

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 4 May, 1971.*

## New South Wales



ANNO VICESIMO

# ELIZABETHÆ II REGINÆ.

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**Act No.       , 1971.**

An Act relating to the sealing of summonses and warrants; to alter the basis of calculation of certain periods of imprisonment; for these purposes to amend the Justices Act, 1902, the Prisons Act, 1952, and the Maintenance Act, 1964; and for purposes connected therewith.

BE

*Justices (Amendment).*

**B**E it enacted by the Queen'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  
5 follows :—

1. (1) This Act may be cited as the "Justices (Amend- Short title  
ment) Act, 1971". and com-  
mencement.

(2) This Act, this section and section two excepted,  
shall commence upon a day to be appointed by the Governor  
10 and notified by proclamation published in the Gazette.

2. The Justices Act, 1902, is amended by inserting next Amendment  
after section one hundred and forty-seven the following new of Act No.  
section :— 27, 1902.  
New sec.  
147A.

15 147A. Where a summons or warrant signed before or  
after the commencement of section two of the Justices  
(Amendment) Act, 1971, by a Stipendiary Magistrate Sufficiency  
or by a Justice or by Justices bears a printed representa- of seal  
tion of a seal, a seal so represented shall, for the purposes printed on  
of this or any other Act requiring a summons or warrant. summons or  
20 to be sealed, be deemed to have been affixed to the warrant.  
warrant or summons—

(a) where it is signed by two Justices, by each of  
them; or

25 (b) in any other case, by the Stipendiary Magistrate  
or Justice who signed it.

3.

*Justices (Amendment).*

3. The Justices Act, 1902, is further amended—

Further amendment of Act No. 27, 1902.

- (a) by omitting from subsection two of section eighty-two the words "two dollars" wherever occurring and by inserting in lieu thereof the words "five dollars";
- (b) by omitting from the same subsection the words "four dollars" wherever occurring and by inserting in lieu thereof the words "ten dollars".

Sec. 82. (Imprisonment to be alternative of non-payment, etc., and to be adjudged in all cases in the same conviction or order.)

4. The Prisons Act, 1952, is amended—

Amendment of Act No. 9, 1952.

- (a) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections :—

Sec. 21. (Release of maintenance confinees.)

(3) Where—

- (a) a release was, before the commencement of section five of the Justices (Amendment) Act, 1971, rescinded or revoked pursuant to subsection two of this section and the person released had not, at that commencement, been returned to prison pursuant to the subsection that this subsection replaces; or
  - (b) a release is so rescinded or revoked after that commencement,
- the person released may be taken by any member of the Police Force and, subject to subsection four of this section, returned to prison subject to the same conditions as those upon which he had been detained in prison before his release.

(4)

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*Justices (Amendment).*

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(4) The period for which a person returned to prison under subsection three of this section may be there detained after his return is a period not exceeding—

- 5 (a) a period calculated at the rate of one day for every five dollars or part thereof of the prescribed amount of money for that person; or
- 10 (b) a period that, together with the period for which that person was detained in prison before his release under subsection one of this section totals twelve months,

whichever is the shorter period.

15 (5) A reference in paragraph (a) of subsection four of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was originally committed to prison the sum of—

- 20 (a) any payment made before or after the return of that person to prison in reduction of the amount for the non-payment of which that person was originally committed to prison;
- 25 (b) two dollars for any day during which, before the commencement of section five of the Justices (Amendment) Act, 1971, that person was detained in prison by virtue of that non-payment; and
- 30 (c) five dollars for any day during which that person was so detained after that commencement and before his release under subsection one of this section.

*Justices (Amendment).*

5. The Maintenance Act, 1964, is amended by omitting from subsection one of section forty-two the words "two dollars" and by inserting in lieu thereof the words "five dollars".

Amendment of Act No. 74, 1964. Sec. 42. (Imprisonment of defendant for disobedience of order for payment of moneys.)

5 6. (1) Where, by warrant issued under section eighty-seven, or under subsection two of section eighty-eight of the Justices Act, 1902, before the commencement of section three of this Act, a Justice committed a person to prison or where, before that commencement, a court ordered under subsection  
10 one of section forty-two of the Maintenance Act, 1964, that a person be so committed—

Transitional. 01

15 (a) that person, if he was at that commencement being detained in prison pursuant to the warrant or order may be so detained after that commencement only for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

20 (ii) a period that, together with the period for which that person was detained in prison before that commencement pursuant to the warrant, totals twelve months,

whichever is the shorter period; or

25 (b) that person, if he was not at that commencement being so detained, may be so detained for a period not exceeding—

30 (i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(ii) twelve months, whichever is the shorter period.

