

SOUTH AUSTRALIA

**CORRECTIONAL SERVICES ACT REGULATIONS, 1985**

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**REGULATIONS UNDER THE CORRECTIONAL SERVICES ACT, 1982**

*Correctional Services Act Regulations, 1985*

being

No. 151 of 1985: *Gaz.* 8 August 1985, p. 376<sup>1</sup>

as varied by

No. 15 of 1987: *Gaz.* 12 February 1987, p. 356

No. 71 of 1987: *Gaz.* 30 April 1987, p. 1184

No. 33 of 1988: *Gaz.* 17 March 1988, p. 654

No. 13 of 1992: *Gaz.* 13 February 1992, p. 466

No. 174 of 1992: *Gaz.* 20 August 1992, p. 889<sup>2</sup>

No. 175 of 1993: *Gaz.* 22 July 1993, p. 602<sup>3</sup>

No. 125 of 1994: *Gaz.* 28 July 1994, p. 238<sup>4</sup>

No. 104 of 1995: *Gaz.* 11 May 1995, p. 2136<sup>5</sup>

No. 207 of 1995: *Gaz.* 16 November 1995, p. 1388<sup>6</sup>

No. 242 of 1996: *Gaz.* 14 November 1996, p. 1687<sup>7</sup>

<sup>1</sup> Came into operation 19 August 1985: reg. 2.

<sup>2</sup> Came into operation 20 August 1992: reg. 2.

<sup>3</sup> Came into operation 22 July 1993: reg. 2.

<sup>4</sup> Came into operation 1 August 1994: reg. 2.

<sup>5</sup> Came into operation 11 May 1995: reg. 2.

<sup>6</sup> Came into operation 16 March 1996: reg. 2.

<sup>7</sup> Came into operation 14 November 1996: reg. 2.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

PART I—PRELIMINARY

- 1. These regulations may be cited as the *Correctional Services Act Regulations, 1985*.
- 2. These regulations shall take effect from 19 August 1985.
- 3. These regulations are arranged as follows:

- Part I—Preliminary
- Part II—Prohibited Items, Activities and Communications
- Part III—Visits
- Part IV—Procedures on Hearings and Appeals
- Part V—Conduct of Prisoners
- Part VI—Admission of Prisoners
- Part VII—Parole
- Part VIII—Medical Examination of Prisoners
- PART IX—Urinalysis.

- 4. In these regulations, unless the context otherwise requires:

"**Act**" means the *Correctional Services Act, 1982*;

"**dangerous substance**" means any substance whether solid, liquid or gaseous that is declared by regulation made under the *Dangerous Substances Act, 1979* to be a dangerous substance for the purposes of that Act;

"**liquor**" means any beverage that, at 20 degrees Celsius, contains more than 1.15% alcohol by volume and includes any other substance that comprises, constitutes, contains or may be converted into that beverage;

\* \* \* \* \*

\* \* \* \* \*

"**sexual intercourse**" includes any activity (whether of a heterosexual or homosexual nature) consisting of or involving—

- (a) penetration of the labia majora or anus of a person by any part of the body of another person or by any object; or
- (b) fellatio; or
- (c) cunnilingus.

\* \* \* \* \*

PART II—PROHIBITED ITEMS, ACTIVITIES AND COMMUNICATIONS

5. Pursuant to and for the purposes of section 32 of the Act the following items of personal use or consumption are prescribed:

- (a) soap;
- (b) shaving soap;
- (c) razors;
- (d) razor blades;
- (e) toothpaste;
- (f) toothbrushes;
- (g) cigarettes;
- (h) pipe tobacco;
- (i) matches;
- (j) writing paper;
- (k) envelopes;
- (l) pencils;
- (m) ball point pens;
- (n) erasers.

6. Pursuant to section 33(3) of the Act, the following items are prohibited items for the purposes of paragraph (f):

- any dangerous substance;
- a prescription drug for the purposes of the *Controlled Substances Act 1984*;
- a drug of dependence for the purposes of the *Controlled Substances Act 1984*;
- a prohibited substance for the purposes of the *Controlled Substances Act 1984*;
- any liquor;
- any paint;
- any oil;
- any acid;

4.

any glue;

any herbicide;

any fungicide;

any insecticide;

any pressurized spray canister;

any explosive or explosive device;

any incendiary device;

any pistol, revolver, rifle, machine gun, shot gun or other kind of gun;

any book, diagram, plan, paper or other document or audio or video recording or any other material of any kind that is designed to or is capable of being used to instruct, teach or otherwise guide any person to make any weapon, explosive, explosive or incendiary device or a method of escaping from a correctional institution or causing an insurrection, riot or other disturbance at a correctional institution;

any device or instrument designed or commonly used or which has been or is capable of being adapted or modified as an instrument or device for inflicting any kind of bodily injury or harm to any person or assisting a prisoner to escape from a correctional institution.

**7.** The following activities are prohibited for the purposes of section 33(3)(e) of the Act:

(a) an escape from a correctional institution; and

(b) a riot in a correctional institution; and

(c) the taking of a hostage in a correctional institution; and

(d) the assault of any person; and

(e) the setting on fire or the causing of damage to any part of a correctional institution or any property within a correctional institution.

**7A.** (1) For the purposes of section 43(2)(a) of the Act, the amount prescribed is \$25.

(2) For the purposes of section 44(2)(c) of the Act, the amount prescribed is \$50.

(3) For the purposes of section 44(4) of the Act, the amount prescribed is \$500.

5.

**8.** (1) For the purposes of section 51(a) of the Act, all manners of communication between a prisoner and a person (other than a person who is lawfully in the same place as the prisoner) are prohibited except communications—

- (a) at a lawful visit; or
- (b) by an authorised telephone call; or
- (c) by a letter lawfully sent to a prisoner.

(2) For the purpose of this regulation an "authorized telephone call" means one that is made or received in accordance with rules made by the manager or that has been specifically allowed by the manager.

**9.** Pursuant to section 51 of the Act the prohibited items for the purposes of paragraph (b) of that section are the items specified in regulation 6 of these regulations.

6.

PART III—VISITS

**10.** Pursuant to and for the purposes of section 34(1) of the Act the prescribed number of persons is 3.

**11.** Pursuant to and for the purposes of section 34(2) of the Act the prescribed number of persons is 3.

## PART IV—PROCEDURES ON HEARINGS AND APPEALS

**12.** Where a manager charges a prisoner with an offence against the regulations he shall, forthwith, hand to the prisoner a notice in writing that:

- (a) specifies the date of the alleged offence;
- (b) sets out a brief statement of the facts upon which the alleged offence is founded; and
- (c) identifies the particular regulation that is alleged to have been breached.

**13.** As soon as is reasonably practicable after handing to the prisoner a notice in accordance with regulation 12 of these regulations, the manager shall fix a time, date and place for the hearing of the inquiry and shall, forthwith, hand to the prisoner a notice in writing that sets out the time, date and place that has been fixed.

**14.** Pursuant to and for the purposes of section 43(1) of the Act, the prescribed time is 8 weeks from the date of the alleged breach of the regulations.

**15.** (1) Pursuant to and for the purposes of section 43(1) of the Act, the prescribed manner of conducting an inquiry, except where the proceedings are to be heard and determined *ex parte*, is set out in subregulations (2) to (6) of this regulation.

(2) At the commencement of the inquiry the manager conducting the inquiry shall:

- (a) read out the charge to the prisoner;
- (b) explain in simple language to the prisoner:
  - (i) the nature of the charge;
  - (ii) the penalty that may be imposed if the charge is proved;
  - (iii) the procedure that will be followed in conducting the inquiry;
  - (iv) that the prisoner need not, if he does not wish to, give evidence, but that if he chooses to do so he will render himself liable to be cross-examined.

(3) After the charge has been read out to the prisoner and the matters referred to in subregulation (2) of this regulation have been explained to the prisoner the manager conducting the inquiry shall:

- (a) hear or view all the evidence in support of the charge;
- (b) allow the prisoner to cross-examine any witness that is called in support of the charge;
- (c) hear or view all the evidence in support of the prisoner's answer to the charge;
- (d) allow an employee of the Department to cross-examine any witness called by the prisoner (including the prisoner if he chooses to give evidence);

8.

(e) hear any submissions in support of the charge;

(f) hear any submissions in support of the prisoner.

(4) When all the evidence has been given and all submissions have been made, the manager conducting the inquiry shall make his decision.

(5) Before imposing any penalty, the manager conducting the inquiry shall allow the employee of the Department and the prisoner to make such submissions as to penalty as they may wish to do so.

(6) At the conclusion of the inquiry, the manager shall make a record in writing that contains:

(a) his decision;

(b) the reasons for his decision;

(c) the penalty, if any, imposed; and

(d) the reasons for such penalty.

**16.** (1) Except where the proceedings are to be heard and determined *ex parte*, the practice and procedure to be followed by a Visiting Tribunal is set out in subregulations (2) to (6) of this regulation.

