



ANNO TERTIO

ELIZABETHAE II REGINAE

A.D. 1954

No. 22 of 1954

An Act to amend the Prisons Act, 1936.

[Assented to 11th November, 1954.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Prisons Act Amendment Act, 1954 ".

(2) The Prisons Act, 1936, as amended by this Act, may be cited as the " Prisons Act, 1936-1954 ".

(3) The Prisons Act, 1936, is hereinafter referred to as " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 14—
Regulations for
labour prisons.

3. (1) Section 14 of the principal Act is amended—

(a) by inserting after paragraph (b) thereof the following paragraph :—

(b1) for the crediting and payment of earnings and gratuities to prisoners ;

(b) by adding at the end thereof the following paragraph :—

(f) for prescribing the duties, liabilities, privileges, and conditions of detention in prison, of—

i. any person detained in prison by virtue of section 77a of the Criminal Law Consolidation Act, 1935-1952 :

ii. any person transferred to the custody of the comptroller by virtue of section 122a of the Maintenance Act, 1926-1952 :

and without limiting the generality of the foregoing—

(i.) for the remission of any part of the period for which any such person may be detained in prison :

(ii.) for the application to any such person of any provision of this Act or the regulations thereunder.

(2) Regulations may be made under paragraph (f) of section 14 of the principal Act providing for a person mentioned in that paragraph who is detained in prison at the commencement of this Act to be granted remission of the period for which he may be detained, and earnings, computed from the time of the commencement of his detention in prison by virtue of section 77a of the Criminal Law Consolidation Act, 1935-1952, or the time of his transfer to the custody of the comptroller by virtue of section 122a of the Maintenance Act, 1926-1952, as the case may be.

(3) Paragraph (a) of subsection (1) of this section shall be deemed to have been in force at the time of the making of any regulations made under the principal Act before the passing of this Act for the crediting or payment of earnings or gratuities to prisoners.

4. Section 22 of the principal Act is amended by striking out the words "the Coroners Act, 1935, or" in the first line thereof.

Amendment of principal Act, s. 22—

Power to commit persons to police prisons.

5. The following section is enacted and inserted in Part IV of the principal Act after section 42 thereof :—

Enactment of s. 42a of principal Act—

42a. (1) The Governor may at any time on the recommendation of the comptroller release on licence a person serving a term of imprisonment for life subject to compliance with such conditions, if any, as the Governor may from time to time determine.

Release on licence.

(2) The Governor may at any time by order recall to prison a person released on licence under this section, but without prejudice to the power of the Governor to

release him on licence again ; and when any person is so recalled, his licence shall cease to have effect and he shall if at large, be deemed to be unlawfully at large.

Amendment of
principal Act,
s. 46—
Offences by
prisoners.

6. Section 46 of the principal Act is amended—

(a) by striking out the words “ or wilfully damage the same ” in paragraph (c) thereof :

(b) by striking out paragraph (e) thereof and inserting in its place the following paragraphs :—

(e) use any indecent, profane, abusive, insolent, threatening, provoking or other improper language ; or

(e1) behave in an indecent manner ; or

(e2) commit any assault ; or

(c) by striking out paragraph (i) thereof :

(d) by striking out paragraphs (j) and (k) thereof and inserting in their place the following paragraph :—

(j) wilfully and without lawful authority destroy, disfigure or damage any real or personal property of any kind whether owned by Her Majesty, or any public or local authority, or by any other person ;

(e) by adding at the end thereof the following subsections (the preceding portion of section 46 being read as subsection (1) thereof) :—

(2) Any prisoner who contravenes any provision of subsection (1) of this section shall be guilty of an offence.

(3) Any prisoner who attempts to commit any such offence, or aids, abets, counsels, or procures the commission of any such offence shall be guilty of an offence.

Repeal and
re-enactment of
s. 47 of
principal Act—

7. Section 47 of the principal Act is repealed and the following section is enacted and inserted in its place :—

Punishment.

47. (1) The comptroller or a visiting justice may inquire into the commission by a prisoner of any offence under section 46 of this Act, and if the offence is proved may make any one or more of the following orders :—

- (a) that the prisoner be closely or otherwise confined in a dark or light cell for any term not exceeding seven days ;
- (b) that the prisoner be fed on bread and water only for any term not exceeding seven days ;
- (c) that the prisoner forfeit any number of marks earned by him not exceeding the number necessary to earn one month's remission of sentence ;
- (d) that the prisoner forfeit privileges or indulgences for a period not exceeding twenty-eight days ;
- (e) that the prisoner forfeit past or future earnings to an amount not exceeding five pounds ;
- (f) that the prisoner pay to the owner of any real or personal property damaged by the prisoner such sum by way of compensation for the damage as the comptroller or visiting justice, as the case may be, thinks proper.

(2) The comptroller or the visiting justice may, in lieu of making an order under subsection (1) of this section caution the prisoner.

(3) The comptroller or a visiting justice may, in conducting an inquiry under subsection (1) of this section take evidence on oath or affirmation.

(4) For the purpose of conducting an inquiry under subsection (1) of this section, sections 23 to 28 (inclusive) of the Justices Act, 1921-1943, shall apply as if the inquiry were the hearing of a complaint and as if the comptroller were a justice.

8. Section 48 of the principal Act is amended—

- (a) by inserting after the word "discretion" in the first line of subsection (3) thereof the words "do any one or more of the following things" ;
- (b) by striking out the word "and" in the last line of paragraphs (a), (b) and (c) thereof ;
- (c) by adding at the end thereof the following paragraph :—
 - (e) caution the prisoner or make any order which the comptroller or a visiting justice is authorized to make under section 47 of this Act.

Amendment of
principal Act,
s. 48—
Repeated
and other
offences.

Enactment of
s. 48a of
principal Act—

9. The following section is enacted and inserted in the principal Act after section 48 thereof:—

Forfeiture of
earnings and
compensation.

48a. Notwithstanding anything contained in this Act the amount of any earnings ordered to be forfeited or of any compensation ordered to be paid under section 47 or 48 of this Act may be debited by the comptroller against any earnings which are credited to the prisoner at the time of the making of the order or which may be subsequently credited to the prisoner, and in a case where a person other than the Crown is entitled to any compensation the comptroller may, if he thinks proper, pay any compensation so debited to the person entitled.

Amendment of
principal Act,
s. 58—
Offenders
attempting to
escape.

10. Section 58 of the principal Act is amended by striking out in the first, second and third lines of subsection (1) thereof the words “person legally imprisoned for any crime, misdemeanour, or offence, by the sentence of any court of competent jurisdiction” and inserting in their place the word “prisoner”.

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

R. A. GEORGE, Governor.