

THE SCHEDULE. ●

(Section 3.)

LAND DISTRICT OF DEVON — TOWN OF BEAUTY POINT.

All that land bounded by a line commencing at a point at high-water mark on the western bank of the River Tamar and on the prolongation of the western side of Oxford Street and running thence southerly across the esplanade and by the western side of Oxford Street aforesaid to its intersection with Henry Street at the north-western corner thereof, thence southerly to the intersection of Robert Street and Augustus Street at the south-eastern corner thereof thence easterly by the southern side of Augustus Street aforesaid across Flinders Street and by the southern boundary of 10 acres 1 rood 6 perches purchased by F. E. Evans to a point at high-water mark on the western bank of the River Tamar and thence by the high-water mark on that bank in a general north-north-westerly direction to the point of commencement.

PRISON.

No. 79 of 1970.AN ACT to amend the *Prison Act* 1868.

[11 January 1971.]

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—(1) This Act may be cited as the *Prison Act* 1970.

Short title
and citation.

(2) The *Prison Act* 1868, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is repealed.

Controller
of Prisons.

3 After section four of the Principal Act the following sections are inserted:—

“4A—(1) The Governor may appoint a Controller of Prisons and a Deputy Controller of Prisons.

Appointment
of Controller
of Prisons
and other
prison
officers.

“(2) The Governor may, for any gaol to which the Minister by order declares this subsection to apply, appoint a governor and a deputy governor.

“(3) The Deputy Controller of Prisons may hold office as the governor of a gaol referred to in subsection (2) of this section in conjunction with his office as Deputy Controller of Prisons.

“(4) The Governor may appoint such other officers as are required for the purposes of this Act or otherwise for the management of gaols.

“(5) The officers appointed under the foregoing provisions of this section shall be appointed under and in accordance with the *Public Service Act 1923*.

“(6) The Minister may for any gaol, not being a gaol referred to in subsection (2) of this section, appoint a gaoler and such other officers as he considers necessary for the management thereof.

Exercise of
functions of
Controller
and gaolers.

“4B—(1) Subject to any directions given to him by the Controller, the Deputy Controller of Prisons may exercise any of the functions of the Controller, whether under this or any other Act, and anything done by the Deputy Controller in the exercise of those functions has the same force and effect as if it had been done by the Controller.

“(2) The functions of the gaoler of such a gaol as is referred to in subsection (2) of section four A shall be exercised by the governor thereof, or, in accordance with such directions as the Controller may give, either generally or in any particular case, the deputy governor thereof.

“(3) In respect of any gaol referred to in subsection (2) of section four A, the Controller may, by a direction in writing, direct any officer appointed under subsection (2) or subsection (4) of that section to exercise, during such period or in such circumstances as may be specified in the direction, the functions of the gaoler thereof, and those functions, so long as the direction remains in force, shall be so exercisable.

“(4) Pursuant to the provisions of this section, references in this or any other Act to the gaoler of a gaol shall, in relation to a gaol referred to in subsection (2) of section four A, be construed as references to the governor of that gaol or any other person who, under this section, is, for the time being, exercising the functions of the gaoler thereof.

“(5) Subject to this section, the gaoler of every gaol shall be under the order and control of the Controller.”

Controller,
gaoler,
warders, &c.

4 Section nine of the Principal Act is repealed.

5 After section eighteen of the Principal Act the following section is inserted:—

Licences to
undergo
medical
treatment
outside the
State.

“18A—(1) Where the Minister is satisfied that it is necessary or desirable for a prisoner to undergo medical treatment outside the State he may, subject to this section, grant to that prisoner a licence authorizing him to be absent from this State for the purpose of undergoing that treatment.

“(2) A licence under this section shall specify the period for which it is to remain in force and shall specify the conditions or restrictions with which the person to whom it is granted is to comply while he is away from gaol during the currency of the licence.

“(3) Without prejudice to the generality of the provisions of subsection (2) of this section the conditions or restrictions referred to therein may be conditions or restrictions requiring the person to whom the licence is granted—

- (a) to comply with any directions or instructions from time to time given by the Controller or any other specified person; and
- (b) to report, from time to time, to any specified person or at any specified place, or, from time to time, to give information to any specified person.

“(4) A person may be specified for the purposes of subsection (3) of this section by name or by reference to any office held by him (whether in this State or elsewhere) or by reference to his appointment or nomination by the Controller to undertake any duties in relation to the purposes of the licence.

“(5) The Minister, by writing under his hand, may revoke any licence granted under this section and may, from time to time, extend the period for which such licence is to remain in force.

“(6) Subject to subsection (10) of this section, the conviction and sentence of any person to whom a licence has been granted under this section continues in force notwithstanding that that licence has been granted, although the execution thereof is suspended; but so long as the licence continues in force that person is not liable to be imprisoned by reason of that sentence, but shall be allowed to go and remain at large according to the terms of the licence.

“(7) Any person to whom a licence has been granted under this section who, whether in this State or elsewhere, contravenes or fails to comply with any of the conditions or restrictions specified in the licence is guilty of an offence and liable to three months' imprisonment.

“(8) Where a licence granted to a person under this section is revoked or has otherwise ceased to be in force a justice shall, on application being made by the Controller or some person authorized by him in that behalf, issue a warrant for the apprehension of that person, and that warrant may be executed by any police officer according to its tenor.

“(9) A person apprehended under a warrant issued under subsection (8) of this section shall be brought as soon as conveniently may be before a justice and that justice shall thereupon issue a warrant for the recommitment of that person to gaol.

“(10) Where a licence granted to a person under this section is revoked or that person remains unlawfully at large after such a licence has ceased to be in force the Minister may, by order, direct that he undergo a term of imprisonment for a period not exceeding the portion of the term to which he was originally sentenced, and which remained unexpired at the time the licence was granted, and he is liable to be dealt with in all respects as if that term of imprisonment had formed part of his original sentence.”