERNMENT GAZETTE

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[1957

PENAL REFORM ACT 1956.

*At the Judges' Chambers, Law Courts, Melbourne, the
twenty-sixth day of June, 1957.*

PRESENT:

His Excellency the Lieutenant-Governor of Victoria.

Mr. Rylah

Mr. Reid.

REGULATIONS.

IN pursuance of the powers conferred by the *Penal Reform Act 1956* and all other powers him thereunto enabling, His Excellency the Lieutenant-Governor of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, doth hereby make the Regulations following (that is to say):—

1. (i) These Regulations may be cited as the *Penal Reform Regulations 1957* and shall come into operation on the first day of July, 1957.

(ii) In these Regulations "the Act" means the *Penal Reform Act 1956* and other words and expressions have the same meanings as in the Act.

2. These Regulations are divided into Parts as follows:—

- Part I.—Pre-sentence Reports.
- Part II.—Probation Orders.
- Part III.—Discharge and Amendment of Probation Orders.
- Part IV.—Breach of Probation Orders.
- Part V.—Chief Probation Officer.
- Part VI.—Senior Probation Officer.
- Part VII.—Probation Officers.
- Part VIII.—Supervision of Sexes on Probation.
- Part IX.—Parole Orders.
- Part X.—Cancellation of Parole Orders.
- Part XI.—Good Conduct Remissions.
- Part XII.—Notifications.
- Part XIII.—Secretary of Parole Board.
- Part XIV.—Chief Parole Officer.
- Part XV.—Senior Parole Officer.
- Part XVI.—Parole Officers.
- Part XVII.—Supervision of Sexes on Parole.
- Part XVIII.—Prisoners' Earnings.
- Part XIX.—Annual Report.

PART I.—PRE-SENTENCE REPORTS.

3. Any court which desires to receive a pre-sentence report on any convicted person may request such a report from the probation service in the form or to the effect of Form A of the Schedule to these Regulations. Form A may be signed by the Clerk or an officer of the court.

4. Every such report shall be furnished to the court within 21 days after the receipt of the request.

5. The Chief Probation Officer shall assign a probation officer to prepare such report.

6. The report shall be submitted in triplicate to the court, and at the discretion of the court copies may be made available to the prosecution and the defence.

7. Where a court requires the pre-sentence report to be accompanied by a medical or psychiatric report it may cause Form A to be endorsed accordingly, and where Form A is so endorsed, the Chief Probation Officer shall obtain the medical or psychiatric report from the appropriate medical officer and forward it to the court with the pre-sentence report.

PART II.—PROBATION ORDERS.

8. The probation order shall be in the form or to the effect of Form B of the schedule to these Regulations.

9. In addition to the general conditions of the order any special conditions imposed by the court shall be specified in the order.

10. The offender's consent shall be signified by endorsement of the order by the offender.

11. The court shall in accordance with section 4 (6) of the Act cause copies of the probation order to be given—

- (a) to the offender;
- (b) to the Chief Probation Officer;
- (c) to the person in charge of any institution in which the probationer is required to reside; and
- (d) to the supervising court.

PART III.—DISCHARGE AND AMENDMENT OF ORDERS.

12. The Chief Probation Officer shall determine when an application by a probation officer for discharge of a probation order under section 7 (1) of the Act, or for substitution of a new supervising court under section 8 (1) of the Act, or for amendment of the probation order under section 9 of the Act shall be made.

13. Where the probationer makes application to the court for discharge of a probation order under section 7 (1), or for substitution of a new supervising court under section 8 (1), or for amendment of the order under section 9, he shall give seven days notice in writing of such application to the Chief Probation Officer.

14. Where a court discharges an order under section 7 (1), or substitutes a new supervising court under section 8 (1) or amends a probation order under section 9, the court shall cause the Chief Probation Officer to be notified of its action by an appropriate endorsement in or to the effect of Form C of the schedule on the back of the probation order.

PART IV.—BREACH OF PROBATION ORDERS.

15. A probation officer shall not take action under or for the purposes of section 12 (1) or 13 (1) of the Act unless he has first obtained the written authority of the Chief Probation Officer.

16. Where a court deals with a probationer for breach of probation, the court shall cause the Chief Probation Officer to be informed of the action taken.

PART V.—CHIEF PROBATION OFFICER.

17. The duties of the Chief Probation Officer shall be as follows:—

- (1) To be responsible to the Director for the administration of the probation service;
- (2) To assign probation officers to individual cases—
 - (a) for a pre-sentence report;
 - (b) for supervision.

- (3) To maintain a list of all honorary probation officers appointed under section 3 of the Act;
- (4) To supervise the work of all stipendiary and honorary probation officers;
- (5) To maintain case records and statistics of the probation service;
- (6) To determine when an application for discharge of a probation order under section 7 (1) of the Act, or for substitution of a new supervising court under section 8 (1) of the Act, or for amendment of a probation order under section 9 of the Act be made by any probation officer;
- (7) To determine when action is to be taken by a probation officer for breach of a probation order under section 12 (1) or 13 (1) of the Act;
- (8) To prepare and submit such reports as required by the Director;
- (9) To perform such other duties as may be required by or under the Act or by the Director.

PART VI.—SENIOR PROBATION OFFICER.

18. A Senior Probation Officer may be appointed and his duties shall be:—

- (1) In the absence of the Chief Probation Officer, to act as Chief Probation Officer;
- (2) To supervise the work of probation officers as directed by the Chief Probation Officer;
- (3) To perform such other duties as directed by the Chief Probation Officer.

PART VII.—PROBATION OFFICERS.

19. The duties of a probation officer shall be:—

- (1) To prepare pre-sentence reports as directed by the Chief Probation Officer;
- (2) To carry out directions of the court in relation to the probation order;
- (3) To supervise persons placed on probation as assigned by the Chief Probation Officer;
- (4) To maintain case records and statistics as required by the Chief Probation Officer;
- (5) To perform such other duties as directed by the Chief Probation Officer.

PART VIII.—SUPERVISION OF SEXES ON PROBATION.

20. Male probation officers shall be assigned to supervise male probationers, and female probation officers shall be assigned to supervise female probationers.

PART IX.—PAROLE ORDERS.

21. The parole order shall be in the form or to the effect of Form D of the schedule to these Regulations.

22. The parole order shall be signed by the Chairman and two other members of the Board.

23. The order shall be made out and signed in triplicate.

One copy shall be retained at the prison as authority for release. This copy shall be endorsed by the parolee.

One copy shall be given to the parolee.

One copy shall be retained by the Board.

PART X.—CANCELLATION OF PAROLE ORDERS.

24. The order cancelling parole shall be in the form or to the effect of Form E of the schedule to these Regulations.

25. The warrant authorizing apprehension and return to gaol of a prisoner shall be in the form or to the effect of Form F of the schedule to these Regulations.

26. Such a warrant shall be sufficient authority to the governor of a gaol to receive the prisoner into custody and detain him until released according to law and upon reception of the prisoner the governor shall forthwith notify the Chief Parole Officer.

PART XI.—GOOD CONDUCT REMISSIONS.

27. Pursuant to section 28 (2) of the Act, where a minimum term is fixed, a maximum of three days reduction from the term so fixed for each calendar month actually served may be granted by the Director if he is satisfied that the prisoner's good conduct and industry throughout the term served merit such reduction.

PART XII.—NOTIFICATIONS.

28. The Governor of the gaol shall notify the Chief Parole Officer in writing of the date upon which it is expected that a prisoner, who has been sentenced to a term of imprisonment in respect of which a minimum term has been fixed, will be eligible to be released on parole (which date is hereinafter called the "the expected eligibility date"), and such notification shall be given not less than six weeks before the expected eligibility date.

29. In assessing the expected eligibility date the governor shall deduct the amount of good conduct remission granted or expected to be granted under section 28 (2) of the Act, as set out in Regulation 27, and shall add the period of any sentence referred to in section 27 (2) of the Act, or of any postponement of discharge under section 37, Gaols Act 1928.

30. The Chief Parole Officer shall submit each parole case to the Parole Board not less than twenty-eight days prior to the expected eligibility date.

