



ANNO DECIMO NONO

GEORGI V REGIS.

A.D. 1928.

No. 1880.

An Act to amend the Prison Acts, 1869 to 1925,
and for other purposes.

[Assented to, November 7th, 1928.]

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 "Prison Acts Amendment Act, 1928". Short titles.

(2) The Prison Acts, 1869 to 1925, and this Act may be cited together as the "Prison Acts, 1869 to 1928".

(3) The Prison Act, 1869, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Section 3 of the principal Act is amended—

(a) by inserting therein before the definition of "Governor" the following definition :—

"Comptroller" means the Comptroller of Prisons for the time being in office under this Act :

(b) by striking out the definition of "Sheriff" therein and inserting in lieu thereof the following :—

"Sheriff" means the Sheriff of the State for the time being.

Amendment of principal Act, s. 3—
Definitions.

Prison Acts Amendment Act.—1928.

Re-enactment of s. 7
of principal Act.

4. Section 7 of the principal Act is repealed, and the following section is hereby enacted and substituted in lieu thereof:—

Appointment of
Comptroller.

7. (1) The Governor may appoint a fit and proper person to be Comptroller of Prisons. Every person so appointed shall be appointed under and be subject to the Public Service Act, 1916.

(2) The office of Comptroller may, if the Governor thinks fit, be held in conjunction with any other office in the Public Service.

(3) All the public gaols, prisons, houses of correction, and labor prisons proclaimed under section 6 of this Act, whether before or after the commencement of the Prison Acts Amendment Act, 1928, shall be under the charge, care, and direction of the Comptroller, subject, however, to the control of the Governor.

(4) All prisoners who, immediately prior to the commencement of the Prison Acts Amendment Act, 1928, were in the custody of the Sheriff, shall remain in the custody of the Sheriff until the first appointment of a Comptroller under this section, but upon such appointment shall forthwith be and remain in the custody of the Comptroller, and all persons who subsequently become prisoners shall be in the custody of the Comptroller.

(5) Upon the first appointment of a Comptroller under this section, every reference to the Sheriff in any order or other document relating to the detention, removal, or discharge of any one or more criminal prisoners shall be deemed a reference to the Comptroller, and the order may be executed or the execution thereof completed accordingly.

(6) Notwithstanding anything in this Act, any order or appointment made, or other act done or commenced by the Sheriff prior to the first appointment of a Comptroller, shall remain of full force and effect, and may be carried out and completed as if it had originally been lawfully made, done, or commenced by the Comptroller.

(7) Nothing in this Act shall affect the duty and power of the Sheriff to carry into execution every sentence of death. So far as is necessary to carry any such sentence into execution, the Sheriff shall have the control and direction of the prison where the sentence is to be carried into effect, and of the officers and other persons employed in the said prison.

Amendment of
principal Act, s. 8—

5. Section 8 of the principal Act is repealed, and the following section is hereby enacted and substituted in lieu thereof:—

Provisions as to
prisoners other than
criminal prisoners.

8. (1) Every gaol shall, unless excepted by proclamation made by the Governor, be a prison in which prisoners who are not criminal prisoners may be confined during the period of their imprisonment. The Judges of the Supreme Court may make such rules and regulations for the control and management of prisoners who are not criminal prisoners in any prison as the said Judges think fit.

(2) The

Prison Acts Amendment Act.—1928.

(2) The Comptroller and the gaoler of every gaol shall be bound to receive and keep in any gaol of which he is Comptroller or gaoler, in addition to criminal prisoners, all persons who, by the process of any Court of civil jurisdiction, are directed to be imprisoned in such gaol, until such persons are discharged in due course of law.

(3) The Comptroller and the gaoler of every gaol shall obey all orders and directions given by the Sheriff for the purpose of executing any order or process of any Court, which order or process the Sheriff is required by law to execute.

(4) The Sheriff shall not be liable for the escape of any prisoner.

6. Section 17 of the principal Act (as amended by section 4 of The Prison Act Amendment Act, 1912), is further amended so as to read as follows:—

Amendment of principal Act, s. 17—

Power to direct removal of prisoners to labor prisons.

17. (1) Where any prisoner is under sentence of imprisonment with hard labor for any term not being less than three calendar months, and is not confined in a labor prison, the Comptroller may remove that prisoner from the gaol, prison, or place in which he is confined to a labor prison, or cause him to be so removed, and deliver him or cause him to be delivered into the custody of the Superintendent of the said labor prison with a true copy duly attested by the Comptroller of the sentence of the said prisoner; and the Superintendent of the said labor prison shall give a receipt in writing for every prisoner received into his custody.

(2) Where any prisoner under sentence of imprisonment with hard labor for any term not being less than three months has before the commencement of the Prison Act Amendment Act, 1928, been removed from any gaol to a labor prison and delivered into the custody of the Superintendent thereof, that removal and delivery shall in all cases be deemed to be and at all times to have been valid and authorised by law.

7. Section 18 of the principal Act is amended by striking out the words "Sheriff as Comptroller of Labor Prisons" in the second and third lines thereof, and inserting in lieu of those words the word "Comptroller".

Amendment of principal Act, s. 18.

8. Section 12 of the Prison Act Amendment Act, 1912, is amended by striking out the words "by the Sheriff" in the second line thereof.

Amendment of Act 1090, 1912, s. 12.

9. The Prison Acts, 1869 to 1925, are amended by striking out the word "Sheriff" wherever it occurs in any of the said Acts, except in sections 8 and 18 of the principal Act, and inserting in lieu thereof the word "Comptroller".

Consequential amendment of Prison Acts.

10. Section 4 of the Act No. 15 of 1842 entitled an Act to regulate the Appointment and the Duties of the Sheriff of the Province of South Australia is repealed.

Consequential repeal of 15/1842, s. 4.

11. (1) Sections

Prison Acts Amendment Act.—1928.

Consequential
amendment of
Criminal Law Con-
solidation Act, 1876,
ss. 398, 399 and
The Schedule E.

11. (1) Sections 398 and 399 of the Criminal Law Consolidation Act, 1876, are amended by striking out the word "Sheriff" wherever occurring in these sections and inserting in lieu thereof in each case the words "Comptroller of Prisons".

(2) Schedule "E" of The Criminal Law Consolidation Act, 1876, is amended by striking out the word "Sheriff" at the foot thereof and inserting in lieu thereof the words "Comptroller of Prisons."

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

G. J. R. MURRAY, Deputy Governor.