

PRISONS (AMENDMENT) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 6, 1970.

An Act to change the titles of the offices of Comptroller-General of Prisons and Deputy Comptroller of Prisons; to make further provisions with respect to the appointment of medical officers for prisons; for these and other purposes to amend the Prisons Act, 1952, the Parole of Prisoners Act, 1966, and certain other Acts; and for purposes connected therewith. [Assented to, 20th March, 1970.]

BE

Prisons (Amendment).

No. 6, 1970 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Prisons (Amendment) Act, 1970".

Amendment of Act No. 9, 1952. **2.** (1) The Prisons Act, 1952, is amended—

Sec. 4. (Definitions.) (a) (i) by omitting the definition of "Comptroller-General" in section four ;
(ii) by inserting next before the definition of "convicted prisoner" in the same section the following new definition :—

"Commissioner" means the Commissioner of Corrective Services ;

Sec. 6. (Commissioner of Corrective Services.) (b) (i) by omitting from subsection one of section six the words "Comptroller-General of Prisons" and by inserting in lieu thereof the words "Commissioner of Corrective Services" ;
(ii) by omitting from subsection two of the same section the words "Deputy Comptroller of Prisons" and by inserting in lieu thereof the words "Deputy Commissioner of Corrective Services" ;

Sec. 48A. (Research work—records and information.) (c) by omitting from subsection two of section 48A the words "Department of Prisons" and by inserting in lieu thereof the words "Department of Corrective Services".

Further amendment of Act No. 9, 1952. (2) The Prisons Act, 1952, is further amended by omitting therefrom (section four and subsection one of section six excepted) the word "Comptroller-General" wherever occurring and by inserting in lieu thereof the word "Commissioner".

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(3) The persons holding office immediately before the commencement of this Act as Comptroller-General of Prisons and Deputy Comptroller of Prisons shall, as from that commencement, hold office as Commissioner of Corrective Services and Deputy Commissioner of Corrective Services, respectively. No. 6, 1970

3. (1) A reference, in any other Act, or in any by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, to the Comptroller-General of Prisons, the Deputy Comptroller of Prisons or the Department of Prisons shall be read and construed as a reference to the Commissioner of Corrective Services, the Deputy Commissioner of Corrective Services or the Department of Corrective Services, respectively. Construction of other Acts, etc.

(2) The Parole of Prisoners Act, 1966, is amended— Amendment of Act No. 41, 1966.

- (a) by omitting the definition of “Comptroller-General” in subsection one of section two; Sec. 2. (Definitions.)
- (b) by omitting from section eight the word “Comptroller-General” wherever occurring and by inserting in lieu thereof the words “Commissioner of Corrective Services”. Sec. 8. (Access to and information concerning prisoners.)

4. The Prisons Act, 1952, is further amended— Further amendment of Act No. 9, 1952.

- (a) by inserting in subsection one of section nine after the word “may” the words “, upon the recommendation of the Minister for Health and with the concurrence of the Minister of Justice,”; Sec. 9. (Medical officers.)
- (b) (i) by inserting in section forty-two after the words “other prison” the words “or, subject to subsection two of this section, by the person in charge of any lock-up or police station”; Sec. 42. (Address of warrant.)

(ii)

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- (ii) by inserting at the end of the same section the following words and new subsection :—

A warrant of commitment addressed to the person in charge of a lock-up or police station may be received by the person in charge of any other lock-up or police station or by the governor or keeper of any prison.

(2) Nothing in this section authorises the detention of a prisoner for the whole or part of a term of imprisonment in one or more lock-ups or police stations for any period that exceeds one month.

Sec. 45.
(Sentences
to be served
in lock-up.)

- (c) by omitting from subsection two of section forty-five the words "Whenever a court of summary jurisdiction orders a prisoner to be imprisoned as provided in subsection one of this section" and by inserting in lieu thereof the words "Where a prisoner is serving the whole or any part of a term of imprisonment in a lock-up or police station, whether by virtue of the operation of this section or section forty-two of this Act,";

New sec.
48c.

- (d) by inserting next after section 48B the following new section :—

Annual
report.

48c. The Commissioner shall, as soon as practicable after the thirtieth day of June in each year, cause a report giving information as to the operation of the Department of Corrective Services during the year ending on that day to be prepared and forwarded to the Minister for presentation to Parliament.