



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 121 of 1974

An Act to amend the Prisons Act, 1936-1974, and the Prisons Act Amendment Act, 1954.

[Assented to 5th December, 1974]

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

1. (1) This Act may be cited as the "Prisons Act Amendment Act (No. 2), 1974". Short titles.

(2) The Prisons Act, 1936-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Prisons Act, 1936-1974".

2. Section 5 of the principal Act is amended—

Amendment of
principal Act,
s. 5—
Interpretation.

(a) by striking out the definition of "comptroller" and inserting in its place the following definition:—

"Assistant Director" means an Assistant Director appointed or deemed to have been appointed under section 7a of this Act;

(b) by inserting therein after the definition of "sheriff" the following definitions:—

"the Deputy Director" means the person, if any, for the time being holding, or acting in, the office of Deputy Director under section 7a of this Act:

"the Director" means the person for the time being holding, or acting in, the office of Director of Correctional Services under section 7 of this Act.

3. Section 6 of the principal Act is amended—

Amendment of
principal Act,
s. 6—
Saving
provision.

(a) by striking out from subsection (1) the word "comptroller" and inserting in lieu thereof the word "Director";

and

(b) by striking out subsection (2).

Amendment of
principal Act,
s. 7—
Director of
Correctional
Services.

4. Section 7 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Comptroller of Prisons” and inserting in lieu thereof the passage “Director of Correctional Services”;

(b) by inserting after subsection (1) the following subsection:—

(1a) The person holding the office of Director of Correctional Services at the commencement of the Prisons Act Amendment Act (No. 2), 1974, shall, so long as he continues to hold that office, be deemed to be so appointed.;

(c) by striking out from subsection (2) the word “comptroller” and inserting in lieu thereof the passage “Director of Correctional Services”;

and

(d) by striking out the word “comptroller” where it occurs in subsection (3) and subsection (4) and inserting in lieu thereof in each case the word “Director”.

Repeal of s. 7a
of principal
Act and
enactment of
new section in
its place—

Deputy
Director and
Assistant
Directors.

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

7a. (1) The Governor may appoint fit and proper persons to be Deputy Director and Assistant Directors for the purposes of this Act.

(2) A person holding an office of Assistant Director at the commencement of the Prisons Act Amendment Act (No. 2), 1974, shall, so long as he continues to hold that office, be deemed to have been so appointed.

(3) The Deputy Director, if any, and the Assistant Directors shall exercise and perform such of the powers, authorities, duties and functions of the Director as the Director may direct or may delegate to him either generally or in any particular case.

(4) When the Director is absent from duty by reason of illness or of any other cause, or during any vacancy in his office as such, the Deputy Director or, in his absence, an Assistant Director may, with the Governor's approval, exercise and perform all the powers, authorities, duties and functions conferred or imposed upon the Director by this Act or any other Act.

(5) Where the Deputy Director or an Assistant Director has exercised or performed any of the powers, authorities, duties or functions of the Director under this Act or any other Act, references in the Act to the Director shall, in relation to such exercise or performance, and unless the context otherwise requires, be read and construed as references to the Deputy Director or the Assistant Director, as the case may be.

Amendment of
principal Act,
s. 8—
Officers.

6. Section 8 of the principal Act is amended by striking out from subsection (2) the word “comptroller” and inserting in lieu thereof the word “Director”.

7. Section 10 of the principal Act is amended by striking out the word "comptroller" where it occurs in subsection (1) and subsection (2) and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 10—
Ousting dismissed officers.

8. Section 12 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 12 of principal Act and enactment of new section in its place.

12. All buildings, enclosures and places which, before the commencement of the Prisons Act Amendment Act (No. 2), 1974, had been used as, or declared or deemed to be, public gaols, houses of correction, prisons and penal establishments shall, unless and until duly closed, continue to be public gaols, houses of correction, prisons and penal establishments of the State respectively for the purposes of this Act, and the provisions of this Act with respect to the regulation, management, care and discipline of the same, or any of them, and of the prisoners and other persons therein confined, or any of them, shall apply and have effect accordingly.

Existing public gaols, prisons, etc.

9. Section 14 of the principal Act is amended by striking out subparagraph II of paragraph (f) and inserting in lieu thereof the following subparagraph:—

Amendment of principal Act, s. 14—
Regulations.

ii. any person in custody in a prison by virtue of section 82 of the Community Welfare Act, 1972, as amended, or by virtue of section 55 or section 70 of the Juvenile Courts Act, 1971, as amended, or of section 122a of the Social Welfare Act, 1926-1971,.

10. Section 16 of the principal Act is amended by striking out the word "comptroller" wherever it occurs in subsection (2) and subsection (3) and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 16—
Provisions as to prisoners other than criminal prisoners.

11. Section 20 of the principal Act is amended by striking out the word "comptroller" wherever it occurs and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 20—
Control of police prisons.

12. Section 25 of the principal Act is amended by striking out the word "comptroller" wherever it occurs in subsection (1) and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 25—
Power to direct removal of prisoners to labour prisons.

13. Section 26 of the principal Act is amended by striking out the word "comptroller" and inserting in lieu thereof the word "Director".

Amendment of principal Act, s. 26—
Term of imprisonment in any labour prison.

14. Section 27 of the principal Act is amended by striking out the word "comptroller" wherever it occurs in subsection (1) and subsection (2) and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 27—
Removal of prisoners.

