

South Australia

Debtors Act 1936

An Act relating to debtors.

Contents

- 1 Short title
- 3 Abolition of imprisonment for debt
- 4 Penalty for debtor absconding or attempting to abscond

Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Debtors Act 1936*.

3—Abolition of imprisonment for debt

- (1) No person shall be arrested or imprisoned for making default in payment of a sum of money, except in the following cases:
 - (a) default in payment of a fine or penalty, or sum in the nature of a fine or penalty, other than a fine or penalty in respect of any contract;
 - (b) default in payment of any sum recoverable summarily before a justice or justices or a special magistrate of the State.
- (2) No person shall be imprisoned, in any case excepted from the operation of this section, for a longer period than six months.
- (3) Nothing in this section shall alter the effect of any judgment or order of any Court for payment of money except as regards the arrest and imprisonment of the person making default in paying that money.
- (4) Nothing in this section affects powers of arrest or imprisonment under the *Enforcement of Judgments Act 1991*.
- (5) Nothing in this section shall affect any right or power under *The Insolvent Act 1886* to arrest or imprison any person, or entitle any person imprisoned under that Act to be discharged from custody, except as provided in that Act.

4—Penalty for debtor absconding or attempting to abscond

If any debtor quits the State, or makes preparation for quitting the State, with intent—

- (a) to defraud any creditor to whom, either alone or jointly with any other creditor or creditors, he is indebted to the amount of twenty dollars or upwards, whether on an unsatisfied judgment of a local court or otherwise; or
- (b) to defraud any creditor who, alone or jointly with any other creditor or creditors, has sustained damage to the extent of forty dollars or upwards through breach of contract or through any tort on the part of the debtor,

he shall be guilty of an offence punishable by imprisonment, with or without hard labour, for a term not exceeding two years.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Debtors Act 1936* repealed the following:

Intercolonial Debts Act 1887

Abolition of Imprisonment for Debt Act (No. 466 of 1889)

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1936	2266	<i>Debtors Act 1936</i>	13.8.1936	13.8.1936
1991	69	<i>Statutes Repeal and Amendment (Courts) Act 1991</i>	12.12.1991	6.7.1992 (<i>Gazette</i> 2.7.1992 p209)
1994	59	<i>Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994</i>	27.10.1994	1.1.1995 (<i>Gazette</i> 8.12.1994 p1942)
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 (<i>Gazette</i> 13.11.2003 p4048)
2005	56	<i>Justices of the Peace Act 2005</i>	17.11.2005	Sch 2 (cl 17)—1.7.2006 (<i>Gazette</i> 22.6.2006 p2012)

Provisions amended since 3 February 1976

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 2	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	24.11.2003
<i>heading preceding s 3</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	24.11.2003
s 3		
s 3(1)	s 3(c) and (d) deleted by 69/1991 s 6(a)	6.7.1992
	s 3 amended by 69/1991 s 6(b)	6.7.1992

	s 3 amended and redesignated as s 3(1) by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 3(2)—(5)	s 3(i)—(iv) redesignated as s 3(2)—(5) by 44/2003 s 3(1) (Sch 1)	24.11.2003
<i>heading preceding s 4</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	24.11.2003
s 4	amended by 59/1994 Sch 2	1.1.1995

Historical versions

Reprint No 1—6.7.1992

Reprint No 2—1.1.1995