PART XIII.—THE SECRETARY OF THE PAROLE BOARD.

31. The duties of the secretary of the Parole Board shall be:—

- (1) To act as secretary of the Parole Board;
- (2) To record minutes of the Parole Board meetings;
- (3) To prepare the agenda of parole cases for each meeting of the Board;
- (4) To prepare parole orders as determined by the Board;
- (5) To carry out such other duties as directed by the Board.

PART XIV.—CHIEF PAROLE OFFICER.

32. The duties of the Chief Parole Officer shall be:—

- (1) To be responsible to the Director for the administration of the parole service;
- (2) To be a member of the prison service classification committee;
- (3) To assign parole officers for supervision of parolees;
- (4) To supervise the work of all parole officers;
- (5) To submit parole cases to the secretary of the Parole Board as required by Regulation 30;
- (6) To determine the amount and times of payment to parolees of net prison earnings in accordance with Regulation 36;
- (7) To maintain case records and statistics of the parole service as required by the Board;
- (8) To submit such reports as required by the Parole Board;
- (9) To apply to the Board in any case he thinks proper for cancellation of parole;
- (10) To submit reports to the Parole Board where cancellation of parole is sought;
- (11) To perform such other duties as may be required by or under the Act by the Board or by the Director.

PART XV.—SENIOR PAROLE OFFICER.

33. A senior parole officer may be appointed and his duties shall be:—

- (1) In the absence of the Chief Parole Officer to act as Chief Parole Officer;
- (2) To supervise the work of parole officers as directed by the Chief Parole Officer;
- (3) To perform such other duties as directed by the Chief Parole Officer.

PART XVI.—PAROLE OFFICERS.

34. The duties of the parole officers shall be:—
- (1) To supervise parolees as assigned by the Chief Parole Officer;
 - (2) To carry out the directions of the Board in relation to any parole order;
 - (3) To maintain case records and statistics as required by the Chief Parole Officer;
 - (4) To perform such other duties as directed by the Chief Parole Officer.

PART XVII.—SUPERVISION OF SEXES ON PAROLE.

35. Male parole officers shall be assigned to supervise male parolees and female parole officers to supervise female parolees.

PART XVIII.—PRISONERS' EARNINGS.

36. When a prisoner is released on parole, the Chief Parole Officer shall subject to any direction by the Board determine the amount and times of payment to the parolee of his net prison earnings: Provided that the parolee shall receive all his earnings before the expiration of his parole, unless forfeited under Regulation 37.

37. On cancellation of parole, all earnings not paid to the parolee at the date of cancellation shall be deemed forfeited to Her Majesty and shall be paid into the Consolidated Revenue unless the Board directs otherwise.

PART XIX.—ANNUAL REPORT.

38. Before the thirtieth day of September each year, the Board shall make to the Minister, the report required by section 24 of the Act in respect of the year ending June the thirtieth preceding.

SCHEDULE.

FORM A.

Penal Reform Act 1957.

REQUEST FOR PRE-SENTENCE REPORT.

Chief Probation Officer,
Old Treasury Buildings,
Spring Street,
MELBOURNE.

At _____ on _____
(Name of Court)

(Name in full) _____
(Surname in BLOCK Letters)

who resides at _____
(Full Address)

was convicted of _____
and remanded for sentence—in custody at _____
on bail _____
(Strike out words not required.)

He is to appear for sentence at _____
on _____

Please submit a pre-sentence report to _____
Medical report—required _____
not required. (Strike out words not required.)
(Clerk or officer of the Court).

Dated _____ / _____ /19

N.B.—This report is to be submitted in triplicate within 21 days after receipt of request.

FORM B.

Penal Reform Act 1956 Section 4 (1).

PROBATION ORDER.

To

(Name in full)

(Surname in BLOCK Letters)

Whereas you have been found guilty of:—

at on / / 19

(Name of Court)

This Court hereby directs, with your consent, that you be admitted to Probation for a period of years from this date on the following conditions:—

- (1) That you abstain from violation of the law.
- (2) That you carry out the lawful instructions of the Probation Officer.
- (3) That you report and receive visits as directed by the Probation Officer.
- (4) That you notify the Probation Officer within 48 hours of any change of address or change of employment during the period of probation.

