

or from the custody of a member of the police force in whose custody he is shall be guilty of an indictable offence and being lawfully convicted thereof shall be liable to imprisonment for a term of not more than five years.

Aiding escape
of prisoners.
No. 6259 s. 36.

133. (1) Every person who conveys or causes to be conveyed or who delivers or causes to be delivered to any person for the purpose of being conveyed into a prison or who secretes or leaves upon or about any road public work prison or other place where prisoners are usually employed or confined for the purpose of being found or received by a prisoner any article of disguise instrument arms weapon or any poisonous or deleterious drug or any other article or thing likely to be used for the purpose of escape shall be deemed and taken to have delivered the same to aid and assist the escape of a prisoner from the prison or place even though no escape has been attempted.

(2) Every such person and every person who in any other manner aids abets or assists or attempts to aid abet or assist a prisoner to escape from a prison or other place of detention may be apprehended by any member of the police force or other person without warrant and be by him detained and kept in safe custody until the offender can be brought before a magistrates' court which may hear and determine the alleged offence.

Penalty.

(3) Such offender shall upon conviction thereof or of any of such offences be liable to a penalty of not more than \$2,000 and in default of payment or in the discretion of the justices without any default to imprisonment with or without hard labour for a term of not more than two years.

Harboring
No. 6259 s. 37.

134. (1) Every person who harbors in or about his house lands or otherwise or in any manner employs any person under sentence of imprisonment and illegally at large shall be liable to a penalty of not more than \$1,000.

Defence.

(2) Upon any proceedings for an offence against sub-section (1) it shall be a defence to the charge if the defendant proves to the satisfaction of the court that he used due and proper diligence in ascertaining whether the person so illegally at large was free or not and that such first-mentioned person had reasonable ground for believing that the person so illegally at large was free.

Offences.
No. 6259 s. 42.

135. Every person who—

(a) contrary to the provisions of any Act or regulation relating to prisons holds or attempts to hold communication with any prisoner ;

(b) without

- (b) without the approval of the Director-General delivers or in any manner whatsoever endeavours or attempts to deliver or causes to be delivered to a prisoner or introduces or attempts or endeavours to introduce or causes to be introduced into a prison any money letter tobacco article of clothing alcoholic liquor or any other article or thing whatsoever ;
- (c) lurks or loiters about a prison or other place in which prisoners are confined or employed for any of the purposes aforesaid ;
- (d) without the approval of the Director-General delivers or causes to be delivered to any other person any money letter tobacco article of clothing alcoholic liquor article or thing for the purpose of being conveyed or introduced as aforesaid or who secretes or leaves upon or about any place where prisoners are usually employed any money letter tobacco article of clothing alcoholic liquor article or thing for the purpose of being found or received by a prisoner ;
- (e) without the approval of the Director-General in any other manner conveys or causes to be conveyed to a prisoner any money letter tobacco article of clothing alcoholic liquor article or thing ;
- (f) without the approval of the Director-General takes or receives or in any manner attempts to take or receive from a prisoner any money letter article or thing whatsoever ;
- (g) without the approval of the Director-General permits requires or causes any person to take or receive from a prisoner any money letter article or thing whatsoever—

may be apprehended by any member of the police force prison officer or other officer or by any person in whose custody any such prisoner then is without warrant and may by such member prison officer or other person be detained and kept in safe custody until he can be brought before a magistrates' court which may hear and determine the offence.

Penalty : Imprisonment for two years.

136. If any person loiters about a prison or other place in which prisoners are confined and refuses or neglects to depart therefrom upon being warned so to do by a member of the police force prison officer or authorized person or if any person (not being a prisoner or a governor prison officer or other officer or person duly authorized) is found within the boundaries of a prison,

Loiterer deemed to be loitering for unlawful purpose.
No. 6259 s. 43.

such

such person shall, unless he proves to the contrary, be deemed to be lurking or loitering about the prison or place for the purposes aforesaid.

Inquiry by
justice.
No. 6259 s. 38.

137. (1) A visiting justice may inquire in a summary way into any charge of escaping insubordination assault upon or attempt to do any bodily injury to any officer or prisoner or any riot or tumult in a prison or other place where prisoners are in custody or any wilful and malicious destruction or injury of or attempt at the wilful and malicious destruction or injury of any such prison or any furniture thereof or of any public works or of any implements used thereon brought against any prisoner.

