

CORPORAL PUNISHMENT ABOLITION ACT, 1971-1973

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CORPORAL PUNISHMENT ABOLITION ACT, 1971-1973

being

Corporal Punishment Abolition Act, 1971, No. 58 of 1971 [Assented to 14th October, 1971]¹;

as amended by

Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6th December, 1973].

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.

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, 1971-1973" and shall come into operation on a day to be fixed by proclamation¹.

Short title,
commencement
and
arrangement.
Citation
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(2) This Act is arranged as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENT OF CHILDREN'S PROTECTION ACT,
1936-1969².

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

PART IV—AMENDMENT OF KIDNAPPING ACT, 1960.

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

2. Notwithstanding any provision in any Act or law, after the commence-
ment 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.

Abolition of
corporal
punishment.

¹ Came into operation 18th November, 1971: *Gaz.* 18th November, 1971, p. 2070.

² Part II repealed by 77, 1973, s. 3 (1) (2nd Sched.).

Part II
comprising ss. 3
and 4 repealed
by 77, 1973,
s. 3 (1) (2nd
Sched.).

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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.

Repeal of s. 52a
of principal Act.

7. Section 52a of the principal Act is repealed.

Amendment of
principal Act,
s. 70—
Attempts and
indecent assault
on males.

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. 101—
Damaging trees,
etc.

9. Section 101 of the principal Act is amended—

(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".

Repeal of
ss. 308 and 312
of principal Act.

10. Sections 308 and 312 of the principal Act are repealed.

Amendment of
principal Act,
s. 357—
Time for
appealing.

11. Section 357 of the principal Act is amended by striking out from subsection (2) the passage "or corporal punishment".

PART IV

PART IV

AMENDMENT OF KIDNAPPING ACT, 1960

Short titles.

12. (1) The Kidnapping Act, 1960, as amended by this Act, may be cited as the "Kidnapping Act, 1960-1971".

(2) The Kidnapping Act, 1960, is in this Part referred to as "the principal Act".

Repeal of
provisions of
the principal
Act relating to
whipping.

13. Sections 2 and 3 of the principal Act are amended by striking out the passage "and may be whipped" wherever occurring therein.

PART V

PART 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.

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

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

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

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. 29—
Escape 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. 40—
Separate confinement of prisoners.

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

Amendment of principal Act, s. 47—
Punishment.

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,";

Amendment of principal Act, s. 48—

Repeated and other offences.

and

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

20. Section 51 of the principal Act is repealed.

Repeal of s. 51 of principal Act.

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";

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

and

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

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,";

Amendment of principal Act, s. 58—
Offenders attempting to escape.

and

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