

PRISONS.

11° Elizabeth II., No. XXXVI.

No. 36 of 1962.

AN ACT to amend the Prisons Act, 1903-1954.

[Assented to 29th October, 1962.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Prisons Act Amendment Act, 1962*.

Reprinted
with amend-
ments
including
Act No. 31
of 1918 in
Sessional
Volume 1919
and further
amended by
Act No. 73
of 1954.

(2) In this Act the Prisons Act, 1903-1954, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Prisons Act, 1903-1962.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section fifty-four of the principal Act is amended by substituting for the words, "a hospital for the insane", in lines four and five, the passage, "an approved hospital, under the Mental Health Act, 1962". S. 54 amended.

4. The principal Act is amended by adding, after Part VIA, the following heading and Part:— Part VIB added.

PART VIB.—INSTITUTIONS FOR THE RECEPTION
OF CONVICTED INEBRIATES.

64O. The Governor may by proclamation, set apart any suitable place, whether part of a prison or not, to be an institution for the reception of convicted inebriates. Establishment of institutions for convicted inebriates.

64P. The provisions of sections sixty-four F, sixty-four I, sixty-four M and sixty-four N of this Act apply *mutatis mutandis* to institutions for the reception of convicted inebriates and to persons placed in those institutions, as though re-enacted in this Part; except that— Other sections of this Act to apply.

(a) the reference, in subsection (6) of section sixty-four F, to the Board shall be read as a reference to the Comptroller General; and

(b) paragraph (i) of section sixty-four M shall not apply.

64Q. (1) If the officer in charge of the institution reports that it is desirable that any person placed in an institution for the reception of convicted inebriates should be permitted to leave the institution temporarily— Provision for permitting persons to leave institutions for certain purposes.

(a) for the purpose of being treated at any hospital; or

(b) for the purpose of visiting a relative believed to be dying; or

(c) for any other reason which appears to the officer in charge to be sufficient,

the Comptroller General may by writing under his hand make an order that the person may, subject to any conditions set forth in the order, be permitted to leave the institution for the purpose and for the period specified in the order.

Custody
during
absence.

(2) The Comptroller General may in the order direct that the person shall during the period specified in the order be in the custody of any member of the police force, gaoler, or officer named in the order, who shall in due course return him into the custody from which he was removed pursuant to the order; and until the person's return he shall be deemed to be in the legal custody of the member of the police force, gaoler, or officer named in the order and acting thereunder.

(3) Where in any case the Comptroller General is of opinion that it is impracticable to require the person to be in the custody of any member of the police force, gaoler, or officer during the period of such absence from the institution, the Comptroller General may make the order without naming any police constable, gaoler, or officer therein; and in every such case the person shall be deemed to be in the legal custody of the officer in charge of the institution.

Penalties.

(4) Every person permitted to leave an institution under this section who—

- (a) escapes or attempts to escape from the custody of any police constable, gaoler, or officer;
- (b) does not return to the institution immediately on the expiration of the period mentioned in the order; or
- (c) is guilty of a breach of any of the conditions of the order,

may, without any warrant other than this Act, be arrested by any member of the police force or by any person thereto authorised in writing by the Comptroller General and be returned to the institution; and shall, within the meaning of section fifty-nine of this Act, be deemed to

have escaped or attempted to escape from custody and shall be liable to be imprisoned accordingly; and after the expiration of any such term of imprisonment (if any) shall, subject to this Part of this Act, be returned to and continue to be detained in the institution under the order by which he had previously been placed therein; or if no such term of imprisonment is imposed, he shall be returned to the institution and continue to be detained there; and any warrant necessary for the purposes of this section may be issued accordingly.