(2) At the commencement of the inquiry the Visiting Tribunal shall:

(a) read out the charge to the prisoner;

(b) explain in simple language to the prisoner:

(i) the nature of the charge;

(ii) the penalty that may be imposed if the charge is proved;

(iii) the procedure that will be followed;

(iv) that the prisoner need not, if he does not wish to, give evidence, but that if he chooses to do so he will render himself liable to be cross-examined.

(3) After the charge has been read out to the prisoner and the matters referred to in subregulation (2) of this regulation have been explained to the prisoner the Visiting Tribunal shall:

(a) hear or view all the evidence in support of the charge;

(b) allow the prisoner to cross-examine any witness that is called in support of the charge;

(c) hear or view all the evidence in support of the prisoner's answer to the charge;

(d) allow an employee of the Department to cross-examine any witness called by the prisoner (including the prisoner if he chooses to give evidence);

9.

- (e) hear any submissions in support of the charge;
- (f) hear any submissions in support of the prisoner.

(4) When all the evidence has been given and all submissions have been made, the Visiting Tribunal shall make its decision.

(5) Before imposing any penalty, the Visiting Tribunal shall allow the employee of the Department and the prisoner to make such submissions as to penalty as they may wish to do so.

(6) At the conclusion of the inquiry, the Visiting Tribunal shall make a record in writing that contains:

- (a) the decision;
- (b) the reasons for the decision;
- (c) the penalty, if any, imposed; and
- (d) the reasons for such penalty.

**17.** Where a manager or a Visiting Tribunal has heard and determined a matter arising out of a breach of the regulations and the determination contains a finding that a prisoner was in possession of any article, device or other thing or any plan, paper or other document contrary to these regulations, the manager or the Visiting Tribunal may:

- (a) in the case of a sum of money:
  - (i) order it to be returned to the lawful owner;
  - (ii) order the whole or part of it to be credited to the prisoner if it may be lawfully credited to him;
  - (iii) order that the whole or part of it be held on behalf of the prisoner and paid over to the prisoner in accordance with the Act upon his discharge from prison; or
  - (iv) order it to be paid to the Treasurer as unclaimed moneys for the purpose of the *Unclaimed Moneys Act, 1891* where the prisoner is not lawfully entitled to it and the identity or whereabouts of the person who is lawfully entitled to it cannot be ascertained;

and

- (b) in the case of any other article, device or other thing or plan, paper or other document:
  - (i) order that it be destroyed;
  - (ii) order that it be retained and handed to the prisoner upon his discharge from prison;

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- (iii) order that it be returned to the person who is lawfully entitled to it; or
- (iv) order that it be disposed of in such other manner as is considered to be expedient.

**18.** (1) Pursuant to section 46 of the Act, the manner in which an appeal is to be instituted is set out in subregulations (2) to (5) of this regulation.

(2) Where a prisoner wishes to appeal against a penalty imposed on the prisoner by a manager, the prisoner must, within 7 days of the imposition of that penalty, serve on the manager notice that the prisoner intends to appeal and must state in that notice the grounds of the appeal.

(3) Upon being served with a notice of appeal, the manager shall arrange for the Visiting Tribunal to hear the appeal and shall provide the Visiting Tribunal with a copy of:

- (a) the notice of appeal; and
- (b) the record made by him pursuant to regulation 11 of these regulations.

(4) The manager shall fix a time, date and place of hearing for the appeal and hand to the prisoner a notice, in writing, that sets out the time, date and place fixed.

(5) The notice referred to in subregulation (4) of this regulation must be handed to the prisoner at least 7 days before the date fixed for the hearing of the appeal.

**19.** (1) Pursuant to section 47 of the Act, the prescribed manner in which an appeal is to be instituted is set out in subregulations (2) and (3) of this regulation.

(2) Within 14 days of the conclusion of the proceedings the subject of the appeal, the prisoner must serve on the manager a notice in writing that:

- (a) identifies the proceedings that are the subject of the appeal; and
- (b) sets out the reasons why he considers that such proceedings were not conducted in accordance with the provisions of the Act and these regulations.

(3) Within 14 days of receiving a notice under subregulation (2) of this regulation the manager shall lodge at the District Court:

- (a) a copy of the notice;
- (b) a copy of any record that has been made under these regulations and that relates to the proceedings the subject of the appeal; and
- (c) a copy of any other document that was referred to in the proceedings the subject of the appeal.