*Justices (Amendment).*

(2) A reference in subparagraph (i) of paragraph (a) or (b) of subsection one of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison—

(a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and

(b) in the case of a person referred to in paragraph (a) of that subsection, two dollars for any day during which, before the commencement of section three of this Act, that person was detained in prison by virtue of that non-payment.

7. Where, for the purposes of a conviction or order made before the commencement of section three of this Act a warrant committing a person to prison issues under section eighty-seven, or under subsection two of section eighty-eight, of the Justices Act, 1902, after that commencement or where for the purposes of an order made under subsection one of section forty-two of the Maintenance Act, 1964, before the commencement of section five of this Act, a warrant committing a person to prison issues after that commencement, the Justice who issues, or orders the issue of, the warrant shall, by the warrant, revoke the term of imprisonment fixed by the conviction or order and order the person so committed to be imprisoned in lieu thereof for a period calculated as if the conviction or order had been made immediately before the issue of the warrant. Transitional.

8. (1) Where a person is, at the commencement of section four of this Act, detained in prison pursuant to subsection three of section twenty-one of the Prisons Act, 1952, as enacted before that commencement he may, notwithstanding the repeal of that subsection but subject to subsection two of this section, be detained in prison after that commencement subject to the same conditions as those upon which he had been detained in prison before that commencement. Transitional.

(2)

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*Justices (Amendment).*

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(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

- 5 (a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
- (b) a period that, together with—
- 10 (i) the period for which that person was detained in prison before his release under subsection one of section twenty-one of the Prisons Act, 1952; and
- 15 (ii) the period for which that person was detained in prison after his return to prison pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months,

whichever is the shorter period.

(3) A reference in paragraph (a) of subsection two  
20 of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

- 25 (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) two dollars for every day during which, before the commencement of section five of this Act, that  
30 person was detained in prison by virtue of that non-payment.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

Justice (Amendment)

(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

(a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(b) a period that together with—

(i) the period for which that person was detained in prison before the person was subsection one of section twenty-one of the Prison Act, 1952; and

(ii) the period for which that person was detained in prison after the return of a person pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months;

whichever is the shorter period.

(3) A reference in paragraph (a) of subsection two of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

(a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and

(b) two dollars for every day during which before the commencement of section five of this Act that person was detained in prison by virtue of that non-payment.



No. , 1971.

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## A BILL

Relating to the sealing of summonses and warrants; to alter the basis of calculation of certain periods of imprisonment; for these purposes to amend the Justices Act, 1902, the Prisons Act, 1952, and the Maintenance Act, 1964; and for purposes connected therewith.

[MR MADDISON—28 *April*, 1971.]

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BE

*Justices (Amendment).*

**B**E it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1971".

Short title and commencement.

(2) This Act, this section and section two excepted, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Justices Act, 1902, is amended by inserting next after section one hundred and forty-seven the following new section:—

Amendment of Act No. 27, 1902. New sec. 147A.

147A. Where a summons or warrant signed before or after the commencement of section two of the Justices (Amendment) Act, 1971, by a Stipendiary Magistrate or by a Justice or by Justices bears a printed representation of a seal, a seal so represented shall, for the purposes of this or any other Act requiring a summons or warrant to be sealed, be deemed to have been affixed to the warrant or summons—

Sufficiency of seal printed on summons or warrant.

(a) where it is signed by two Justices, by each of them; or

(b) in any other case, by the Stipendiary Magistrate or Justice who signed it.

3.

*Justices (Amendment).*

3. The Justices Act, 1902, is further amended—

Further amendment of Act No. 27, 1902.

5 (a) by omitting from subsection two of section eighty-two the words "two dollars" wherever occurring and by inserting in lieu thereof the words "five dollars";

Sec. 82. (Imprisonment to be alternative of non-payment, etc., and to be adjudged in all cases in the same conviction or order.)

(b) by omitting from the same subsection the words "four dollars" wherever occurring and by inserting in lieu thereof the words "ten dollars".

4. The Prisons Act, 1952, is amended—

Amendment of Act No. 9, 1952.

10 (a) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections :—

Sec. 21. (Release of maintenance confinees.)

(3) Where—

15 (a) a release was, before the commencement of section five of the Justices (Amendment) Act, 1971, rescinded or revoked pursuant to subsection two of this section and the person released had not, at that commencement, been returned to prison pursuant to the subsection that this subsection replaces; or

20 (b) a release is so rescinded or revoked after that commencement,

25 the person released may be taken by any member of the Police Force and, subject to subsection four of this section, returned to prison subject to the same conditions as those upon which he had been detained in prison before his release.

(4)

*Justices (Amendment).*

(4) The period for which a person returned to prison under subsection three of this section may be there detained after his return is a period not exceeding—

- 5 (a) a period calculated at the rate of one day for every five dollars or part thereof of the prescribed amount of money for that person; or
- 10 (b) a period that, together with the period for which that person was detained in prison before his release under subsection one of this section totals twelve months,

whichever is the shorter period.

15 (5) A reference in paragraph (a) of subsection four of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was originally committed to prison the sum of—

- 20 (a) any payment made before or after the return of that person to prison in reduction of the amount for the non-payment of which that person was originally committed to prison;
- 25 (b) two dollars for any day during which, before the commencement of section five of the Justices (Amendment) Act, 1971, that person was detained in prison by virtue of that non-payment; and
- 30 (c) five dollars for any day during which that person was so detained after that commencement and before his release under subsection one of this section.

*Justices (Amendment).*

5. The Maintenance Act, 1964, is amended by omitting from subsection one of section forty-two the words "two dollars" and by inserting in lieu thereof the words "five dollars".

Amendment of Act No. 74, 1964. Sec. 42.

(Imprisonment of defendant for disobedience of order for payment of moneys.)

5 6. (1) Where, by warrant issued under section eighty-seven, or under subsection two of section eighty-eight of the Justices Act, 1902, before the commencement of section three of this Act, a Justice committed a person to prison or where, before that commencement, a court ordered under subsection 10 one of section forty-two of the Maintenance Act, 1964, that a person be so committed—

Transitional.

(a) that person, if he was at that commencement being detained in prison pursuant to the warrant or order may be so detained after that commencement only 15 for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

20 (ii) a period that, together with the period for which that person was detained in prison before that commencement pursuant to the warrant, totals twelve months,

whichever is the shorter period; or

25 (b) that person, if he was not at that commencement being so detained, may be so detained for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

30 (ii) twelve months, whichever is the shorter period.

*Justices (Amendment).*

(2) A reference in subparagraph (i) of paragraph (a) or (b) of subsection one of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison—

(a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and

(b) in the case of a person referred to in paragraph (a) of that subsection, two dollars for any day during which, before the commencement of section three of this Act, that person was detained in prison by virtue of that non-payment.

7. Where, for the purposes of a conviction or order made before the commencement of section three of this Act a warrant committing a person to prison issues under section eighty-seven, or under subsection two of section eighty-eight, of the Justices Act, 1902, after that commencement or where for the purposes of an order made under subsection one of section forty-two of the Maintenance Act, 1964, before the commencement of section five of this Act, a warrant committing a person to prison issues after that commencement, the Justice who issues, or orders the issue of, the warrant shall, by the warrant, revoke the term of imprisonment fixed by the conviction or order and order the person so committed to be imprisoned in lieu thereof for a period calculated as if the conviction or order had been made immediately before the issue of the warrant.

8. (1) Where a person is, at the commencement of section four of this Act, detained in prison pursuant to subsection three of section twenty-one of the Prisons Act, 1952, as enacted before that commencement he may, notwithstanding the repeal of that subsection but subject to subsection two of this section, be detained in prison after that commencement subject to the same conditions as those upon which he had been detained in prison before that commencement.

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*Justices (Amendment).*

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(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

5 (a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(b) a period that, together with—

10 (i) the period for which that person was detained in prison before his release under subsection one of section twenty-one of the Prisons Act, 1952; and

15 (ii) the period for which that person was detained in prison after his return to prison pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months,

whichever is the shorter period.

20 (3) A reference in paragraph (a) of subsection two of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

25 (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and

30 (b) two dollars for every day during which, before the commencement of section five of this Act, that person was detained in prison by virtue of that non-payment.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

Justice (Amendment)

(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

(a) a period calculated at the rate of one day for every two dollars or part thereof of the prescribed amount of money for that period; or

(b) a period that together with—

(i) the period for which that person was detained in prison before his release under subsection one of section two of the Act; and

(ii) the period for which that person was detained in prison after his release to prison pursuant to subsection two of that section and before the commencement of section five of the Act,

total to five months,

which is the longer period.

(3) If a person in paragraph (a) of subsection two of this section is prescribed amount of money for a person is a person to the extent prescribed by subsection one of this section for the amount of money for the period of which that person was committed to prison the sum of—

(a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and

(b) two dollars for every day during which before the commencement of section five of this Act that person was detained in prison by virtue of that non-

payment.



