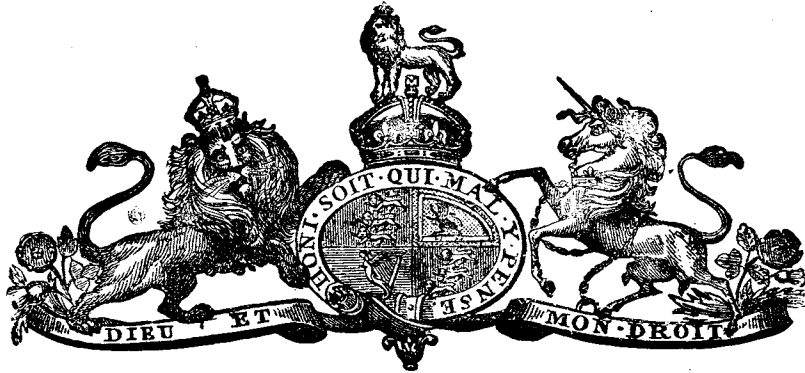


TASMANIA.



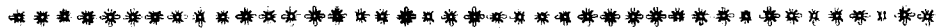
1908.

ANNO OCTAVO

EDWARDI VII. REGIS,
No. 10.

ANALYSIS.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Short title. 2. Interpretation.
"Governor."
"Licence." 3. Repeal. 4. General regulations for remission of sentence. 5. Remission on recognisance. 6. Granting of licence to prisoners.
Revocation or alteration of same. 7. Sentence deemed to continue although execution is suspended. 8. Form of licence. 9. Forfeiture of licence. 10. Convicting justice to forward certificate in Form B to Sheriff. 11. Action upon forfeiture.
Execution of warrant.
Bringing of licensed prisoner before justice. | <ol style="list-style-type: none"> 12. Prisoner whose licence is forfeited to undergo term of imprisonment for the time of sentence unexpired.
In all respects same as original. 13. Notice by prisoner on parole to Sheriff as to place of abode.
Report to Sheriff.
Remittance of requirements. 14. Failing to comply with last preceding section.
Penalty on summary conviction. 15. Failing to produce licence.
Or breaking conditions of licence.
Penalty. 16. Arrest of licensed prisoner without a warrant.
Forfeiture of licence.
Conviction of prisoner brought before justice. 17. Offences to be dealt with summarily. |
|---|---|



AN ACT to amend "The Prison Act, 1868." A.D. 1908.
[12 November, 1908.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Prison Act, 1908," and shall be read and construed as one with "The Prison Act, 1868," hereinafter called the Principal Act, and every Act amending the same. Short title.
32 Vict. No. 11.

Prison Act Amendment.

A.D. 1908.

Interpretation.
"Governor."

"Licence."

Repeal.

2 In this Act—

"Governor" means the Governor for the time being of this State, and not the Governor acting with the advice of the Executive Council:

"Licence" means a licence to be at large, granted pursuant to Section Six of this Act.

3 Section Fifty-one and Schedule (4.) of the Principal Act are hereby repealed, and the provisions of this Act are substituted therefor.

Mitigation or Remission of Sentence.

General regulations for remission of sentence.
Cf. Act No. 40 of 1900, s. 461 (N.S.W.).

Remission on recognisance.
Ibid., s. 462.

4 The Governor may make such general regulations as he thinks fit for the mitigation or remission, conditional or otherwise, of the sentence of any prisoner as an incentive to, or reward for, good conduct whilst undergoing his sentence; and the Governor may mitigate or remit the sentence accordingly.

5 The Governor may grant at any time to any prisoner a remission of the whole or any portion of his sentence upon condition of his giving security, by recognisance, for his good behaviour as to the Governor shall seem meet.

Licence to Prisoner to be at Large.

Granting of licence to prisoners.

Revocation or alteration of same.

Sentence deemed to continue although execution is suspended.

Form of licence.

6—(1.) The Governor by an order in writing, on the recommendation and under the hand of the Sheriff, may grant to any prisoner a licence to be at large in this State, or in such part thereof as in the licence mentioned, during such portion of his term of imprisonment, and upon such conditions in all respects, as to the Governor may seem fit. A prisoner to whom any such licence is granted is referred to in this Act as a "prisoner on parole."

(2.) The Governor may from time to time, upon the like recommendation, revoke or alter such licence by a like order in writing.

7 The conviction and sentence of any prisoner on parole shall be deemed to continue in force while his licence remains unforfeited and unrevoked, although execution thereof is suspended; but so long as the licence continues in force and unrevoked or unforfeited, such prisoner shall not be liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the terms of his licence.

8 A licence may be in the Form A in the schedule to this Act, or to the like effect, or may on the recommendation of the Sheriff, if the Governor thinks proper, be in any other form different from that given in the schedule which he may think it expedient to adopt, and contain other and different conditions.

*Prison Act Amendment.**Revocation and Forfeiture.*

A.D. 1908.

9 If any prisoner on parole is convicted of any offence for which an information may be filed in the Supreme Court, his licence shall thereupon become and be forthwith forfeited.

Forfeiture of licence.

10 When any prisoner on parole is convicted of an offence punishable on summary conviction under this or any other Act, the justice or justices convicting the prisoner shall forthwith forward by post a certificate in the Form B in the schedule to this Act to the Sheriff, and thereupon the licence of the said prisoner may be revoked in manner aforesaid.

Convicting justice to forward certificate in Form B to Sheriff.

11—(1.) If any licence is revoked or forfeited it shall be lawful for the Sheriff, by warrant under his hand and seal, to signify to any justice that the licence has been revoked or forfeited, and to require any justice to issue his warrant under his hand for the apprehension of the prisoner to whom the licence was granted, and the justice shall issue his warrant accordingly.

Action upon forfeiture.

(2.) The said warrant shall and may be executed by the constable to whom the same is given for that purpose in any part of this State, and shall have full force and effect in all parts of this State.

Execution of warrant.

(3.) Any prisoner on parole apprehended under such warrant shall be brought as soon as conveniently may be before a justice, and such justice shall thereupon make out his warrant under his hand for the recommitment of such prisoner to a gaol, and he shall be so recommitted accordingly, and shall thereupon be remitted to his original sentence, and shall undergo the residue of such sentence which remained unexpired at the time his licence was granted.

Bringing of licensed prisoner before justice.

12 When any licence is forfeited by a conviction of an offence for which an information may be filed in the Supreme Court, or other conviction, or is revoked in pursuance of a summary conviction or otherwise, the person whose licence is forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for any offence in consequence of which his licence is forfeited or revoked, further undergo a term of imprisonment equal to the portion of the term to which he was originally sentenced and which remained unexpired at the time his licence was granted, and he shall be liable to be dealt with in all respects as if such term of imprisonment had formed part of his original sentence.

Prisoner whose licence is forfeited to undergo term of imprisonment for the time of sentence unexpired.

In all respects same as original.

Reporting of Licencees.

13—(1.) Every prisoner on parole who is at large in this State shall notify the place of his residence to the Sheriff or a person appointed by the Sheriff, and shall, whenever he changes his residence, notify the change to the Sheriff or such person as aforesaid.

Notice by prisoner on parole to Sheriff as to place of abode.

(2.) Every prisoner on parole shall, once in each month, report himself at such time as may be prescribed by the Sheriff to the Sheriff himself, or to such other person as the Sheriff may direct, and such

Report to Sheriff.

Prison Act Amendment.

A.D. 1908.

Remittance of requirements.

report may, according as such Sheriff or such other person directs, be required to be made personally or by letter.

(3.) The Sheriff may, by order under his hand, remit any of the requirements of this section.

Offences and Penalties.

Failing to comply with last preceding section.

