



PRISON

No. 58 of 1974

ANALYSIS

1. Short title and citation.
2. Licences to be absent from gaol.

AN ACT to amend the Prison Act 1868.

[21 November 1974]

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 1974*.

Short title and
citation.

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

2 After section 18A of the Principal Act the following section is inserted:—

Licences to be
absent from
gaol.

“18B—(1) The Minister may, on the recommendation of the Controller, grant to a prisoner a licence authorizing him to be absent from a gaol for such purpose, not being a purpose relating to the serving of his sentence, for such periods and on such conditions or restrictions as he may think fit and as may be specified in the licence.

“(2) The person who has been granted a licence under subsection (1) shall use the licence strictly for the purpose for which it is granted and, while he is away from gaol during the currency of the licence, at all times—

- (a) carry the licence on his person; and
- (b) comply strictly with the conditions and restrictions endorsed thereon.

“(3) The granting of a licence under subsection (1) to a person shall not affect the sentence which he is serving at that time and he shall, while he is away from gaol during the currency of the licence, be deemed to be in gaol and under lawful custody and control within the meaning of this Act.

“(4) The Minister, by writing under his hand, may, in respect of any licence granted under this section—

- (a) revoke the licence;
- (b) extend the period for which the licence is to remain in force; or
- (c) amend or vary any of the terms or conditions thereof.

“(5) A person to whom a licence is granted under this section who—

- (a) fails, within a reasonable time, to return to the gaol from which he is absent under the authority of the licence—
 - (i) after the revocation of the licence by the Minister; or
 - (ii) upon the expiry of the period for which he was authorized by the licence to absent himself from the gaol; or

(b) breaches any of the conditions of the licence, may be arrested by a police officer or an officer appointed by the Governor for the purposes of this Act and taken to gaol.

“(6) Any person to whom a licence is granted under this section who uses the licence for any purpose other than the purpose for which the licence is granted or who contravenes, or fails to comply with, any of the conditions or restrictions specified in the licence is guilty of an offence and liable to 6 months’ imprisonment.”.