*PROOF*

## **JUSTICES (AMENDMENT) BILL, 1971.**

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### **EXPLANATORY NOTE.**

THE objects of this Bill are—

- (a) where an Act requires a summons or warrant to be sealed as well as signed, to enable the sealing to be effected by a printed representation of a seal;
- (b) to provide for the term of imprisonment to be served in default of payment of certain moneys adjudged or ordered to be paid to be calculated on the basis of one day for every five dollars, or part thereof, adjudged or ordered to be paid;
- (c) to make provisions consequential upon or ancillary to the foregoing.



PROOF

No. , 1971.

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## A BILL

Relating to the sealing of summonses and warrants; to alter the basis of calculation of certain periods of imprisonment; for these purposes to amend the Justices Act, 1902, the Prisons Act, 1952, and the Maintenance Act, 1964; and for purposes connected therewith.

[MR MADDISON—28 April, 1971.]

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**B**E it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1971".

Short title and commencement.

(2) This Act, this section and section two excepted, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Justices Act, 1902, is amended by inserting next after section one hundred and forty-seven the following new section :—

Amendment of Act No. 27, 1902.  
New sec. 147A.

147A. Where a summons or warrant signed before or after the commencement of section two of the Justices (Amendment) Act, 1971, by a Stipendiary Magistrate or by a Justice or by Justices bears a printed representation of a seal, a seal so represented shall, for the purposes of this or any other Act requiring a summons or warrant to be sealed, be deemed to have been affixed to the warrant or summons—

Sufficiency of seal printed on summons or warrant.

(a) where it is signed by two Justices, by each of them; or

(b) in any other case, by the Stipendiary Magistrate or Justice who signed it.

3.

*Justices (Amendment).*

3. The Justices Act, 1902, is further amended—

Further amendment of Act No. 27, 1902.

5 (a) by omitting from subsection two of section eighty-two the words "two dollars" wherever occurring and by inserting in lieu thereof the words "five dollars";

Sec. 82. (Imprisonment to be alternative of non-payment, etc., and to be adjudged in all cases in the same conviction or order.)

(b) by omitting from the same subsection the words "four dollars" wherever occurring and by inserting in lieu thereof the words "ten dollars".

4. The Prisons Act, 1952, is amended—

Amendment of Act No. 9, 1952.

10 (a) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections :—

Sec. 21. (Release of maintenance confinees.)

(3) Where—

15 (a) a release was, before the commencement of section five of the Justices (Amendment) Act, 1971, rescinded or revoked pursuant to subsection two of this section and the person released had not, at that commencement, been returned to prison pursuant to the subsection that this subsection replaces; or

20 (b) a release is so rescinded or revoked after that commencement,

25 the person released may be taken by any member of the Police Force and, subject to subsection four of this section, returned to prison subject to the same conditions as those upon which he had been detained in prison before his release.

(4)

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*Justices (Amendment).*

---

(4) The period for which a person returned to prison under subsection three of this section may be there detained after his return is a period not exceeding—

5 (a) a period calculated at the rate of one day for every five dollars or part thereof of the prescribed amount of money for that person; or

10 (b) a period that, together with the period for which that person was detained in prison before his release under subsection one of this section totals twelve months,

whichever is the shorter period.

15 (5) A reference in paragraph (a) of subsection four of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was originally committed to prison the sum of—

20 (a) any payment made before or after the return of that person to prison in reduction of the amount for the non-payment of which that person was originally committed to prison;

25 (b) two dollars for any day during which, before the commencement of section five of the Justices (Amendment) Act, 1971, that person was detained in prison by virtue of that non-payment; and

30 (c) five dollars for any day during which that person was so detained after that commencement and before his release under subsection one of this section.

*Justices (Amendment).*

5. The Maintenance Act, 1964, is amended by omitting from subsection one of section forty-two the words "two dollars" and by inserting in lieu thereof the words "five dollars".

Amendment  
of Act No.  
74, 1964.  
Sec. 42.  
(Imprison-  
ment of  
defendant  
for disobedi-  
ence of  
order for  
payment  
of moneys.)

5 6. (1) Where, by warrant issued under section eighty-seven, or under subsection two of section eighty-eight of the Justices Act, 1902, before the commencement of section three of this Act, a Justice committed a person to prison or where, before that commencement, a court ordered under subsection  
10 one of section forty-two of the Maintenance Act, 1964, that a person be so committed—

Transi-  
tional.

15 (a) that person, if he was at that commencement being detained in prison pursuant to the warrant or order may be so detained after that commencement only for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

20 (ii) a period that, together with the period for which that person was detained in prison before that commencement pursuant to the warrant, totals twelve months,

whichever is the shorter period; or

25 (b) that person, if he was not at that commencement being so detained, may be so detained for a period not exceeding—

30 (i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(ii) twelve months,  
whichever is the shorter period.

(2)

*Justices (Amendment).*

(2) A reference in subparagraph (i) of paragraph (a) or (b) of subsection one of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) in the case of a person referred to in paragraph (a) of that subsection, two dollars for any day during which, before the commencement of section three of this Act, that person was detained in prison by virtue of that non-payment.

7. Where, for the purposes of a conviction or order made before the commencement of section three of this Act a warrant committing a person to prison issues under section eighty-seven, or under subsection two of section eighty-eight, of the Justices Act, 1902, after that commencement or where for the purposes of an order made under subsection one of section forty-two of the Maintenance Act, 1964, before the commencement of section five of this Act, a warrant committing a person to prison issues after that commencement, the Justice who issues, or orders the issue of, the warrant shall, by the warrant, revoke the term of imprisonment fixed by the conviction or order and order the person so committed to be imprisoned in lieu thereof for a period calculated as if the conviction or order had been made immediately before the issue of the warrant.

8. (1) Where a person is, at the commencement of section four of this Act, detained in prison pursuant to subsection three of section twenty-one of the Prisons Act, 1952, as enacted before that commencement he may, notwithstanding the repeal of that subsection but subject to subsection two of this section, be detained in prison after that commencement subject to the same conditions as those upon which he had been detained in prison before that commencement.

(2)



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*Justices (Amendment).*

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(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

- 5 (a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
- (b) a period that, together with—
- 10 (i) the period for which that person was detained in prison before his release under subsection one of section twenty-one of the Prisons Act, 1952; and
- 15 (ii) the period for which that person was detained in prison after his return to prison pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months,

whichever is the shorter period.

(3) A reference in paragraph (a) of subsection two  
20 of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

- 25 (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) two dollars for every day during which, before the commencement of section five of this Act, that  
30 person was detained in prison by virtue of that non-payment.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

(Continued)

1. The first of the two items mentioned in the letter of April 14, 1971, is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

2. The second item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

3. The third item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

4. The fourth item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

5. The fifth item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

6. The sixth item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

7. The seventh item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

8. The eighth item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

9. The ninth item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

10. The tenth item is a copy of the report of the investigation conducted by the FBI on the activities of the "Black Liberation Army" (BLA) in the New York area during the period from 1968 to 1970.

# New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 3, 1971.

An Act relating to the sealing of summonses and warrants; to alter the basis of calculation of certain periods of imprisonment; for these purposes to amend the Justices Act, 1902, the Prisons Act, 1952, and the Maintenance Act, 1964; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

*Justices (Amendment).*

**B**E it enacted by the Queen'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 :—

Short title  
and com-  
mencement.

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1971".

(2) This Act, this section and section two excepted, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
27, 1902.  
New sec.  
147A.

2. The Justices Act, 1902, is amended by inserting next after section one hundred and forty-seven the following new section :—

Sufficiency  
of seal  
printed on  
summons or  
warrant.

147A. Where a summons or warrant signed before or after the commencement of section two of the Justices (Amendment) Act, 1971, by a Stipendiary Magistrate or by a Justice or by Justices bears a printed representation of a seal, a seal so represented shall, for the purposes of this or any other Act requiring a summons or warrant to be sealed, be deemed to have been affixed to the warrant or summons—

(a) where it is signed by two Justices, by each of them; or

(b) in any other case, by the Stipendiary Magistrate or Justice who signed it.

*Justices (Amendment).*

## 3. The Justices Act, 1902, is further amended—

Further amendment of Act No. 27, 1902.

- (a) by omitting from subsection two of section eighty-two the words “two dollars” wherever occurring and by inserting in lieu thereof the words “five dollars”;
- (b) by omitting from the same subsection the words “four dollars” wherever occurring and by inserting in lieu thereof the words “ten dollars”.

Sec. 82. (Imprisonment to be alternative of non-payment, etc., and to be adjudged in all cases in the same conviction or order.)

## 4. The Prisons Act, 1952, is amended—

Amendment of Act No. 9, 1952.

- (a) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections :—

Sec. 21. (Release of maintenance confinees.)

## (3) Where—

(a) a release was, before the commencement of section five of the Justices (Amendment) Act, 1971, rescinded or revoked pursuant to subsection two of this section and the person released had not, at that commencement, been returned to prison pursuant to the subsection that this subsection replaces;

or

(b) a release is so rescinded or revoked after that commencement,

the person released may be taken by any member of the Police Force and, subject to subsection four of this section, returned to prison subject to the same conditions as those upon which he had been detained in prison before his release.