15. Section 30 of the principal Act is amended by striking out the word "comptroller" wherever it occurs in subsection (1), subsection (2) and subsection (3) and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 30—
Removal of prisoners to allow of the repairs or enlargement of prisons, or in consequence of infectious diseases.

Amendment of principal Act, s. 31—
Removal to another prison or hospital.

16. Section 31 of the principal Act is amended by striking out the word “comptroller” where it occurs in subsection (1) and subsection (2) and inserting in lieu thereof in each case the word “Director”.

Amendment of principal Act, s. 32—
Removal of prisoners for trial.

17. Section 32 of the principal Act is amended by striking out from subsection (1) the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 34—
Power to bring prisoner before courts.

18. Section 34 of the principal Act is amended by striking out from subsection (1) the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 36—
Effect of order.

19. Section 36 of the principal Act is amended by striking out the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 39—
Power to set persons imprisoned to work.

20. Section 39 of the principal Act is amended by striking out the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 40—
Separate confinement of prisoners.

21. Section 40 of the principal Act is amended by striking out from subsection (1) the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 41—
Discharge of prisoners.

22. Section 41 of the principal Act is amended by striking out from subsection (2) the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 42k—
Probationary release.

23. Section 42k of the principal Act is amended by striking out from subsection (4) the passage “Comptroller of Prisons” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 43—
Visitors.

24. Section 43 of the principal Act is amended by striking out the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 44—
Powers of justices to visit gaols.

25. Section 44 of the principal Act is amended by striking out from subsection (2) the word “comptroller” and inserting in lieu thereof the word “Director”.

Amendment of principal Act, s. 47—
Punishment.

26. Section 47 of the principal Act is amended—

(a) by striking out the word “comptroller” wherever it occurs in subsection (1) and inserting in lieu thereof in each case the word “Director”;

(b) by striking out from paragraph (e) of subsection (1) the passage “five pounds” and inserting in lieu thereof the passage “ten dollars”;

and

- (c) by striking out the word "comptroller" where it occurs in subsection (2), subsection (3) and subsection (4) and inserting in lieu thereof in each case the word "Director".

27. Section 48 of the principal Act is amended by striking out the word "comptroller" wherever it occurs in subsection (1) and in paragraph (e) of subsection (3) and inserting in lieu thereof in each case the word "Director".

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

28. Section 48a of the principal Act is amended by striking out the word "comptroller" wherever it occurs and inserting in lieu thereof in each case the word "Director".

Amendment of principal Act, s. 48a—
Forfeiture of earnings and compensation.

29. Section 49 of the principal Act is amended by striking out from subsection (1) the word "comptroller" and inserting in lieu thereof the word "Director".

Amendment of principal Act, s. 49—
Punishments under sections 47 and 48 to be cumulative unless otherwise directed.

30. Section 53 of the principal Act is amended by striking out the passage "not less than five pounds nor more than one hundred pounds" and inserting in lieu thereof the passage "not less than ten dollars nor more than two hundred dollars".

Amendment of principal Act, s. 53—
Keepers, etc., selling spirits.

31. Section 54 of the principal Act is amended by striking out from subsection (2) the passage "not less than ten pounds nor more than fifty pounds" and inserting in lieu thereof the passage "not less than twenty dollars nor more than one hundred dollars".

Amendment of principal Act, s. 54—
Persons taking or attempting to introduce liquor without authority into prisons, etc.

32. Section 56 of the principal Act is amended by striking out from subsection (2) the passage "two pounds" and inserting in lieu thereof the passage "four dollars".

Amendment of principal Act, s. 56—
Notice of preceding section.

33. Section 60 of the principal Act is amended by striking out from subsection (3) the passage "not less than fifty pounds nor more than one hundred pounds" and inserting in lieu thereof the passage "not less than one hundred dollars nor more than two hundred dollars".

Amendment of principal Act, s. 60—
Punishment on persons aiding in escape.

34. Section 62 of the principal Act is amended by striking out the passage "not less than one pound or more than fifty pounds" and inserting in lieu thereof the passage "not less than two dollars nor more than one hundred dollars".

Amendment of principal Act, s. 62—
Harbouring prisoners illegally at large.

35. Section 63 of the principal Act is amended by striking out from subsection (2) the passage "thirty pounds" and inserting in lieu thereof the passage "sixty dollars".

Amendment of principal Act, s. 63—
Penalty for holding communication.

36. Section 65 of the principal Act is amended—

- (a) by striking out from subsection (1) the word "comptroller" and inserting in lieu thereof the word "Director";

and

Amendment of principal Act, s. 65—
Deduction of amounts earned by prisoners confined in maintenance cases.

(b) by striking out from subsection (1) the passage "Director of Social Welfare" and inserting in lieu thereof the passage "Director-General of Community Welfare".

Amendment of
principal Act,
s. 67—
Form of
conviction.

37. Section 67 of the principal Act is amended by striking out the word "pounds" and inserting in lieu thereof the word "dollars".

Repeal of
2nd Schedule
of principal
Act.

38. The second schedule to the principal Act is repealed.

Amendment of
s. 3 of Act
No. 22 of
1954.

39. Section 3 of the Prisons Act Amendment Act, 1954, is amended by striking out subsection (2) and subsection (3).

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

M. L. OLIPHANT, Governor