(2) The justice may upon convicting a prisoner sentence him to be kept to hard labour for a term of not more than two years and may order the prisoner to be kept in solitary confinement for any portion of that term of not more than three months in period none of which shall exceed one month and which shall be at intervals of at least one month.

Punishment of
lesser offences.
No. 6259 s. 40.

138. (1) A visiting justice may inquire in a summary way into any charge of attempting to escape idleness insolence refusal to work disobedience of orders use of indecent abusive or improper language or breach of any rule or regulation or any other misconduct brought against a prisoner.

(2) The visiting justice may sentence a prisoner upon conviction to be imprisoned for a term of not more than six months for a first offence, and of not more than eighteen months for a second or subsequent offence or to be kept in solitary confinement either continuously or at such intervals as the visiting justice thinks fit for a period of not more than twenty-one days for a first offence and of not more than thirty days for a second or subsequent offence.

Sentence by
visiting justice
to be
cumulative
upon other
sentences.
No. 6259 s. 44.

139. Every sentence of punishment by a visiting justice shall unless otherwise directed by the justice at the time of pronouncing the sentence be cumulative upon the substantive sentence or sentences under which the prisoner is detained but shall be concurrent with or cumulative upon any previous uncompleted sentence of punishment by a visiting justice as is in each case determined by a justice imposing a second or subsequent sentence.

Sentence to
take effect
immediately.
No. 6259 s. 45.

140. (1) A sentence of punishment by a visiting justice upon a prisoner shall, whether concurrent with or cumulative upon the substantive sentence of the prisoner or any uncompleted sentence of punishment by a visiting justice previously imposed upon him, take effect immediately unless the justice imposing the sentence

orders

orders that it shall take effect upon the completion of such substantive sentence or of any such uncompleted sentence of punishment previously imposed or at some other time before the final discharge of the prisoner.

(2) If a sentence of punishment by a visiting justice is cumulative upon a previous uncompleted sentence and the first-mentioned sentence takes effect before the completion of a previous uncompleted sentence it shall have the effect of suspending every previous sentence uncompleted at the time it takes effect and every such suspended sentence shall at the expiration of the suspending sentence of punishment become again in force so that the period of the suspending sentence shall not be reckoned as a portion of the time served under the suspended sentence.

Service of sentence suspended.

141. (1) A conviction under section 137 or section 138 on any charge need not be drawn up in a formal manner but a book to be called the "Conviction Book" in accordance with or to the effect of the form in Schedule Four shall be kept in every prison and the visiting justice or justices shall cause to be entered in the book the particulars of each charge and of the adjudication thereon, and the visiting justice or justices then adjudicating shall sign his or their name or names opposite the entry and the entry so signed shall, if the prisoner is convicted of the charge, be deemed to be a conviction for all purposes whatsoever.

Conviction Book.
No. 6259 s. 46.

(2) A Conviction Book having an entry so signed of a conviction or a document purporting to be a copy of a particular entry of any conviction therein and purporting to be certified under the hand of the officer of the prison having the custody of the book to be a true copy of an entry in the book shall be sufficient evidence of such conviction and be received as such in any court or before any person having by law or by consent of parties authority to hear receive and examine evidence.

No. 6259 s. 47.

142. The term of any imprisonment hard labour or solitary confinement imposed under any of the provisions of this Act shall not be deemed or taken as a portion of any term of imprisonment or hard labour to which the prisoner was sentenced.

Punishment under this Act not to be reckoned as part of previous term.
No. 6259 s. 48.

DIVISION 5.—MISCELLANEOUS.

143. A person arrested under the process of a court or for an offence may be taken to the prison or lock-up which by reason of its nearness or accessibility to the place of arrest is in the opinion of the person making the arrest the most accessible or convenient and may be there detained until discharged or otherwise dealt with in due course of law.

Person arrested to be taken to nearest prison &c.
No. 6259 s. 50.

Jurisdiction of sheriff preserved in case of sentence of death.

No. 6259 s. 51.

144. Nothing in this Act shall affect the jurisdiction or responsibility of the sheriff in respect of a prisoner under sentence of death or his jurisdiction or control over the prison where the prisoner is confined and the officers thereof so far as is necessary for the purpose of carrying into effect the sentence of death or for any purpose relating thereto.

Proceedings to be summary.

No. 6259 s. 52.

145. All proceedings under this Act other than proceedings in respect of indictable offences shall be had and taken in a summary way and no such proceeding shall be removed by *certiorari* into the Supreme Court.

PART V.—RESEARCH AND STATISTICS DIVISION.

Research and Statistics Division.

No. 6651 s. 17.

Director of Research and Statistics.

146. (1) There shall be a Division of the Department to be known as the “Research and Statistics Division”.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the “Director of Research and Statistics”.

(3) The person holding office immediately prior to the commencement of this Act as Research and Statistics Officer under the *Social Welfare Act* 1960 shall be Director of Research and Statistics for the purposes of this Act.

No. 6651 s. 18.

147. The functions of the Research and Statistics Division shall be—

- (a) to conduct research and to encourage research by qualified persons into problems of social welfare ;
- (b) to direct the compilation of statistics and information in all Divisions of the Department ;
- (c) to collate and compile information relating to such other matters persons and things as the Minister directs ;
- (d) to co-operate with any persons or bodies of persons concerned with the compilation of the like statistics and to co-ordinate within Victoria the activities of such persons or bodies of persons ;
- (e) to disseminate information to the public with regard to social welfare.

PART VI.—TRAINING DIVISION.

DIVISION 1.—ADMINISTRATION AND FUNCTIONS.

Training Division.

No. 6651 s. 19.

Director of Training.

148. (1) There shall be a Division of the Department to be known as the “Training Division”.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the “Director of Training”.

(3) The

(3) The person holding office immediately prior to the commencement of this Act as Director of Training under the *Social Welfare Act 1960* shall be Director of Training for the purposes of this Act.

(4) The Director of Training shall administer the Training Division subject to the control and direction of the Director-General.

149. The functions of the Training Division shall be—

- (a) to advise the Director-General on matters of general policy relating to the training of persons in matters pertaining to social welfare ;
- (b) to plan supervise and co-ordinate the administration and development of the training of persons for the purposes of this Act ;
- (c) to promote foster and encourage public interest in social welfare ;
- (d) to carry out such duties in relation to training officers of the Department as are imposed upon it by or under this Part ;
- (e) to supervise the training of all children young persons and adults in institutions controlled by the Department ;
- (f) to provide educational and vocational guidance services for persons under the control of the Department ; and
- (g) to control and supervise libraries in the Department.

Functions of
Training
Division.
No. 6651 s. 20.

150. (1) The Director-General may, either by himself or in collaboration with any other body or bodies—

- (a) conduct and organize such lectures classes courses schools examinations and other activities as he thinks necessary or desirable for the purposes of or in connexion with the promotion and encouragement of studies in social welfare ;
- (b) charge and receive such fees and payments as are prescribed in respect of any services supplied by the Division and in respect of the admission of persons for the purposes of any lectures classes courses schools examinations or other activities organized and conducted under this Division.

Conduct of
lectures
classes &c.
No. 6651 s. 21.

(2) The Minister may authorize payments to be made out of moneys available to the Department to persons or bodies of persons conducting training in social welfare and to students as bursaries.

Minister may
authorize
payments for
training
purposes.

(3) (a) The

Power to
Minister to
employ cadets
in social work.

(3) (a) The Minister may upon such terms and conditions as are prescribed employ in the Department such persons as he thinks fit as cadets for the purpose of undergoing courses of training in social work at a university in the State of Victoria or at a college affiliated with the Victoria Institute of Colleges.

(b) Such cadets shall not during their courses of training be subject to the *Public Service Act* 1958.

(c) Any cadet who, in the opinion of the Minister, has satisfactorily completed a course of training and fulfilled the prescribed conditions in relation to the course of training shall be eligible to be appointed to any position in the Department for which that person is qualified.

DIVISION 2.—SOCIAL WELFARE TRAINING COUNCIL.

Constitution of
Social Welfare
Training
Council.
No. 6651 s. 22.

151. (1) For the purposes of this Division the Minister shall constitute a Social Welfare Training Council consisting of not more than twelve members including the Director of Training, the Director of Family Welfare, the Director of Youth Welfare, and the Director of Prisons.