(4)

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*Justices (Amendment).*

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(4) The period for which a person returned to prison under subsection three of this section may be there detained after his return is a period not exceeding—

- (a) a period calculated at the rate of one day for every five dollars or part thereof of the prescribed amount of money for that person; or
- (b) a period that, together with the period for which that person was detained in prison before his release under subsection one of this section totals twelve months,

whichever is the shorter period.

(5) A reference in paragraph (a) of subsection four of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was originally committed to prison the sum of—

- (a) any payment made before or after the return of that person to prison in reduction of the amount for the non-payment of which that person was originally committed to prison;
- (b) two dollars for any day during which, before the commencement of section five of the *Justices (Amendment) Act, 1971*, that person was detained in prison by virtue of that non-payment; and
- (c) five dollars for any day during which that person was so detained after that commencement and before his release under subsection one of this section.

*Justices (Amendment).*

5. The Maintenance Act, 1964, is amended by omitting from subsection one of section forty-two the words "two dollars" and by inserting in lieu thereof the words "five dollars".

Amendment  
of Act No.  
74, 1964.  
Sec. 42.  
(Imprison-  
ment of  
defendant  
for disobedi-  
ence of  
order for  
payment  
of moneys.)

6. (1) Where, by warrant issued under section eighty-seven, or under subsection two of section eighty-eight of the Justices Act, 1902, before the commencement of section three of this Act, a Justice committed a person to prison or where, before that commencement, a court ordered under subsection one of section forty-two of the Maintenance Act, 1964, that a person be so committed—

Transi-  
tional.

- (a) that person, if he was at that commencement being detained in prison pursuant to the warrant or order may be so detained after that commencement only for a period not exceeding—
- (i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
  - (ii) a period that, together with the period for which that person was detained in prison before that commencement pursuant to the warrant, totals twelve months,
- whichever is the shorter period; or
- (b) that person, if he was not at that commencement being so detained, may be so detained for a period not exceeding—
- (i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
  - (ii) twelve months,
- whichever is the shorter period.

*Justices (Amendment).*

(2) A reference in subparagraph (i) of paragraph (a) or (b) of subsection one of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) in the case of a person referred to in paragraph (a) of that subsection, two dollars for any day during which, before the commencement of section three of this Act, that person was detained in prison by virtue of that non-payment.

Transitional.

7. Where, for the purposes of a conviction or order made before the commencement of section three of this Act a warrant committing a person to prison issues under section eighty-seven, or under subsection two of section eighty-eight, of the Justices Act, 1902, after that commencement or where for the purposes of an order made under subsection one of section forty-two of the Maintenance Act, 1964, before the commencement of section five of this Act, a warrant committing a person to prison issues after that commencement, the Justice who issues, or orders the issue of, the warrant shall, by the warrant, revoke the term of imprisonment fixed by the conviction or order and order the person so committed to be imprisoned in lieu thereof for a period calculated as if the conviction or order had been made immediately before the issue of the warrant.

Transitional.

8. (1) Where a person is, at the commencement of section four of this Act, detained in prison pursuant to subsection three of section twenty-one of the Prisons Act, 1952, as enacted before that commencement he may, notwithstanding the repeal of that subsection but subject to subsection two of this section, be detained in prison after that commencement subject to the same conditions as those upon which he had been detained in prison before that commencement.

(2)



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*Justices (Amendment).*

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(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

- (a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
- (b) a period that, together with—
  - (i) the period for which that person was detained in prison before his release under subsection one of section twenty-one of the Prisons Act, 1952; and
  - (ii) the period for which that person was detained in prison after his return to prison pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months,