**PART V  
CONDUCT OF PRISONERS**

**DIVISION 1—INTERPRETATION**

**20.** In this Part—

"**prisoner**" does not include—

- (a) a prisoner serving a period of home detention under Part 4 of the Act; or
- (b) a prisoner released on parole under Part 6 of the Act.

**DIVISION 2—SERIOUS BREACHES**

**21.** A prisoner must not assault another person.

**22.** A prisoner must not—

- (a) in concert with another person or persons, disrupt security or order in a correctional institution; or
- (b) incite another person or persons to disrupt security or order in a correctional institution.

**23.** A prisoner must not—

- (a) make preparation for an escape; or
- (b) without the authorisation of the manager of the correctional institution in which the prisoner is imprisoned, possess an article that may assist a prisoner to escape,

from lawful custody.

**24.** A prisoner must not disobey, or refuse or fail to comply with—

- (a) a rule made by the Chief Executive Officer that applies to the prisoner; or
- (b) a lawful order or direction of an employee of the Department or of a person authorised by the manager of the prison, individually or by class, to give directions to prisoners; or
- (c) a procedure for, or notice or direction about, work safety promulgated by an employee of the Department.

**25.** A prisoner must not perform work in an unsafe manner—

- (a) knowing it to be unsafe; or
- (b) with reckless indifference as to whether or not it is unsafe.

**26.** A prisoner must not—

- (a) engage in sexual intercourse with another prisoner; or
- (b) masturbate another prisoner.

**27.** (1) A prisoner must not sexually harass another person.

(2) A prisoner sexually harasses another person if he or she does any of the following acts in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated:

- (a) he or she subjects the other person to an unsolicited act of physical intimacy; or
- (b) he or she demands or requests (directly or by implication) sexual favours from the other person; or
- (c) he or she makes, on more than one occasion, a remark with sexual connotations relating to the other person,

and it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

**28.** (1) A prisoner must not threaten any person (whether for the purposes of obtaining a benefit or not).

(2) Where a prisoner is charged with an offence against this regulation, it is a defence for the prisoner to prove that the threat was a threat to invoke the due process of the law and that—

- (a) the prisoner did not intend to obtain a benefit for himself, herself or any other person by making the threat; or
- (b) the prisoner made the threat only for the purpose of avoiding the circumstance in relation to which the law would be invoked.

**29.** A prisoner must not, without lawful authority—

- (a) intentionally; or
- (b) with reckless indifference as to whether or not the property is damaged,

damage, interfere with, alter or dispose of any property belonging to the Department or to another person.

**30.** A prisoner must not set fire to, or cause to be set on fire, any article without the authority of an employee of the Department.

### **DIVISION 3—MINOR BREACHES**

**31.** Section 42A of the Act applies to the regulations in this Division.

**32.** A prisoner must not forge, counterfeit or alter any document, article of identification or signature.

**33.** A prisoner must not hinder or obstruct—

- (a) an employee of the Department in the exercise of the employee's powers or functions; or
- (b) any other person lawfully exercising powers or carrying out functions in relation to prisoners.

**34.** A prisoner must not make a complaint against a person unless the prisoner has adequate grounds to believe that the complaint is true.

**35.** A prisoner must not use language or make a gesture that is abusive, insolent or obscene.

**36.** A prisoner must not refuse to work or carry out his or her duties without a reasonable excuse.

**37.** A prisoner must not—

- (a) tattoo himself or herself; or
- (b) tattoo another prisoner; or
- (c) allow himself or herself to be tattooed.

**38.** A prisoner must not—

- (a) take without authorisation; or
- (b) steal,

the property of the Department or another person.

**39.** A prisoner must not, without lawful authority, damage, interfere with, alter or dispose of any property belonging to the Department or to another person.

**40.** (1) A prisoner must not possess, or supply to another prisoner, an item referred to in regulation 6.

(2) A prisoner must not supply any property to another prisoner or receive any property from another prisoner—

- (a) without the authorisation of the manager of the correctional institution in which the prisoner is imprisoned; or
- (b) in exchange for any valuable consideration, benefit or service.

**41.** (1) A prisoner must not supply or administer to another person—

- (a) liquor; or
- (b) a substance that is a prescription drug, a drug of dependence or a prohibited substance for the purposes of the *Controlled Substances Act 1984*.

(2) A prisoner must not possess or consume or administer to himself or herself a substance that is a prohibited substance for the purposes of the *Controlled Substances Act 1984*.

(3) A prisoner must not possess or consume or administer to himself or herself a substance that is liquor or a prescription drug or a drug of dependence for the purposes of the *Controlled Substances Act 1984* unless—

- (a) —
  - (i) the substance has, for the purposes of that Act, been lawfully prescribed for or supplied to the prisoner; and
  - (ii) the prisoner possesses or consumes or administers the substance for the purpose for which it was prescribed or supplied; or
- (b) in the case of liquor, the liquor was possessed, consumed or administered in accordance with the authorisation of an employee of the Department.

**41A.** (1) If a drug is found to be present in a sample of a prisoner's urine, the prisoner is guilty of an offence unless—

- (a) the drug was lawfully supplied or administered to the prisoner; or
- (b) the prisoner had not, on the day the urine sample was given, been in prison for the prescribed period; or
- (c) the prescribed period had not, on that day, elapsed since the prisoner last gave a sample of urine in which the same drug was found to be present.

(2) For the purposes of subregulation (1), "the prescribed period" means, in relation to the following drugs or a drug of the following classes:

- (a) amphetamines—7 days;
- (b) cocaine metabolite—7 days;
- (c) opiates—7 days;
- (d) tricyclic antidepressants—7 days;
- (e) methadone—21 days;
- (f) barbiturates—28 days;

15.

(g) benzodiazapines—28 days;

(h) cannabinoids—70 days.

**42.** A prisoner must not fight with another prisoner.

**43.** A prisoner must not gamble.

**44.** A prisoner must not deposit litter, refuse or waste matter in any place other than a receptacle provided for the purpose.

**45.** A prisoner must not enter a cell or quarters other than his or her own without the authorisation of an employee of the Department.

**46.** A prisoner must not leave—

(a) an area in which the prisoner is directed to be; or

(b) the areas in which the prisoner is authorised to be,

without the permission of an employee of the Department.

**47.** A prisoner must not use equipment or machinery of the Department without the authorisation of an employee of the Department or of any other person who has lawful control over the use of the machinery or equipment.

**48.** A prisoner must not—

(a) intentionally; or

(b) with reckless indifference as to whether or not a task is mismanaged or improperly performed,

mismanage or improperly perform prison work or any other task assigned to the prisoner by an employee of the Department.

**49.** A prisoner must obey any rules made by the manager of the correctional institution in which the prisoner is imprisoned.

**50.** A prisoner must not behave in a disorderly manner or cause unreasonable disturbance or annoyance to another person.

#### **DIVISION 4—COMPLICITY**

**51.** A prisoner who aids, abets, counsels or procures the commission of an offence under this Part is liable to be dealt with as a principal offender.

## PART VI—ADMISSION OF PRISONERS

**53.** (1) New prisoners may only be admitted for detention to the following correctional institutions from Monday to Friday (except public holidays), between 9 am and 6 pm:

Adelaide Remand Centre  
Adelaide Women's Prison  
Cadell Training Centre  
Mount Gambier Prison  
Port Augusta Prison  
Port Lincoln Prison  
Yatala Labour Prison.

(2) However, the manager of a correctional institution may admit a new prisoner to the institution on some other day or at some other time if the manager thinks good reason exists for doing so.

**54.** Upon admission to a correctional institution a prisoner shall make a declaration in writing that specifies the personal property that he has with him or that is on or about his person.

**55.** When a prisoner is admitted to a correctional institution he shall be permitted by the manager to retain at the institution such personal property:

- (a) the total value of which does not exceed \$200; and
- (b) which is capable of being stored in a clothes protector and a locker area that measures 45 centimetres × 41 centimetres × 29 centimetres.

**56.** (1) Where upon admission to a correctional institution, a prisoner has with him, or on or about his person any personal property that is of a kind other than that referred to in regulation 55 of these regulations he must make arrangements to store it at a place other than a correctional institution and any costs incurred in storing such property shall be borne by the prisoner.

(2) Where a prisoner refuses to make arrangements to store property at a place other than the correctional institution as required by subregulation (1) of this regulation the manager may make such arrangements as are necessary to have the property stored at a place other than the correctional institution and may deduct any costs incurred in making such arrangements from any moneys held to the credit of the prisoner.

PART VII—PAROLE

**57.** A summons pursuant to section 63(1)(a) of the Act shall be in the form of Schedule 1.

**58.** A summons pursuant to section 63(1)(b) of the Act shall be in the form of Schedule 2.

**59.** (1) Where under Division 3 of Part 6 of the Act the Board or the Governor makes an order releasing a prisoner, the order must be put into writing in the form set out in schedule 3 and the Board must send a copy of the order to—

- (a) the prisoner who is to be released on parole; and
- (b) the Chief Executive Officer.

