

South Australia

Correctional Services Variation Regulations 2012

under the *Correctional Services Act 1982*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Correctional Services Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on the day on which section 4 of the *Correctional Services (Miscellaneous) Amendment Act 2012* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Correctional Services Regulations 2001*

4—Variation of regulation 4—Interpretation

Regulation 4, definition of *authorised telephone call*—delete the definition and substitute:

authorised telephone call means a telephone call that is made or received by a prisoner in accordance with rules made by the CE, or that has been specifically authorised by the manager of the correctional institution in which the prisoner is imprisoned;

5—Variation of regulation 5—Admission hours

- (1) Regulation 5(2)—delete "manager of a correctional institution" and substitute:

CE

- (2) Regulation 5(2)—delete "the institution" and substitute:

an institution

- (3) Regulation 5(2)—delete "manager" second occurring and substitute:

CE

6—Variation of regulation 7—Prisoner may retain certain personal property

Regulation 7—delete "manager" wherever occurring and substitute in each case:

CE

7—Revocation of regulation 8

Regulation 8—delete the regulation

8—Variation of regulation 9

- (1) Regulation 9(1), definition of *unauthorised data storage device*—delete the definition
- (2) Regulation 9—after its present contents as varied by this regulation (now to be designated as subregulation (1)) insert:

- (2) For the purposes of paragraph (n) of subregulation (1)—

unauthorised data storage device means a data storage device that has not been specifically authorised by the CE, but does not include a data storage device of a kind referred to in a preceding paragraph of that subregulation or a data storage device containing only a film or computer game classified G under the *Classification (Publications, Films and Computer Games) Act 1995*.

- (3) For the purposes of paragraph (a)(ii) of the penalty provision of section 51(1) of the Act, the items specified in paragraphs (e) and (k) of subregulation (1) are prescribed.

9—Variation of regulation 15—Serious breaches—miscellaneous

- (1) Regulation 15(3)(d)—delete "manager" and substitute:
CE
- (2) Regulation 15(4)(a)—delete "manager of the correctional institution" and substitute:
CE

10—Variation of regulation 16—Serious breaches—sexual offences

Regulation 16(1a)—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

11—Variation of regulation 19—Minor breaches—miscellaneous

- (1) Regulation 19(1)—delete "manager" and substitute:
CE relating to the management
- (2) Regulation 19(12)(a)—delete "manager of the correctional institution in which the prisoner is imprisoned" and substitute:
CE

12—Variation of regulation 23—Procedure where CE deals with breach of regulations under section 43

- (1) Regulation 23(1)(a)—delete "manager of the correctional institution" and substitute:
CE
- (2) Regulation 23(2)—delete "manager" and substitute:
CE
- (3) Regulation 23(3)—delete "manager conducting the inquiry" and substitute:
CE
- (4) Regulation 23(4)—delete "manager" and substitute:
CE
- (5) Regulation 23(4)(a)(i)—delete "manager's" and substitute:
CE's

13—Variation of regulation 25—Orders relating to possession of prohibited item etc

- (1) Regulation 25—delete "a manager or" and substitute:
the CE or a
- (2) Regulation 25—delete "manager" second occurring and substitute:
CE

**14—Variation of regulation 26—Appeal against penalty imposed by CE
(section 46)**

- (1) Regulation 26(1)—delete "a manager" and substitute:
the CE
- (2) Regulation 26(2)—delete "manager" and substitute:
CE
- (3) Regulation 26(3)—delete "manager" wherever occurring and substitute in each case:
CE

**15—Variation of regulation 27—Appeals against orders of Visiting Tribunals
(section 47)**

- (1) Regulation 27(2)—delete "manager" and substitute:
CE
- (2) Regulation 27(3)—delete "manager" and substitute:
CE

16—Variation of regulation 29—Release on parole—application by prisoner

Regulation 29—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

17—Variation of regulation 30—Release on parole—application by CE

Regulation 30—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

18—Variation of regulation 31—Order for release on parole

Regulation 31(1)(b)(ii)—delete "Chief Executive Officer" and substitute:

CE

19—Variation of regulation 38—Medical examinations

Regulation 38—delete "Chief Executive Officer" and substitute:

CE

20—Variation of regulation 39—Prohibition on supply and administration of certain drugs

Regulation 39—delete "Chief Executive Officer" and substitute:

CE

21—Insertion of regulation 41

After regulation 40 insert:

41—Prescribed weapons (section 86A)

For the purposes of section 86A of the Act, the following weapons are prescribed:

- (a) a Glock 9mm hand gun;
- (b) a Monadnock PR24 Defensive Police Baton;
- (c) a baton designed or adapted for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device (known as an extendable baton);
- (d) Oleoresin Capsicum (known as OC) in all its forms;
- (e) Orthochlorobenzalmalonitrile (known as CS) in all its forms.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 23 August 2012

No 193 of 2012

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