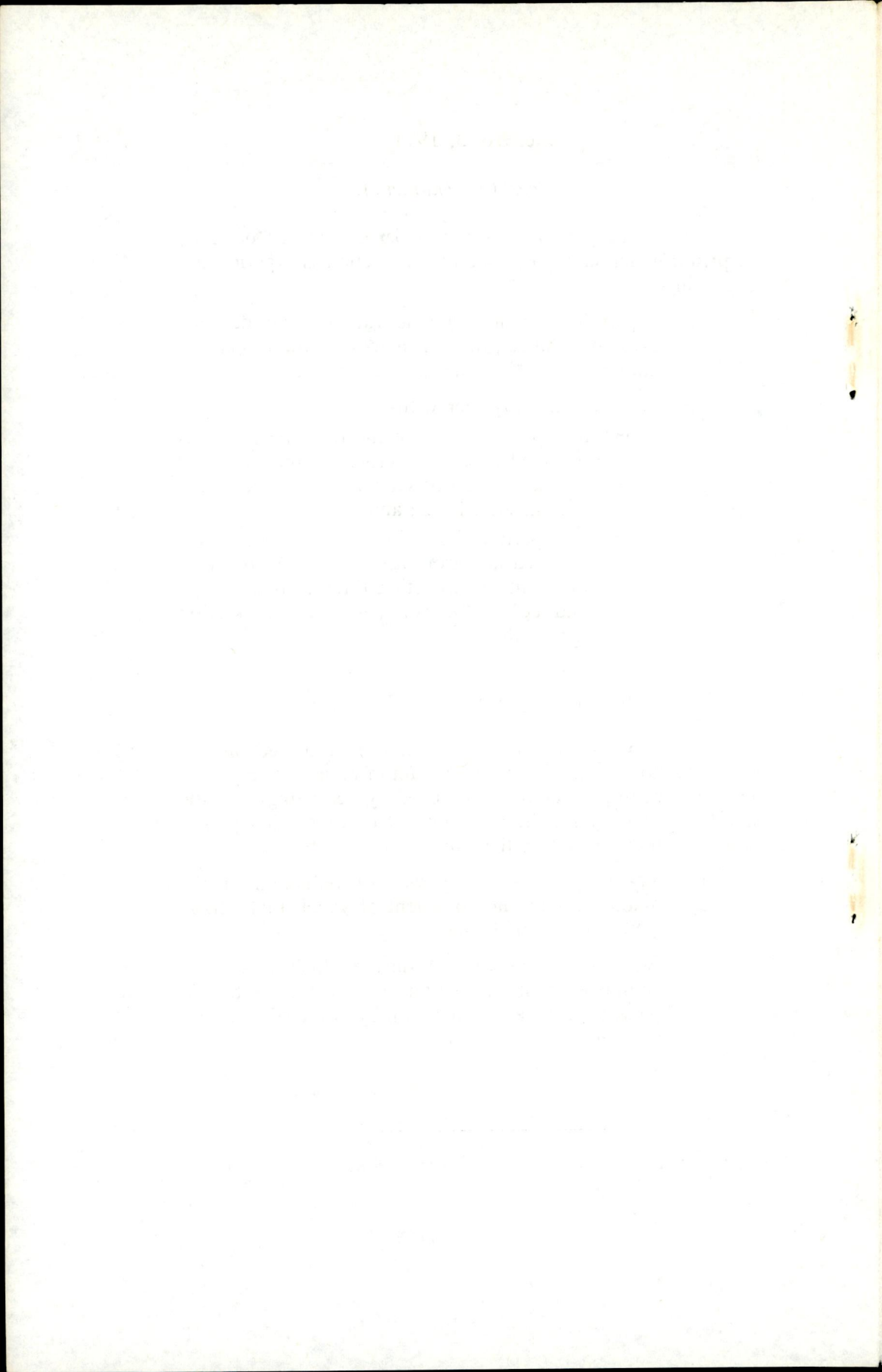
whichever is the shorter period.

(3) A reference in paragraph (a) of subsection two of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) two dollars for every day during which, before the commencement of section five of this Act, that person was detained in prison by virtue of that non-payment.

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BY AUTHORITY:



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber.  
Sydney, 5 May, 1971.*

## New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 3, 1971.

An Act relating to the sealing of summonses and warrants; to alter the basis of calculation of certain periods of imprisonment; for these purposes to amend the Justices Act, 1902, the Prisons Act, 1952, and the Maintenance Act, 1964; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

*Justices (Amendment).*

**B**E it enacted by the Queen'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 :—

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Justices (Amendment) Act, 1971".

(2) This Act, this section and section two excepted, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
27, 1902.  
New sec.  
147A.

**2.** The Justices Act, 1902, is amended by inserting next after section one hundred and forty-seven the following new section :—

Sufficiency  
of seal  
printed on  
summons or  
warrant.

147A. Where a summons or warrant signed before or after the commencement of section two of the Justices (Amendment) Act, 1971, by a Stipendiary Magistrate or by a Justice or by Justices bears a printed representation of a seal, a seal so represented shall, for the purposes of this or any other Act requiring a summons or warrant to be sealed, be deemed to have been affixed to the warrant or summons—

- (a) where it is signed by two Justices, by each of them; or
- (b) in any other case, by the Stipendiary Magistrate or Justice who signed it.

**3.**

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*Justices (Amendment).*

---

3. The Justices Act, 1902, is further amended—

Further amendment of Act No. 27, 1902.