Term of
office.

(2) The members of the Training Council shall subject to this Act hold office for such respective terms (not exceeding in any case three years) as the Minister appoints and shall be eligible for re-appointment.

Chairman.

(3) The Minister may annually appoint one of such members to be chairman of the Training Council and such member shall hold office as chairman for a term of twelve months and shall be eligible for re-appointment as chairman.

Quorum.

(4) A quorum of the Training Council shall consist of not less than half the whole number of members for the time being in office and subject to there being a quorum the Council may act notwithstanding any vacancy in its membership.

(5) At any meeting of the Training Council the chairman or in his absence a member elected by the members present to be chairman of the meeting shall preside.

Decisions.

(6) The decision upon any matter of the majority of the members present at any meeting shall be the decision of the Training Council on that matter and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote.

Procedure.

(7) Subject to this Act the Training Council may regulate its own proceedings in such manner as it thinks fit.

Vacancies.

(8) Any vacancy occurring on the Training Council from time to time may be filled by any person appointed by the Minister to such vacancy.

(9) Meetings

(9) Meetings of the Training Council shall be convened and conducted as prescribed but the regulations shall require that not less than six meetings shall be convened in each year.

Meetings.

(10) The members of the Training Council shall not as such be subject to the *Public Service Act* 1958.

(11) Each member of the Training Council shall be paid such fees and travelling allowances as are prescribed.

Fees.

(12) The functions of the Training Council shall be—

Functions of Training Council.

- (a) to exercise a general supervision over theoretical and practical training prescribed by the Council ;
- (b) to prescribe courses of instruction and training in social welfare ;
- (c) to conduct written practical or oral examinations ;
- (d) to issue certificates of qualification to persons who have passed examinations at the prescribed standards of proficiency ; and
- (e) to maintain a register of persons who have passed examinations at the prescribed standards of proficiency.

(13) The members of the Social Welfare Training Council holding office under the *Social Welfare Act* 1960 immediately prior to the commencement of this Act shall be entitled to continue in office as if appointed under this Act for the remainder of the terms for which they were appointed and shall be eligible for re-appointment.

152. For the purpose of determining the qualification of any person the Council shall have regard to the results of examinations including those conducted by universities in Victoria or elsewhere, any college affiliated with the Victoria Institute of Colleges the Education Department, and technical schools within the meaning of the *Education Act* 1958 in subjects approved by the Council.

Qualifications.

PART VII.—PROBATION AND PAROLE DIVISION.

DIVISION 1.—INTERPRETATION.

153. In this Part unless inconsistent with the context or subject-matter—

Interpretation. No. 6651 s. 24

“ Adult Parole Board ” means the Parole Board constituted under Part IV. of the *Crimes Act* 1958.

“ Adult Parole Board.”

“ Board ” means the Youth Parole Board constituted under this Part.

“ Board.”

“ Prison ” means prison within the meaning of Part IV.

“ Prison.”

“ Period ”

- “ Period.” “ Period ” in relation to detention includes the aggregate of two or more periods whether cumulative or concurrent.
- “ Young person.” “ Young person ” includes any person of or over the age of twenty-one years undergoing a sentence of detention in a youth training centre or released on parole under this Part.

DIVISION 2.—ADMINISTRATION AND FUNCTIONS.

Probation and Parole Division.
No. 6651 s. 25.
Director of Probation and Parole.

154. (1) There shall be a Division of the Department to be known as the “ Probation and Parole Division ”.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the “ Director of Probation and Parole ”.

(3) The person holding office immediately prior to the commencement of this Act as chief probation officer and chief parole officer for the purposes of Part IV. of the *Crimes Act* 1958 shall be Director of Probation and Parole for the purposes of this Act.

Functions.
No. 6651 s. 26.

155. The functions of the Probation and Parole Division shall be—

- (a) to prepare and submit such reports upon and information with respect to any person found guilty (whether convicted or not) before any court of any offence as such court requires ;
- (b) to assist any child or young person released from the care of any institution at the request of the Director-General ;
- (c) to supervise all persons released on probation or parole under Part IV. of the *Crimes Act* 1958 or the *Children's Court Act* 1958 ;
- (d) to co-ordinate the activities of probation officers and of parole officers appointed under this or any other Act ;
- (e) to assist in the rehabilitation into the community of persons released or discharged from prisons or youth training centres by the provision of such services as are prescribed or in the absence of any such prescription as the Director-General thinks fit.