\* \* \* \* \*

(3) The manager of the correctional institution who receives a copy of an order pursuant to subregulation (1) of this regulation must return the copy of the order to the Board within a reasonable time of the prisoner being released on parole.

**60.** (1) An application made under section 67 of the Act by a prisoner for parole must be made in the form set out in schedule 4.

(2) The prisoner must serve a copy of the application on—

- (a) the Chief Executive Officer; and
- (b) the Board,

and may serve each copy by post.

(3) On receiving the prisoner's application for parole, the Chief Executive Officer must cause details of the prisoner in the form set out in schedule 6 to be served personally on the prisoner and to be served on the Board.

**61.** The Chief Executive Officer, or any employee of the Department authorised by the Chief Executive Officer, may apply under section 67 of the Act for a prisoner's release on parole in the form set out in schedule 5 and must cause details of the prisoner in the form set out in schedule 6 to be served personally on the prisoner and to be served on the Board.

**62.** Where a prisoner is released on parole a parole officer may give him one or more of the following directions:

- (a) to report to him on a regular basis;
- (b) to reside at a place specified by the parole officer;
- (c) to follow a particular course of employment;
- (d) to notify him of any change in his place of residence or place of employment within 48 hours of any such change occurring;

- (e) to obtain his written permission before he leaves the State;
- (f) not to possess a firearm;
- (g) to avoid having contact with a specified person;
- (h) to obey any condition ordered by the Board as a condition of his release on parole;
- (i) not to visit any specified place either generally or at a specified time;
- (j) not to have contact with any specified thing.

**63.** (1) An application by a person pursuant to section 71 of the Act for an order to vary or revoke any condition of his parole must:

- (a) be in writing;
- (b) be signed by the person making the application; and
- (c) contain a concise statement setting out the facts on which the person intends to rely in support of his application.

(2) The person making an application must serve the application upon the secretary to the Board and such service may be effected:

- (a) by post; or
- (b) by leaving the application at the office of the secretary to the Board.

**64.** (1) An application by a person pursuant to section 72 of the Act for an order discharging the person from parole must:

- (a) be in writing; and
- (b) contain a concise statement setting out the facts on which the person intends to rely in support of his application.

PART VIII—MEDICAL EXAMINATION OF PRISONERS

**65.** The Chief Executive Officer may, for the purpose of assessing prisoners under section 23 of the Act or for preventing or containing the spread of disease within correctional institutions, direct a prisoner to undergo specified medical examinations or tests.

PART IX  
URINALYSIS

**66.** Pursuant to paragraph (b) of the definition of "drug" in section 4 of the Act, the following substances, generally only supplied on prescription, are declared to be a drug for the purposes of the Act:

alprazolam  
bromazepam  
clobazam  
clonazepam  
chlorazepate  
chlordiazepoxide  
diazepam  
flurazepam  
flunitrazepam  
lorazepam  
midazolam  
oxazepam  
temazepam  
triazolam

amitriptyline  
clomipramine  
dothiepin  
doxepin  
imipramine  
nortriptyline  
trimipramine.

**67.** (1) The directions that can be given to a prisoner for the purpose of collecting and authenticating a specimen of his or her urine for analysis to detect the presence of a drug pursuant to section 37aa of the Act are as follows:

- (a) a direction to accompany an employee of the Department to a part of the correctional institution set aside for the purpose of collecting urine samples;
- (b) a direction to select a urine sample container from among those provided by the institution and remove its cap;
- (c) a direction to urinate, in the presence of two employees of the Department and in such a manner as will enable the employees of the Department to view the action, into the urine sample container so selected;
- (d) a direction not to tamper in any way with the urine sample or to substitute it with another prisoner's urine or with any other substance;
- (e) a direction to replace the cap on the container once the sample has been collected and place the container in a plastic bag provided by the institution;

(f) a direction to clean up, with the cleaning materials provided, any urine that may have been spilt during the collection process.

(2) A prisoner who has not, within two hours (or such longer period as the manager of the institution may in any particular case allow) of being directed to do so, provided a sample of his or her urine in accordance with the direction, will be taken to have failed to comply with the direction.

(3) A prisoner must not refuse or fail to comply with, or contravene, a direction given under this regulation.