- (a) by omitting from subsection two of section eighty-two the words “two dollars” wherever occurring and by inserting in lieu thereof the words “five dollars”;
- (b) by omitting from the same subsection the words “four dollars” wherever occurring and by inserting in lieu thereof the words “ten dollars”.

Sec. 82. (Imprisonment to be alternative of non-payment, etc., and to be adjudged in all cases in the same conviction or order.)

4. The Prisons Act, 1952, is amended—

Amendment of Act No. 9, 1952.

- (a) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections :—

Sec. 21. (Release of maintenance confinees.)

(3) Where—

- (a) a release was, before the commencement of section five of the Justices (Amendment) Act, 1971, rescinded or revoked pursuant to subsection two of this section and the person released had not, at that commencement, been returned to prison pursuant to the subsection that this subsection replaces; or

- (b) a release is so rescinded or revoked after that commencement,

the person released may be taken by any member of the Police Force and, subject to subsection four of this section, returned to prison subject to the same conditions as those upon which he had been detained in prison before his release.

(4)

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*Justices (Amendment).*

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(4) The period for which a person returned to prison under subsection three of this section may be there detained after his return is a period not exceeding—

- (a) a period calculated at the rate of one day for every five dollars or part thereof of the prescribed amount of money for that person; or
- (b) a period that, together with the period for which that person was detained in prison before his release under subsection one of this section totals twelve months,

whichever is the shorter period.

(5) A reference in paragraph (a) of subsection four of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was originally committed to prison the sum of—

- (a) any payment made before or after the return of that person to prison in reduction of the amount for the non-payment of which that person was originally committed to prison;
- (b) two dollars for any day during which, before the commencement of section five of the Justices (Amendment) Act, 1971, that person was detained in prison by virtue of that non-payment; and
- (c) five dollars for any day during which that person was so detained after that commencement and before his release under subsection one of this section.

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*Justices (Amendment).*

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5. The Maintenance Act, 1964, is amended by omitting from subsection one of section forty-two the words "two dollars" and by inserting in lieu thereof the words "five dollars".

Amendment  
of Act No.  
74, 1964.  
Sec. 42.

(Imprison-  
ment of  
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6. (1) Where, by warrant issued under section eighty-seven, or under subsection two of section eighty-eight of the Justices Act, 1902, before the commencement of section three of this Act, a Justice committed a person to prison or where, before that commencement, a court ordered under subsection one of section forty-two of the Maintenance Act, 1964, that a person be so committed—

Transi-  
tional.

(a) that person, if he was at that commencement being detained in prison pursuant to the warrant or order may be so detained after that commencement only for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(ii) a period that, together with the period for which that person was detained in prison before that commencement pursuant to the warrant, totals twelve months,

whichever is the shorter period; or

(b) that person, if he was not at that commencement being so detained, may be so detained for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(ii) twelve months,

whichever is the shorter period.

(2)

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*Justices (Amendment).*

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(2) A reference in subparagraph (i) of paragraph (a) or (b) of subsection one of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) in the case of a person referred to in paragraph (a) of that subsection, two dollars for any day during which, before the commencement of section three of this Act, that person was detained in prison by virtue of that non-payment.

Transi-  
tional.

7. Where, for the purposes of a conviction or order made before the commencement of section three of this Act a warrant committing a person to prison issues under section eighty-seven, or under subsection two of section eighty-eight, of the Justices Act, 1902, after that commencement or where for the purposes of an order made under subsection one of section forty-two of the Maintenance Act, 1964, before the commencement of section five of this Act, a warrant committing a person to prison issues after that commencement, the Justice who issues, or orders the issue of, the warrant shall, by the warrant, revoke the term of imprisonment fixed by the conviction or order and order the person so committed to be imprisoned in lieu thereof for a period calculated as if the conviction or order had been made immediately before the issue of the warrant.

Transi-  
tional.

8. (1) Where a person is, at the commencement of section four of this Act, detained in prison pursuant to subsection three of section twenty-one of the Prisons Act, 1952, as enacted before that commencement he may, notwithstanding the repeal of that subsection but subject to subsection two of this section, be detained in prison after that commencement subject to the same conditions as those upon which he had been detained in prison before that commencement.

(2)



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*Justices (Amendment).*

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(2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

- (a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
- (b) a period that, together with—
  - (i) the period for which that person was detained in prison before his release under subsection one of section twenty-one of the Prisons Act, 1952; and
  - (ii) the period for which that person was detained in prison after his return to prison pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months,

whichever is the shorter period.

(3) A reference in paragraph (a) of subsection two of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) two dollars for every day during which, before the commencement of section five of this Act, that person was detained in prison by virtue of that non-payment.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 12th May, 1971.*

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