



ANNO SEPTIMO

# EDWARDI VII REGIS.

A.D. 1907.

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## No. 927.

An Act to Provide for the Detention and Control of Habitual Criminals.

[Assented to, December 12th, 1907.]

**B**E it enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

### PRELIMINARY.

1. This Act may be cited as the "Habitual Criminals Amendment Act, 1907." Short title.

2. "Indictment" includes any information presented or filed as Definition provided by law for the prosecution of offences.

"Regulations" means regulations made under this Act.

### HABITUAL CRIMINALS.

3. When any person is convicted on indictment of an offence of one of the classes of offences mentioned in the Schedule to this Act, the following provisions of this section shall take effect— Judge may declare convicted person an habitual criminal.

(a) Where such person is so convicted of an offence included in classes I., II., III., or IV. of the offences mentioned in the Schedule, and has been previously so convicted on at least two occasions of an offence of the same class, the Judge before whom such person is so convicted, may, in his discretion, declare as part of the sentence of such person that he is an habitual criminal :

(b) Where such person is so convicted of an offence included in any or either of the classes V., VI., VII., or VIII. mentioned

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mentioned in the Schedule to this Act, and has been previously convicted on at least three occasions of an offence mentioned or included in any or either of the said classes V., VI., VII., or VIII., such Judge may, in his discretion, declare as aforesaid that such person is an habitual criminal.

This section shall apply whether such previous convictions took place within or without South Australia, and either before or after the commencement of this Act.

Proof of previous conviction.

4. For the purposes of this Act, a previous conviction against any person may be proved by producing a record or extract of such conviction, and by giving proof of the identity of such person with the person appearing in the record or extract of conviction to have been convicted.

A record or extract of a conviction shall consist of—

- (a) An extract from the indictment or the counts of the indictment on which the said person was convicted :
- (b) A statement of the verdict :
- (c) A statement of the sentence :

certified under the hand of the Clerk of the Court or other officer purporting to have the custody of the records of the Court by which such conviction was made.

Such record or extract shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

The mode of proving a previous conviction authorised by this section shall be in addition to, and not in exclusion of, any other authorised mode of proving such conviction.

#### DETENTION OF HABITUAL CRIMINALS.

Habitual criminal to be detained during pleasure.

5. Every habitual criminal shall, at the expiration of his sentence, be detained during His Majesty's pleasure, and, subject to the regulations, in some place of confinement set apart by the Governor, by Proclamation in the *Gazette*, for that purpose.

Habitual criminal to work at some trade.

6. Every person confined as an habitual criminal shall, subject to the regulations, be required to work at some trade or avocation, and shall be offered facilities for selling or otherwise disposing of the products of his labor.

The manner of dealing with the proceeds arising from the sale or disposal of such products shall be as prescribed :

Provided that the habitual criminal shall receive not less than one-half of such net proceeds.

7. If

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**7.** If the Governor determines that an habitual criminal is sufficiently reformed, or for other good cause, he may, by his warrant, direct his release.

Governor may direct his release.

Every habitual criminal so released while he remains within South Australia shall, once at least in every three months during the period of two years next after such release, report his address and occupation to the Commissioner of Police.

Such report may be made either by the habitual criminal personally, or by letter signed by him, and posted to the Commissioner of Police at Adelaide.

**8.** If during the period of two years specified in the last preceding section an habitual criminal so discharged—

Conditions under which offender may be recommitted.

- (1) Is proved to any Court presided over by a Stipendiary Magistrate or two Justices of the Peace to have failed without reasonable excuse to report his address and occupation to the Commissioner of Police at the times and in the manner prescribed by the last preceding section ; or
- (2) On being charged with an offence punishable on indictment, or summary conviction, and on being required by the Stipendiary Magistrate or the Justices before whom he is charged to give his name and address, refuses to do so, or gives a false name, or a false address ; or
- (3) Is convicted of any one of the offences mentioned in either of sections Nos. 62, 63, and 64 of the "Police Act, 1869," or of any indictable offence, or of any offence punishable on summary conviction, for which imprisonment for a period exceeding three months may be imposed ;

then, and in any of such cases, the Judge, Stipendiary Magistrate, or Justices before whom such proof is given, or before whom the habitual criminal is so charged, or convicted, may direct him, in addition to any fine or on the completion of any term of imprisonment then imposed upon him, to be recommitted to the place of confinement, and he shall be so recommitted accordingly, and the Judge, Stipendiary Magistrate, or Justices may grant any necessary warrant for his committal.

**9.** If during the period of two years, specified in section 7 of this Act, none of the events aforesaid happen, the offender shall cease to be an habitual criminal.

Otherwise ceases to be an habitual criminal.

**10.** No female shall be allowed to enter the place of confinement set apart for male habitual criminals, nor shall any male be allowed to enter the place of confinement set apart for female habitual criminals, except in accordance with the regulations.

Males and females to be kept apart.

**11.** No person shall bring into the place of confinement for the use of the confinees any alcoholic liquor, nor shall any confinee be allowed

Alcoholic liquor prohibited.

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allowed such liquor. Any person contravening the provisions of this section shall be liable to a penalty not exceeding One Hundred Pounds:

Provided that such liquor may be given to and used by the confinees in cases of illness for medicinal purposes if the same shall be prescribed by the surgeon of such place of confinement.

## SUPPLEMENTAL.

Regulations.

**12.** The Governor may make regulations—

Prescribing the mode of sale and disposal of the products of the labor of the habitual criminals:

Prescribing the disposal of the net proceeds of such sale:

Empowering a visiting Magistrate to inflict fines not exceeding Ten Shillings on confinees for breaches of discipline:

And all other such regulations as may be necessary for the good order, discipline, and health of the confinees and for the control and management of the place of confinement.

All such regulations shall be laid before both Houses of Parliament within one month after the making thereof, if Parliament be then sitting, and if not, then within one month after the commencement of the next ensuing Session, and shall be published in the *Gazette*. On such publication the regulations shall be valid in law, but no regulations which shall be disapproved of by either House of Parliament within thirty days after such regulations have been laid before such House if Parliament be so long in Session, or which, if such Parliament be not so long in Session, shall be so disapproved of within thirty days after the commencement of the next Session of Parliament, shall continue to have any force or effect, notwithstanding any publication as aforesaid.

Place of confinement to be a prison within meaning of Prisons Act.

**13.** Any place of confinement under this Act shall be a “prison” within the meaning of the “Prison Act, 1869.”

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

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SCHEDULE.  

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*Classification for the purposes of this Act of sections of "The Criminal Law Consolidation Act, 1876."*

- Class I. Sections 28 to 32 inclusive—Wounding.  
“ II. Sections 33 to 35 inclusive—Poisoning.  
“ III. Sections 60 to 75 inclusive—Sexual offences.  
“ IV. Sections 78 to 79 inclusive—Abortion.  
“ V. Sections 160 to 163 inclusive—Robbery.  
Sections 164 to 170 inclusive—Extortion.  
Sections 171 to 180 inclusive—Burglary, &c.  
Sections 134 to 139, and 182 to 183 inclusive—Larceny.  
Sections 188 to 212 inclusive—Embezzlement.  
Sections 213 to 221 inclusive—False pretences.  
“ VI. Sections 81 to 88 inclusive—Arson.  
“ VII. Under any of the sections in Part V. of “The Criminal Law Consolidation Act, 1876”—Forgery.  
“ VIII. Under any of the sections in Part VI. of “The Criminal Law Consolidation Act, 1876”—Coinage.