



ANNO DECIMO QUINTO

# GEORGII V REGIS.

A.D. 1924.

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## No. 1647.

An Act to further amend the Prison Acts, 1869 to 1915,  
and for other purposes.

[Assented to, December 24th, 1924.]

**B**E 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 Act Further Amendment Act, 1924." Short titles.

(2) The Prison Acts, 1869 to 1915, and this Act may be cited together as the "Prison Acts, 1869 to 1924."

(3) The Prison Act, 1869, is hereinafter referred to as "the principal Act." No. 12 of 1869-70.

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 with other Acts.

3. Section 19 of the principal Act is amended by adding thereto the following subsection, the preceding part of the said section being read as subsection (1) thereof:— Amendment of principal Act, s. 19— Assaulting officers.

(2) Every sentence imposed upon any prisoner pursuant to the provisions of this section shall be carried out or served before the expiration of the term of imprisonment which the prisoner was actually serving when the sentence was imposed, and shall be carried out or served immediately after it is imposed or as soon thereafter as possible, subject to any direction or order of the Court imposing the sentence.

4. Section

*Prison Act Further Amendment Act.—1924.*

Amendment of *ibid.*,  
s. 20—  
Removal of  
prisoners.

**4.** Section 20 of the principal Act (as amended by section 5 of the Prison Act Amendment Act, 1912,) is further amended by adding at the end thereof the following subsection (the preceding part of the said section being read as subsection (1) thereof):—

(2) The Sheriff may remove any prisoner to any place beyond the precincts of the prison to which he is confined for the purpose of visiting any near relative of the prisoner whom the Sheriff believes to be dying, or for any other purpose which the Sheriff thinks sufficient. Notwithstanding such removal the prisoner shall be deemed to be still within the limits of such prison.

Amendment of  
*ibid.*, s. 22—  
Escape of prisoners  
to be felony.

**5.** Section 22 of the principal Act is amended by adding thereto the following subsection, the preceding part of the said section being read as subsection (1) thereof:—

(2) Every sentence imposed upon any prisoner pursuant to the provisions of this section shall be carried out or served before the expiration of the term of imprisonment which the prisoner was actually serving when the sentence was imposed, and shall be carried out or served immediately after it is imposed or as soon thereafter as possible, subject to any direction or order of the Court imposing the sentence.

Amendment of  
*ibid.*, s. 25—  
Offenders attempt-  
ing to escape guilty  
of felony.

**6.** Section 25 of the principal Act is amended by adding thereto the following subsection, the preceding part of the said section being read as subsection (1) thereof:—

(2) Every sentence imposed upon any prisoner pursuant to the provisions of this section shall be carried out or served before the expiration of the term of imprisonment which the prisoner was actually serving when the sentence was imposed, and shall be carried out or served immediately after it is imposed, or as soon thereafter as possible, subject to any direction or order of the Court imposing the sentence.

Amendment of *ibid.*,  
s. 32—  
Time for discharge  
of prisoner

**7.** Section 32 of the principal Act (as amended by section 6 of the Prison Act Amendment Act, 1912,) is further amended—

(a) by inserting after the word "Friday" in the fourth line thereof the following passage:—"but if the prisoner is confined for a term of imprisonment exceeding three months and the term of his imprisonment would lawfully expire at any time between Christmas Day or the day after New Year's Day, the prisoner shall be entitled to his discharge on the day preceding Christmas Day"; and

(b) by inserting after the word "days" in the sixth line thereof the passage "or in the case of a prisoner confined for a term of imprisonment exceeding twelve months, the two months".

No appeal from orders  
under ss. 35 and 36 of  
principal Act.  
No. 1479 of 1921.

**8.** There shall be no appeal from any order imposing any term of punishment upon any prisoner under section 35 or section 36 of the principal Act, and sections 162 and 163 of the Justices Act, 1921, shall not apply to any such order.

**9.** (1) The

*Prison Act Further Amendment Act.—1924.*

9. (1) The Sheriff shall, on the discharge of any prisoner who has served any term of imprisonment for non-compliance with a maintenance order made by any Court, deduct one-half of the total sums payable to the prisoner on his discharge in respect of credit mark earnings and bonuses earned by him during the term of imprisonment, and shall pay such deducted half to the Secretary of the State Children's Council who shall pay the same to the person or persons to whom the prisoner by the maintenance order was ordered to make payments for maintenance.

Deduction of amounts earned by prisoners confined in maintenance cases.

(2) For the purpose of this section "maintenance order" shall mean an order for the periodical payment of sums of money for or towards the maintenance of the wife, child, or other dependents of the person against whom the order is made.

10. (1) Any prisoner confined in any prison may, after he has completed not less than one half of his sentence, including any remission of his sentence granted pursuant to the Acts incorporated with this Act or any regulation made thereunder, apply to the Sheriff for a recommendation to be released pursuant to the provisions of this section.

Release of prisoners on probation.

(2) The Sheriff shall give a recommendation as aforesaid in any case where the Sheriff is of opinion that the prisoner should be released as aforesaid, and where the Superintendent of the prison in which the prisoner is confined concurs in such recommendation.

(3) The Sheriff shall forward the recommendation to the Governor, together with such other information as is supplied by the prisoner or which the Sheriff considers should be placed before the Governor, including information as to whether the prisoner, if released, will be able to find employment. For this latter purpose the Sheriff shall permit the prisoner to have reasonable communication with any reputable person who is likely to find employment for him.

(4) The Governor may order that any prisoner as aforesaid may be released on probation.

(5) If any prisoner released on probation as aforesaid commits any offence during the unexpired period of his sentence and is convicted thereof whether before or after the period of his original sentence expires, the Court by whom he is convicted may order that he be returned to the said prison to complete the period of his original sentence in addition to any sentence imposed upon him by the Court. The Court may order that the time during which the prisoner was released on probation, or any portion thereof, shall be reckoned as part of the original sentence.

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

TOM BRIDGES, Governor.