(4) The maxima of the penalties that may be imposed pursuant to section 43 or 44 of the Act for a breach of this regulation are as follows:

*Section 43(2):*

- (a) forfeiture of a sum of money ..... \$75
- (b) forfeiture of amenities or privileges ..... 84 days
- (c) exclusion from work ..... 42 days

*Section 44(2):*

- (b) forfeiture of a sum of money ..... \$150
- (c) forfeiture of a sum of money ..... \$150
- (d) forfeiture of amenities or privileges ..... 6 months
- (e) exclusion from work ..... 84 days.

SCHEDULE 1

CORRECTIONAL SERVICES ACT, 1982

*Summons to Attend Before the Parole Board of South Australia*

To .....  
(Name in full)

of.....  
(Address)

The Parole Board of South Australia HEREBY REQUIRES you, the said .....  
..... to attend before the Board at .....  
..... in the State of South Australia on ..... the ..... day of 19 .....  
at the hour of .....o' clock in the .....noon.

FAILURE TO ATTEND IN OBEDIENCE TO THIS SUMMONS MAY RENDER YOU LIABLE TO A  
PENALTY NOT EXCEEDING TWO THOUSAND DOLLARS OR IMPRISONMENT FOR A TERM NOT  
EXCEEDING THREE MONTHS (SECTION 63 OF THE ABOVE ACT).

Dated the ..... day of ..... 19 .....

Signed.....  
Chairman of the Board/member of the Board

SCHEDULE 2

CORRECTIONAL SERVICES ACT, 1982

SUMMONS TO PRODUCE DOCUMENT(S) TO THE PAROLE BOARD OF SOUTH AUSTRALIA

To .....

(Name in full)

of.....

(Address)

The Parole Board of South Australia HEREBY REQUIRES you, the said .....  
.....to attend before the Board at.....  
.....in the State of South Australia on .....the..... day of  
..... 19 ..... then and there to produce the document(s) particulars of which are set forth  
below.

Particulars of document(s) to be produced

.....  
.....  
.....

Every document that is in your possession and power, and that is particularised above, must be produced  
in obedience to this summons. IF YOU FAIL TO OBEY THIS SUMMONS, YOU MAY RENDER YOURSELF  
LIABLE TO A PENALTY NOT EXCEEDING TWO THOUSAND DOLLARS, OR IMPRISONMENT FOR A  
TERM NOT EXCEEDING THREE MONTHS, (SECTION 63 OF THE ABOVE ACT).

Dated the ..... day of ..... 19 .....

Signed .....  
Chairman of the Board/member of the Board

**SCHEDULE 3**

*Order for Release on Parole*

*(Reg. 59)*

*Correctional Services Act 1982*

**ORDER FOR RELEASE ON PAROLE**

To.....

*(Full name of prisoner)*

Of .....

*(Address)*

who on ..... 19 ..... was convicted of .....

and sentenced to ..... with a non parole period of.....

The Board orders/I the Governor order that you be released on parole on ..... , that release to be subject to the following conditions:

- (a) that you not commit any offence; and
- (b) that you not possess an offensive weapon unless you have first obtained the permission of the Board to do so and comply with the terms of that permission; and
- (c) that you are under the supervision on a parole officer and that you obey the reasonable directions of the parole officer;
- (d) other conditions (if any).....

Dated ..... 19 .....

For and on behalf of the Board, ..... Presiding Member

..... Member of the Board

or

..... Governor

I .....

*(Full name of prisoner)*

confirm that I fully understand the conditions on which I am to be released on parole and I am prepared to accept those conditions.

Date .....

.....  
*(Prisoner)*

**SCHEDULE 4**

*Prisoner's Application for Release on Parole  
(Reg. 60)*

*Correctional Services Act 1982*

**APPLICATION FOR RELEASE ON PAROLE**

**TO THE PAROLE BOARD OF SOUTH AUSTRALIA AND TO THE CHIEF EXECUTIVE OFFICER OF THE DEPARTMENT FOR CORRECTIONAL SERVICES:**

1. I, .....  
*(Full name of applicant)*

of .....

apply under section 67 of the *Correctional Services Act 1982* for release on parole.

2. Attached to this application is a statement signed by me to assist the Parole Board in making a decision regarding my request for release.  
*(Statement to be signed and dated by the applicant and attached to this application).*

3. I require/do not require an interpreter in the ..... language.

Dated ..... 19 ....

Signed .....  
*(Applicant's signature)*

**SCHEDULE 5**

*Chief Executive Officer's Application for Release of a  
Prisoner on Parole  
(Reg. 61)*

*Correctional Services Act 1982*

**APPLICATION FOR RELEASE ON PAROLE**

TO THE PAROLE BOARD OF SOUTH AUSTRALIA:

1. I, the Chief Executive Officer/an employee of the Department authorised by the Chief Executive Officer apply for the release of:

.....  
*(Full name of prisoner to be released)*

of .....  
*(Institution)*

pursuant to section 67 of the *Correctional Services Act 1982*.

