

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1933.

A BILL

To extend the operation of section 16A of the Prisons Act, 1899, as amended by subsequent Acts, to certain persons committed to prison under Part XVIII of the Matrimonial Causes Act, 1899, as amended by subsequent Acts; for these and other purposes to amend the Prisons Act, 1899, the Matrimonial Causes Act, 1899, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King'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:—

1. (1) This Act may be cited as the "Prisons Short title.
(Amendment) Act, 1933."

(2) The Prisons Act, 1899, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Prisons Act, 1899-1933.

2. The Principal Act is amended—

Amendment of Act No. 27, 1899.

(a) by inserting in subsection one of section 16A after the word "under" the words "Part XVIII of the Matrimonial Causes Act, 1899, or";

Sec. 16A. (Prisoners' work.)

(b) by inserting in the same subsection after the words "class of work" the following words:—

The Comptroller-General shall not so direct, in the case of a prisoner committed to prison under Part XVIII of the Matrimonial Causes Act, 1899, unless he is thereunto authorised by an order made pursuant to section 90B of that Act, and such order has not been annulled.

(c) by inserting at the end of subsection three of the same section the following new paragraph:—

(c) in the case of a commitment under Part XVIII of the Matrimonial Causes Act, 1899, in or towards the satisfaction of the order (if any) for the payment of sums in respect of alimony or the maintenance of wife or child of the prisoner, and subject thereto in or towards the satisfaction of any amount in respect of the non-payment whereof the prisoner has been committed to prison.

3. The Matrimonial Causes Act, 1899, as amended by subsequent Acts is amended by inserting next after section 90A the following new section:—

Amendment of Act No. 14, 1899. New s. 90B.

90B. (1) Where the Court commits any person to prison for his failure to comply with an order made by it for payment of costs, or of any sum due in respect of alimony or the maintenance of children, it may at the same or at any subsequent time by order

Powers in respect of persons committed to prison.

order authorise the Comptroller-General of Prisons to exercise in respect of such person the powers conferred by section 16A of the Prisons Act, 1899, as amended by subsequent Acts.

(2) Where the justices, in pursuance of section 90A of this Act, direct that a defendant in default of payment be committed to gaol, they or a visiting justice appointed under the Prisons Act, 1899, may at any time after such defendant is so committed by order authorise the Comptroller-General of Prisons to exercise in respect of such defendant, the powers conferred by section 16A of the Prisons Act, 1899, as amended by subsequent Acts.

(3) The Court may at any time upon the application of the person or defendant so committed, vary or annul any order made under this section. The application shall be made in the manner prescribed by rules of court.

(4) This section shall extend to a case where a person or defendant has been so committed before as well as to a case where he is so committed after the commencement of the Prisons (Amendment) Act, 1933.

4. The Principal Act is further amended by omitting section nine and by inserting in lieu thereof the following new section:—

Further amendment of Act No. 27, 1899. Sec. 9.

9. All regulations made under section eight and all rules and regulations made under section eleven of this Act shall—

Publication of regulations.

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If

Prisons (Amendment).

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
