

Hon. Dr. McNab.

PRISONS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Prisons Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. This Act may be cited as the Prisons Amendment Act, 1915, and shall form part of and be read together with the Prisons Act, 1908 (hereinafter referred to as the principal Act). Short Title.
- 10 2. The person for the time being holding the office of Under-Secretary of Justice shall be the permanent head of the prisons and, subject to the direction of the Minister, shall have control thereof, with power at all times to enter any prison and to examine and inspect the same. Administration of prisons.
- 15 3. Section four of the principal Act is hereby amended by adding the following paragraph:— Section 4 of principal Act amended.
 - “(f.) Classify prisons into two or more grades, with such distinctive names as he thinks fit.”
- 20 4. (1.) To every prison there shall be appointed either a Superintendent or a Gaoler as may be deemed necessary, a Medical Officer (who shall be a registered medical practitioner), and such subordinate officers as may be necessary. Appointment of prison officers.
- 25 (2.) To every prison in which females are confined there shall be appointed a Matron and such subordinate female officers as may be necessary.
- (3.) In every prison in which females only are confined the Matron may be appointed to act as Superintendent or Gaoler, in which case she shall have all the powers of a Superintendent or Gaoler, and shall have such official designation as may be determined by the Minister.

(4.) References in the principal Act or in any other Act to the Gaoler of a prison shall be deemed to include references to the Superintendent of a prison appointed under this section.

(5.) A constable may be appointed to be the Gaoler of a police-gaol.

(6.) Every prison officer while acting as such shall have, by virtue of his office, all the powers, authorities, protection, and privileges of a constable.

Repeal.

(7.) Section five of the principal Act is hereby repealed.

Certificate of conviction.

5. The Registrar of the Supreme Court at any place at which any prisoner is convicted or sentenced shall, immediately upon such conviction or sentence, forward to the Superintendent or Gaoler of the prison to which such prisoner has been committed a certificate in the prescribed form, setting forth the date and place of conviction or sentence, the offence, and the sentence imposed by the Court.

Detention in police-station.

6. (1.) Prisoners who have been sentenced to imprisonment for more than seven days, or prisoners awaiting trial or on remand, may be detained in a police-station (not being a police-gaol) for any period not exceeding seven days, in any place where there is no prison or police-gaol, if their presence in such place is for any reason deemed to be necessary in the interests of justice; and during such period the police-station shall be deemed to be a prison within the meaning of the principal Act.

Short sentences.

(2.) Any person sentenced to imprisonment for a period of seven days or less may be detained in a police-station (not being a police-gaol) for such period, and during such period the police-station shall be deemed to be a prison within the meaning of the principal Act.

Functions of Prisons Board enlarged.

7. (1.) It shall be the duty of the Prisons Board constituted under the Crimes Amendment Act, 1910,—

(a.) To make inquiry from time to time, at the request of the Minister, as to whether there are sufficient grounds for granting the release on probation of any person undergoing a sentence of imprisonment with or without hard labour for any period exceeding two years;

(b.) After making such inquiry as aforesaid, to make recommendations to the Governor as to the release on probation of any such person, and as to the conditions (if any) which should be imposed on any such release on probation; and

(c.) In making any such recommendation, to have regard to the safety of the public or of any individual or class of persons, and to the welfare of the person whom it is proposed so to release on probation.

(2.) The report to be made by the Board pursuant to paragraph (b) of section twelve of the last-mentioned Act shall include a report as to the operations of the Board under this section.

(3.) The provisions of sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen of the said Act shall, *mutatis mutandis*, apply in the case of persons in respect of whom the Board may make recommendations to the Governor for their release on probation under this section.

(4.) For the purposes of this section the reference in section seventeen of the said Act to probation from reformatory detention shall be deemed to be a reference to probation from imprisonment, and the references in sections seventeen, eighteen, and nineteen of that Act to sentence of reformatory detention shall be deemed to be references to sentence of imprisonment.

(5.) Nothing in this section shall apply to any person who is a habitual criminal, or habitual offender, or a person sentenced to a period of reformatory detention, or to any person who has served less than half of the full term to which he was sentenced.

8. Section ten of the Crimes Amendment Act, 1910, is hereby amended by adding to subsection one the words "and in the absence of a Judge from any meeting of the Board, four members shall constitute a quorum."

Section 10 of Crimes Amendment Act, 1910, amended.

9. Section twenty-six of the Crimes Amendment Act, 1910, is hereby amended by inserting, after the words "during the period of his imprisonment or detention," the words "or for such other purposes as the Minister may direct."

Section 26 of Crimes Amendment Act, 1910, amended.

10. Where any offender is released on probation under the First Offenders' Probation Act, 1908, the Registrar or the Clerk of the Court at which such offender was so released shall forthwith forward to the Probation Officer a certified copy of the order of probation.

Order of probation.

11. Section eight of the principal Act is hereby amended by inserting, after the word "necessary" in paragraph (h), the words "for the effective administration of this Act, or."

Section 8 of principal Act amended.