14—(1.) If any prisoner on parole to whom the last preceding section applies fails to comply with any of the requirements thereof, he shall in any such case be guilty of an offence against this Act, unless he proves to the satisfaction of the police magistrate or justices before whom he is tried that he did his best to act in conformity with the law.

Penalty on summary conviction.

(2.) On summary conviction of any such offence the offender shall be liable, in the discretion of the magistrate or justices, either to forfeit his licence or to imprisonment for a term not exceeding One year.

Failing to produce licence.

15 Any prisoner on parole who—

i. Fails to produce his licence whenever required so to do by any judge, police magistrate, or justice before whom he may be brought charged with any offence, or by any constable in whose custody he may be, and fails to make any reasonable excuse for not producing the same: or

Or breaking conditions of licence.

ii. Breaks any of the other conditions of his licence by an act which is not of itself punishable either upon information filed in the Supreme Court or upon summary conviction—

Penalty.

is guilty of an offence, upon summary conviction of which he shall be liable to imprisonment for Three months.

Arrest of licensed prisoner without a warrant.

16—(1.) Any constable may take into custody without warrant any prisoner on parole—

i. Whom he reasonably suspects of having committed any offence: or

ii. If it appears to such constable that such prisoner is getting his livelihood by dishonest means—

and may take him before a police magistrate or any Two or more justices to be dealt with according to law.

Forfeiture of licence.

(2.) If it appears from the facts proved before the magistrate or justices that there are reasonable grounds for believing that the prisoner so brought before him or them is getting his livelihood by dishonest means, such prisoner shall be deemed guilty of an offence against this Act, and his licence shall be forfeited.

Conviction of prisoner brought before justice.

(3.) Any prisoner so brought before a magistrate or justices may be convicted of getting his livelihood by dishonest means, although he has been brought before the magistrate or justices on some other charge, or not in the manner provided for in this section.

Offences to be dealt with summarily.

17 All informations for offences against this Act, and all penalties imposed by this Act, shall be heard, determined, and recovered

Prison Act Amendment.

in a summary way by and before a police magistrate, or any Two or more justices, in the mode prescribed by "The Magistrates Summary Procedure Act." A.D. 1908. 19 Vict. No. 8.

SCHEDULE.

FORM A.

LICENCE.

Sect. 8.

day of 19

HIS Excellency the Governor is graciously pleased to grant to
 , who was convicted of at the
 for the on the , and was then and there
 sentenced to imprisonment for the term of , and is now confined in the
 , licence to be at large from the day of his liberation under this
 order during the remaining portion of his term of imprisonment, unless the said
 shall before the expiration of the said term be convicted of an
 offence within this State for which an information may be filed in the Supreme Court,
 or shall be summarily convicted of an offence involving forfeiture, in which case such
 licence will be immediately forfeited by law, or unless it shall please His Excellency
 sooner to revoke or alter such licence.

This licence is given subject to the conditions endorsed upon the same, upon the
 breach of any of which it will be liable to be revoked, whether such breach is followed
 by a conviction or not.

And His Excellency hereby orders that the said
 be set at liberty within Thirty days from the date of this order:

Given under my hand and seal, by
 His Excellency's Command,
 at the
 day of 190

Sheriff.

CONDITIONS.

1. The holder shall preserve his licence and produce it when called upon to do so by a police magistrate, justice, or a constable.
2. He shall abstain from any violation of the law.
3. He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.
4. He shall not lead an idle and dissolute life without visible means of obtaining an honest livelihood.

If his licence is forfeited or revoked in consequence of a conviction for any offence, he will be liable to undergo a term of imprisonment equal to the portion of his term of years which remained unexpired when his licence was granted, viz., the term of years.

Prison Act Amendment.

A.D. 1908.

FORM B.

Sect. 10.

FORM OF CERTIFICATE OF CONVICTION.

I do hereby certify that A.B., the holder of a licence under "The Prison Act, 1908," was on the _____ day of _____ in the year _____ duly convicted by and before _____ of the offence of _____ and sentenced to _____

J.P.