

Legislative Council.

47<sup>o</sup> VICTORIÆ, 1883.

## A BILL

To provide for the carrying out of labour outside the walls of Gaols by Prisoners under sentences and for other purposes.

[MR. DALLEY ;—28 November, 1883.]

**WHEREAS** it is expedient to make provision for the working Preamble.  
of prisoners under sentences to hard labour outside the walls  
of any gaol and within the precincts of any place of detention pro-  
claimed for the carrying out of sentences to imprisonment with hard  
labour hard labour on the roads or public works of the Colony and to  
penal servitude and for other purposes Be it therefore 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. The Comptroller-General of Prisons may direct any prisoner  
sentenced to imprisonment with hard labour or to labour on the roads  
or other public works of the Colony or to penal servitude to be taken  
for the purpose of labour outside the walls of any gaol in which such  
prisoner may be confined And any prisoner sentenced to imprison-  
ment with hard labour may by a like authority be taken and worked  
outside the walls of any building within the precincts of any place  
proclaimed by the Governor with the advice of the Executive Council  
as a place of detention for prisoners.

Comptroller-General  
may authorize  
labour sentences to  
be performed  
outside gaol &c.

When Justices may direct hard labour sentences to be performed outside watch-house &c.

2. In any case in which any Justice or Justices of the Peace shall order or direct any offender to be imprisoned with hard labour for any period not exceeding fourteen days within any watch-house or lock-up such Justice or Justices may by warrant under his or their hand direct such labour to be performed outside any such watch-house or lock-up. 5

Punishment of prisoners escaping.

3. Every prisoner employed outside the walls of a gaol or beyond the precincts of a place of detention proclaimed as hereinbefore provided or outside any watch-house or lock-up who shall escape or attempt to escape from the custody of any person shall be guilty of 10 felony and may be sentenced to penal servitude for any period not exceeding *five* years in addition to any term of punishment not then actually served to which he has been sentenced.

Penalty on officer for negligently or wilfully permitting prisoner to escape and powers of officers.

4. Every person lawfully in charge of any prisoner removed from any gaol under the authority of this Act who wilfully or negligently permits such prisoner to escape shall be subject to the like pains and penalties to which any constable or police officer is now by law liable for a like offence and shall while in charge of any prisoner so removed have all the power and privileges by law appertaining to a constable lawfully in charge of a prisoner. 15 20

Penalty on persons being at or near places of detention without permission.

5. If any person without lawful authority (the proof of which shall be on him) shall be found within one hundred yards of the boundaries of any place of detention so proclaimed as aforesaid or shall in any manner communicate or endeavour to communicate with or loiter near any offender confined or employed in such place he shall be 25 guilty of a misdemeanour and be liable to a fine or penalty not exceeding *twenty* pounds or to imprisonment with or without hard labour for any term not exceeding *three* calendar months or to both at the discretion of the Court.

Proclamation of places of detention for labour.

6. The Governor with the advice of the Executive Council 30 may by proclamation to be published in the *Gazette* proclaim any place within limits to be specified in such proclamation to be a place of detention for the purpose of carrying out sentences to imprisonment with hard labour on the roads or public works of the Colony or penal servitude and by any subsequent proclamation may abolish 35 or alter the limits of any such place of detention. And every place of detention so proclaimed shall for all purposes of the law relating to gaols or prisons and to escapes rescue or prison-breach be deemed to be a gaol and prison.

Temporary removal of prisoners in furtherance of ends of justice &c.

7. Any prisoner under any such sentence as aforesaid may be 40 taken temporarily by authority of a warrant under the hand of the Minister of Justice from any gaol or prison or from any place of detention proclaimed under this Act to any place in the Colony for any purpose in aid of the administration of justice or other purpose which in the opinion of the Minister requires that such temporary 45 removal should in the ends of justice be authorized.

Short title.

8. This Act may be cited as the "Prisoners' Labour Sentences Act 1883."