DIVISION 3.—YOUTH PAROLE BOARD.

Youth Parole Board.
No. 6651 s. 27.

156. (1) There shall be a Youth Parole Board constituted as hereafter in this section provided.

(2) The

(2) The Board shall consist of—

Constitution of Board.

- (a) a judge of the County Court nominated with his consent by the Attorney-General either generally or for a specified term ;
- (b) the Director-General ; and
- (c) (i) (where any general matter affecting any male person is to be dealt with) one man appointed by the Governor in Council ; and
- (ii) (where any matter affecting any female person is to be dealt with) one woman appointed by the Governor in Council.

(3) References in this Act to the Board shall be construed as references to the Board comprising the man or the woman so appointed (as the case requires).

(4) The members of the Youth Parole Board holding office under the *Social Welfare Act* 1960 immediately prior to the commencement of this Act shall be entitled, subject to this Act, to continue in office for the remainder of the terms for which they were appointed as if they were appointed under this Act and shall be eligible for re-appointment.

Existing Board to continue in office.

157. (1) If the judge of the County Court nominated by the Attorney-General dies or resigns, his office as a member of the Board shall become vacant and the Attorney-General may, with the consent of the judge of the County Court to be nominated, nominate another judge of the County Court as a member of the Board in his stead.

Death or resignation of judge and filling.
No. 6651 s. 28.

(2) The Attorney-General may (with the consent of the judge of the County Court to be nominated) nominate a judge of the County Court for any term that the Attorney-General thinks fit to be the deputy member of the Board to act as a member of the Board during the absence for any cause of the judge of the County Court appointed member of the Board or during any vacancy in that office and the deputy member when so acting shall have all the powers and functions of and for all purposes shall be deemed to be a member of the Board.

Appointment of deputy member of Board.

(3) The persons appointed by the Governor in Council to be members of the Board (hereafter in this Part called the appointed members) shall hold office as such members for such period not exceeding three years as the Governor in Council determines prior to their appointments, but each such person shall upon the expiration of the period for which he or she was appointed be eligible for re-appointment.

Term of office of appointed members.

(4) The

- Removal of appointed members.** (4) The Governor in Council may at any time remove any appointed member of the Board from office, and upon any such removal or upon the death or resignation of an appointed member the Governor in Council may appoint a person to fill the vacancy arising from such removal death or resignation.
- Temporary appointment as member.** (5) The Governor in Council may appoint any person to act temporarily as a member of the Board during the absence through illness or other cause of either of the appointed members thereof or during a vacancy in the office of an appointed member, and any person so appointed shall while so acting have all the powers and functions of and for all purposes be deemed to be a member of the Board.
- Fees &c.** (6) The several members of the Board shall be entitled to receive such remuneration for their services and such travelling expenses as are severally fixed by Order of the Governor in Council.
- Chairman.** **158.** (1) The judge of the County Court who is a member of the Board shall *ex officio* be chairman of the Board.
- Quorum.** (2) A quorum of the Board shall consist of the chairman and one other member of the Board.
- Meetings.** **159.** (1) Meetings of the Board shall be held at such times and places as are prescribed, or in the absence of any such prescription, as are fixed by the chairman.
- Chairman to decide questions of law.** (2) Any questions of law arising before the Board shall be decided by the chairman alone.
- Decisions in other matter.** (3) Upon any other matter the decision of a majority of the members present at any meeting shall be the decision of the Board upon that matter.
- Procedure.** (4) Subject to this Act and the regulations the Board may regulate its own procedure.
- Judicial notice.** **160.** (1) All courts and persons having by law or consent of parties authority to hear receive and examine evidence shall—
- (a) take judicial notice of the signature of every person who is a member or secretary of the Board attached or appended to any document ; and
- (b) until the contrary is proved presume that every such signature is properly attached or appended thereto.
- (2) A certificate signed by the secretary of the Board purporting to record any determination or decision of the Board upon a matter within its competence shall be *prima facie* evidence of the making of that determination or decision by the Board.

161. The