2. Attached to this application is a statement signed by me supporting this application.

Dated ..... 19 ....

Signed .....  
*(Applicant's signature)*

**SCHEDULE 6**

*Details of Prisoner in Relation to Application for Parole  
(regs. 60 and 61)*

*Correctional Services Act 1982*

**DETAILS OF PRISONER IN RELATION TO APPLICATION FOR PAROLE**

TO THE PAROLE BOARD OF SOUTH AUSTRALIA:

The following details relate to .....  
*(Full name of prisoner)*

who is applying for parole/in relation to whom an application for parole is being made by, or by an employee of the Department authorised by, the Chief Executive Officer.

ID No.: .....

Alias: ..... Date of birth:.....

Male/Female.

Total period of imprisonment: .....  
*(Head Sentence/s)*

Date and details of conviction: .....  
.....  
*(Attach separate sheet if space is insufficient)*

Non-parole period expiry date: .....

Deportation or extradition orders (if any): .....

Details of home detention (if any): .....

Details of previous parole (if any): .....  
*(Attach separate sheet if space is insufficient)*

Criminal history: .....  
.....  
*(Attach separate sheet if space is insufficient)*

The details of this application are certified to be correct.

Signed: .....  
*(Chief Executive Officer/Authorised Employee)*

**APPENDIX****LEGISLATIVE HISTORY**

Regulation 3:	varied by 33, 1988, reg. 2; 13, 1992, reg. 2
Regulation 4:	definition of "liquor" substituted by 125, 1994, reg. 3(a) definition of "officer" revoked by 125, 1994, reg. 3(b) definition of "prescription drug" inserted by 174, 1992, reg. 3(a); revoked by 125, 1994, reg. 3(b) definition of "sexual intercourse" substituted by 125, 1994, reg. 3(b) definition of "unauthorized substance" substituted by 174, 1992, reg. 3(b); revoked by 125, 1994, reg. 3(b)
Regulation 6:	varied by 125, 1994, reg. 4
Regulation 7:	substituted by 125, 1994, reg. 5
Regulation 7A:	inserted by 125, 1994, reg. 5
Regulation 8(1):	substituted by 125, 1994, reg. 6; varied by 104, 1995, reg. 3
Regulation 9:	varied by 125, 1994, reg. 7
Regulation 15(3):	varied by 125, 1994, reg. 8(a)
Regulation 15(5):	varied by 125, 1994, reg. 8(b)
Regulation 16(3):	varied by 125, 1994, reg. 9(a)
Regulation 16(5):	varied by 125, 1994, reg. 9(b)
Regulation 18(2):	substituted by 125, 1994, reg. 10
	Part V comprising regs. 20 - 52 and headings varied by 174, 1992, reg. 4, 5; revoked and regs. 20 - 51 and headings inserted in its place by 125, 1994, reg. 11
Regulation 24:	varied by 104, 1995, reg. 4
Regulation 33:	substituted by 104, 1995, reg. 5
Regulation 41A:	inserted by 207, 1995, reg. 3
Regulation 47:	varied by 104, 1995, reg. 6
Regulation 53:	substituted by 71, 1987, reg. 2; varied by 175, 1993, reg. 3; substituted by 242, 1996, reg. 3
Regulation 59(1):	substituted by 125, 1994, reg. 12(a)
Regulation 59(2):	revoked by 125, 1994, reg. 12(a)
Regulation 59(3):	varied by 125, 1994, reg. 12(b)
Regulations 60 and 61:	substituted by 125, 1994, reg. 13
	Part VIII comprising reg. 65 and heading inserted by 33, 1988, reg. 3
Regulation 65:	substituted by 125, 1994, reg. 14
	Part IX comprising regs. 66, 67 and heading inserted by 13, 1992, reg. 3
Regulation 67(1):	varied by 125, 1994, reg. 15(a), (b); 207, 1995, reg. 4(a)
Regulation 67(2):	varied by 125, 1994, reg. 15(c)-(e); 207, 1995, reg. 4(b)
Schedule 3:	varied by 15, 1987; substituted by 125, 1994 reg. 16
Schedules 4 and 5:	substituted by 125, 1994, reg. 16
Schedule 6:	inserted by 125, 1994, reg. 16