

South Australia

# Correctional Services (Miscellaneous) Amendment Act 2007

An Act to amend the *Correctional Services Act 1982*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Correctional Services Act 1982*

- 4 Amendment of section 31—Prisoner allowances and other money
  - 5 Amendment of section 33A—Prisoners' goods
  - 6 Insertion of section 82
    - 82 Unauthorised contracts with prisoners prohibited
  - 7 Amendment of section 89—Regulations
- 

**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Correctional Services (Miscellaneous) Amendment Act 2007*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Correctional Services Act 1982***

### **4—Amendment of section 31—Prisoner allowances and other money**

Section 31(5a)—delete subsection (5a) and substitute:

- (5a) The manager of a correctional institution may, if a prisoner receives any money (other than the allowances paid under this section)—
- (a) hold the money for as long as may be necessary for the purposes of ascertaining the identity of the person who made the payment and the circumstances of the payment; or
  - (b) credit the whole, or part, of it to the prisoner; or
  - (c) hold the whole, or part, of it on behalf of the prisoner and pay it over to the prisoner in accordance with this Act on discharge from prison; or
  - (d) return the whole, or part, of it to the person who made the payment; or
  - (e) if the prisoner is not lawfully entitled to the money, and the identity or whereabouts of the person who made the payment cannot be ascertained—pay the money to the Treasurer as unclaimed money for the purposes of the *Unclaimed Moneys Act 1891*; or
  - (f) retain it as evidence of an offence.

### **5—Amendment of section 33A—Prisoners' goods**

- (1) Section 33A(1)—delete "manager" and substitute:

Chief Executive Officer

- (2) Section 33A(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) A prisoner is not entitled to send, supply or give any goods to a person (whether inside or outside of the prison) unless the prisoner has the permission of the Chief Executive Officer to do so.
- (3) The Chief Executive Officer may cause all goods, and all parcels apparently containing goods, sent or given to a prisoner, or sent, supplied or given by a prisoner, to be examined.

- (3) Section 33A(4)—delete "manager" and substitute:

Chief Executive Officer

- (4) Section 33A(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) If goods sent, supplied or given by a prisoner consist of items prohibited by the regulations or are goods in respect of which permission is not given, the Chief Executive Officer has an absolute discretion to deal with or dispose of the goods as he or she thinks fit (for example, by returning them to the prisoner, selling, destroying or storing them).

- (6) Goods that consist of items prohibited by the regulations, or that a person is prohibited by some other Act or law from possessing, must be destroyed unless they are to be kept as evidence.
- (5) Section 33A(8)—delete "manager" and substitute:  
Chief Executive Officer
- (6) Section 33A(9)—delete "manager" first occurring and substitute:  
Chief Executive Officer
- (7) Section 33A(9)—delete "the manager" second occurring and substitute:  
he or she

## 6—Insertion of section 82

Before section 83 insert:

### **82—Unauthorised contracts with prisoners prohibited**

- (1) A person to whom this section applies must not enter into a contract with a prisoner unless the person has the permission of the Chief Executive Officer.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (2) A contract entered into in contravention of this section is void and of no effect.
- (3) This section applies to—
  - (a) an officer or employee of the Department; and
  - (b) a member of the police force employed in a correctional institution; and
  - (c) a person of a class prescribed by the regulations for the purposes of this section.

## 7—Amendment of section 89—Regulations

- (1) Section 89(2)—after paragraph (e) insert:
  - (eaa) prohibiting, restricting or regulating the supply or administration to prisoners of drugs (including prescription drugs under the *Controlled Substances Act 1984*); and
- (2) Section 89(2)—after paragraph (1) insert:  
and
  - (m) imposing fines, not exceeding \$2 500, for offences against the regulations.
- (3) Section 89—after subsection (2) insert:
  - (3) Regulations under this Act may—
    - (a) be of general application or limited application; and
    - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and

- (c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the Chief Executive Officer; and
- (d) include evidentiary provisions to facilitate proof of contraventions of the regulations for the purposes of proceedings for offences.