

*Prisoners Detention.*

Act No. 11, 1908.

An Act for the detention and cure of prisoners suffering from certain diseases; and for purposes consequent thereon or incidental thereto. [3rd December, 1908.]

PRISONERS  
DETENTION.

**B**E 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:—

*Preliminary.*

1. This Act may be cited as the "Prisoners Detention Act, 1908," and shall commence on the first day of January, one thousand nine hundred and nine. Short title and commencement.

2. In this Act—

Definitions.

"Contagious disease" means venereal disease, including gonorrhœa.

"Convicted" means convicted, whether summarily or otherwise, of an offence punishable by imprisonment or penal servitude.

"Court" means court by or before which the person in question is convicted.

"Lock hospital" means hospital or part of a hospital or of a public gaol, prison, or house of correction, or of a place of detention declared to be a lock hospital for the purposes of this Act.

"Magistrate" means stipendiary magistrate or police magistrate.

*Lock hospitals.*

3. (1) The Governor, by proclamation in the Gazette, may declare any hospital, or any part of a hospital or of a public gaol, prison, or house of correction, or of a place of detention to be a lock hospital for the purposes of this Act, and may revoke or vary any such proclamation. Proclamation of lock hospitals.

The Governor may appoint a medical officer in charge of a lock hospital.

(2) The provisions of the Prisons Act, 1899, shall apply to a lock hospital, and in applying such provision— Application of Prisons Act.

(a) such hospital shall be a prison or place of detention for the purposes of the said Act;

(b) any person detained in a lock hospital in pursuance of this Act shall be deemed a convicted prisoner within the meaning of the Prisons Act, 1899.

(c)

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- (c) the Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such hospital and the custody of all persons so detained.

*Committal to lock hospital.*

Magistrate may order detention of prisoner in lock hospital.

4. (1) Where the surgeon of a prison or place of detention certifies in writing to the Comptroller-General of Prisons that a convicted prisoner detained therein is suffering from a contagious disease, such prisoner may be brought before a magistrate, and, on proof being made in private on oath that such prisoner is so suffering, the magistrate may order that he be detained in a lock hospital until discharged in pursuance of this Act:

Provided that any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to any court of quarter sessions for the district where the order was made, or, with the leave of the Attorney-General, to any other court of quarter sessions. Such appeal may be heard in private. The notice of appeal shall not suspend the operation of the order of the magistrate.

Appeal.

(2) The court hearing the appeal may, by its order, confirm, set aside, or vary the order appealed from.

Order sufficient authority for detention of prisoner.

(3) Any order under this section that a convicted prisoner be detained in a lock hospital shall be sufficient authority to the Comptroller-General of Prisons to remove the prisoner to such hospital, and to detain him in pursuance of such order, subject to the provisions of this Act.

Period of detention.

(4) The period of such detention shall run concurrently with but may exceed any term of imprisonment or penal servitude to which the prisoner has been sentenced.

Medical officer to report when detained person free from contagious disease.

5. It shall be the duty of the medical officer in charge of any lock hospital, as soon as in his opinion any person detained in such hospital in pursuance of an order of a magistrate or court under this Act is free from a contagious disease, to so report to the Minister of Justice, and thereupon such person shall be discharged from the hospital and be remitted to custody to serve the remainder of the sentence if such sentence has not expired, but if such sentence has expired he shall be discharged from custody.

*Supplemental.*

Regulations.

6. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose any penalty not exceeding twenty-five pounds for any breach of the same. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

Recovery of penalties.

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*Police Offences (Amendment).*

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7. All regulations so made shall—
- (i) be published in the Government Gazette;
  - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
  - (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Regulations to be published.