The following special conditions also apply to this order:—

This Court hereby appoints the Court of Petty Sessions at as the Supervising Court under this Order.

Dated at this day of 19

*Judge, Chairman, Justice, Officer of the Court
*Strike out where not applicable.

I, hereby consent to the terms and conditions of this order.

Date / / 19 . Signature .

NOTE.—

- (1) A copy of this order will be forwarded to the Chief Probation Officer, Old Treasury Buildings, Spring Street, Melbourne.
- (2) The Chief Probation Officer will advise you of the name and address of the Probation Officer who will supervise your Probation.
- (3) You are required to give seven days' notice in writing to the Chief Probation Officer prior to any application to the Court by you for discharge or amendment of this order.

FORM C.

(To be endorsed on back of Form B.)

ENDORSEMENTS TO PROBATION ORDER.

Chief Probation Officer,
Old Treasury Buildings,
Spring Street,
MELBOURNE.

Penal Reform Act 1956, Section 7 (1).

Notice is hereby given that this order has this day been discharged.

Clerk of Petty Sessions.

Date

Penal Reform Act 1956, Section 8 (1).

Notice is hereby given that the Court of Petty Sessions at has been appointed Supervising Court in respect of this order.

Clerk of Petty Sessions.

Date

Penal Reform Act 1956, Section 9.

Notice is hereby given that this order has been amended as follows:—

Clerk of Petty Sessions.

Date

FORM D.

Penal Reform Act 1956 Division 3.

PAROLE ORDER.

To (Name in full) (Surname in BLOCK Letters) (Address)

Whereas you were convicted of at and sentenced to Now this Board directs that you be released on parole, on

- on the following general conditions:-- That you abstain from violation of the law. That you carry out the lawful instructions of the Parole Officer. That you report as and when directed by the Parole Officer. That you be available for interview by a parole officer at such time and place as directed. That you notify the Parole Officer within 48 hours of any change of address or change of employment during the period of parole.

The following special conditions also apply to this order:-- You are still under sentence and the Board may cancel your parole at any time.

If you are sentenced to another term of imprisonment your parole is automatically cancelled.

Otherwise, if you observe the conditions of this order your parole will expire on

Dated at this day of 19 For and on behalf of the Parole Board

- Chairman. Member. Member.

The Parole Officer who will supervise your parole is Signed Chief Parole Officer.

I declare that I fully understand the conditions of my parole and undertake to comply with them.

Date Signed

One copy of this order is to be signed by the prisoner and retained at the gaol as authority for release.

One copy is to be handed to the prisoner on release.

One copy is to be retained by the Board.

FORM E.

Penal Reform Act 1956 Section 32 (1).

ORDER FOR CANCELLATION OF PAROLE.

Whereas (Surname in BLOCK Letters)

was convicted of (state shortly) at on and sentenced to and by order of this Board dated was released on parole from on

Now this Board hereby orders cancellation of such parole.

Dated at this day of 19 For and on behalf of the Parole Board.

- Chairman. Member. Member.

FORM F.

Penal Reform Act 1956 Section 32 (3).

WARRANT FOR APPREHENSION AND RETURN TO GAOL.

To _____ and to all other members of the
Police Force in the State of Victoria and to the keeper of the gaol
at _____ in the said State or any other gaol which is more
accessible or convenient.

Whereas _____ (Surname in BLOCK Letters)

was convicted of (state shortly)

at _____ on

and sentenced to

and by the order of this Board dated

was released on parole from

on

Now, this Board having ordered cancellation of such parole on
(or the prisoner having been convicted

of _____ at

on _____) this warrant authorises any member

of the Police Force, or other officer, to apprehend the prisoner and return
him to a gaol, and this warrant requires the Governor of the gaol to receive
the prisoner into custody and detain him until released according to law.

Dated at _____ this _____ day of _____ 19 _____

For and on behalf of the Parole Board.

And the Honorable Arthur Gordon Rylah, Her Majesty's Chief
Secretary for the State of Victoria, shall give the necessary directions
herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.