



ANNO TRICESIMO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1985

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No. 66 of 1985

An Act to amend the Correctional Services Act, 1982.

[Assented to 6 June 1985]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Correctional Services Act Amendment Act, 1985". Short title.

(2) The Correctional Services Act, 1982, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 21 of the principal Act is amended by inserting after subsection (2) the following subsection: Amendment of s. 21—

(3) The court by which a person is sentenced to imprisonment shall, except where it suspends the sentence—

(a) specify the day on which or the time at which the sentence is to commence, or is deemed to have commenced;

and

(b) if a non-parole period has been fixed by the court, specify the day on which or the time at which that non-parole period is to commence, or is deemed to have commenced.

Day on which sentence of imprisonment commences.

4. Section 31 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage "an allowance" the passage "at a rate";

and

(b) by inserting after subsection (5) the following subsection:

(6) The manager of a correctional institution may, upon the direction of the Permanent Head, deduct from any mon-

Amendment of s. 31—  
Allowances paid to prisoners.

eyes standing to the credit of a prisoner pursuant to this section any amount due and payable by the prisoner by way of repayment of a loan made to him by the Permanent Head.

Amendment of  
s. 33—  
Prisoners' mail.

**5. Section 33 of the principal Act is amended—**

(a) by inserting after subsection (7) the following subsection:

(7a) Nothing in this section empowers an authorized officer to open a declaration vote sent by a prisoner to a returning officer.;

and

(b) by striking out from paragraph (b) of subsection (11) the word "contained" and substituting the word "found".

Amendment of  
s. 39a—  
Delivery of  
property and  
money to  
prisoner on his  
release.

**6. Section 39a of the principal Act is amended by inserting after the passage "the Permanent Head shall" the passage ", as soon as reasonably practicable,".**

Amendment of  
s. 45—  
Procedure at  
inquiries under  
this Division.

**7. Section 45 of the principal Act is amended—**

(a) by striking out from subparagraph (i) of paragraph (a) the passage "ensure that the prisoner hears or views" and substituting the passage "afford the prisoner the opportunity of hearing or viewing";

(b) by striking out paragraph (b) and substituting the following paragraphs:

(b) if the prisoner refuses to attend at the hearing of the proceedings, the manager or Visiting Tribunal may hear and determine the proceedings *ex parte*;

(ba) the prisoner is not entitled to be represented in the proceedings by a legal practitioner.;

and

(c) by striking out from paragraph (d) the passage "(being a penalty of forfeiture of amenities or privileges, exclusion from work, or a term of imprisonment)" and substituting the passage "of forfeiture of amenities or privileges or exclusion from work".

Amendment of  
s. 80—  
Release of  
prisoners upon  
remission.

**8. Section 80 of the principal Act is amended by striking out paragraphs (a) and (b) of subsection (2) and substituting the following paragraphs:**

(a) a person returned to prison (whether before or after the commencement of this Act) upon cancellation of parole in consequence of being sentenced to imprisonment for an offence committed while on parole;

or

(b) a person returned to prison before the commencement of the Prisons Act Amendment Act (No. 2), 1983, upon cancellation of parole for breach of parole conditions.;

## SCHEDULE

The principal Act is further amended as follows:

Section 3—

Section 3 is repealed.

Section 10 (1)—

Strike out subsection (1) and substitute the following subsection:

(1) The Correctional Services Advisory Council established under the repealed Act shall continue in existence under this Act.

Section 29 (1)—

Strike out "inside" and substitute "within".

Section 32—

Strike out "superintendent" and substitute "manager".

Section 36 (4)—

Strike out "from the other prisoners".

Section 39 (1)—

Strike out "the hour of ten o'clock in the morning of" and substitute "10 a.m. on".

Section 43 (2) (a)—

Strike out "of sentence".

Section 44 (2) (b)—

Strike out "of sentence".

Section 63 (1) (a)—

Strike out "under the hand of" and substitute "signed on behalf of the Board by".

Section 63 (1) (b)—

Strike out "under the hand of" and substitute "signed on behalf of the Board by".

Section 63 (1) (d)—

After "person" insert "appearing".

Heading to Part VII—

Strike out "OF SENTENCE".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor