



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 58 of 1971

An Act to abolish corporal punishment by courts in South Australia and in connection therewith to amend the Children's Protection Act, 1936-1969, the Criminal Law Consolidation Act, 1935-1971, the Kidnapping Act, 1960, and the Prisons Act, 1936-1969, and for other purposes.

[Assented to 14th October, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

1. (1) This Act may be cited as the "Corporal Punishment Abolition Act, 1971" and shall come into operation on a day to be fixed by proclamation. Short title, commencement and arrangement.

(2) This Act is arranged as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENT OF CHILDREN'S PROTECTION ACT, 1936-1969.

PART III—AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT, 1935-1971.

PART IV—AMENDMENT OF KIDNAPPING ACT, 1960.

PART V—AMENDMENT OF PRISONS ACT, 1936-1969.

PART IAbolition of
corporal
punishment.

2. Notwithstanding any provision in any Act or law, after the commencement of this Act, no judgment, order or sentence of a court for the whipping, solitary confinement or other corporal punishment of any person shall be passed, pronounced, imposed, recorded or carried out.

PART II**PART II**

**AMENDMENT OF CHILDREN'S PROTECTION ACT,
1936-1969**

Short titles.

3. (1) The Children's Protection Act, 1936-1969, as amended by this Act, may be cited as the "Children's Protection Act, 1936-1971".

(2) The Children's Protection Act, 1936-1969, is in this Part referred to as "the principal Act".

Repeal of
ss. 15 to 18
of principal
Act.

4. The heading "*Punishment in certain cases*" immediately preceding section 15 of the principal Act and sections 15, 16, 17 and 18 of the principal Act are repealed.

PART III**PART III**

**AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT,
1935-1971**

Short titles.

5. (1) The Criminal Law Consolidation Act, 1935-1971, as amended by this Act and by all other amendments (if any) amending the same prior to the commencement of this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1971".

(2) The Criminal Law Consolidation Act, 1935-1971, is in this Part referred to as "the principal Act".

Repeal of
provisions of
principal Act
relating to
whipping.

6. Sections 18, 25, 48, 56, 62, 69, 89, 100, 110, 113, 120, 122, 156, 158, 160, 161, 172 and 255 of the principal Act are amended by striking out the passage "and may be whipped" wherever occurring therein.

PART III

7. Section 52a of the principal Act is repealed. Repeal of
s. 52a of
principal Act.
8. Section 70 of the principal Act is amended by striking out from subsection (1) the passage “and may be whipped”. Amendment of
principal Act,
s. 70—
Attempts and
indecent
assault on
males.
9. Section 101 of the principal Act is amended— Amendment of
principal Act
s. 101—
Damaging
trees, etc.
- (a) by striking out from subsection (1) the passage “, and in addition to any other penalty, may be whipped”;
- and
- (b) by striking out from subsection (2) the passage “and may be whipped”.
10. Sections 308 and 312 of the principal Act are repealed. Repeal of
ss. 308 and
312 of
principal Act.
11. Section 357 of the principal Act is amended by striking out from subsection (2) the passage “or corporal punishment”. Amendment of
principal Act,
s. 357—
Time for
appealing.

PART IVPART IV

AMENDMENT OF KIDNAPPING ACT, 1960

12. (1) The Kidnapping Act, 1960, as amended by this Act, may be cited as the “Kidnapping Act, 1960-1971”. Short titles.
- (2) The Kidnapping Act, 1960, is in this Part referred to as “the principal Act”.

13. Sections 2 and 3 of the principal Act are amended by striking out the passage “and may be whipped” wherever occurring therein. Repeal of
provisions of
the principal
Act relating to
whipping.

PART VPART V

AMENDMENT OF PRISONS ACT, 1936-1969

14. (1) The Prisons Act, 1936-1969, as amended by this Act and by all other amendments (if any) amending the same prior to the commencement of this Act, may be cited as the “Prisons Act, 1936-1971”. Short titles.

PART V

(2) The Prisons Act, 1936-1969, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 14—
Regulations for labour prisons.

15. Section 14 of the principal Act is amended by striking out paragraphs (c), (d) and (e) thereof.

Amendment of principal Act, s. 29—
Escape of prisoners.

16. Section 29 of the principal Act is amended by striking out from subsection (1) the passage "with or without irons,".

Amendment of principal Act, s. 40—
Separate confinement of prisoners.

17. Section 40 of the principal Act is amended by striking out from subsection (2) the passage "forbidding the continuance of solitary confinement for more than a limited time" and inserting in lieu thereof the passage "or any regulation made under any Act".

Amendment of principal Act, s. 47—
Punishment.

18. Section 47 of the principal Act is amended by striking out paragraphs (a) and (b) of subsection (1).

Amendment of principal Act, s. 48—
Repeated and other offences.

19. Section 48 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (3) the passage " , with or without irons,";

and

(b) by striking out paragraphs (b), (c) and (d) of subsection (3).

Repeal of s. 51 of principal Act.

20. Section 51 of the principal Act is repealed.

Amendment of principal Act, s. 57—
Assaulting officers.

21. Section 57 of the principal Act is amended—

(a) by striking out from subsection (1) the passage " , and shall also be liable to corporal punishment if the court so orders";

and

(b) by striking out from subsection (2) the passage "carried out or" twice occurring therein.

PART V**Amendment of
principal Act,
s. 58—****Offenders
attempting
escape.**

22. Section 58 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, with or without irons, with or without solitary or separate confinement, not exceeding one month at any one time, and not exceeding three months in any one year,”;

and

(b) by striking out from subsection (2) the passage “carried out or” twice occurring therein.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor