



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 36 of 1988

An Act to amend the Correctional Services Act, 1982.

[Assented to 28 April 1988]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Correctional Services Act Amendment Act, 1988*.
- (2) The *Correctional Services Act, 1982*, is in this Act referred to as "the principal Act".

Segregation

2. Section 36 of the principal Act is amended—
 - (a) by striking out subsections (3) and (4) and substituting the following subsections:
 - (3) Where the Permanent Head is satisfied—
 - (a) that a prisoner should be segregated from other prisoners in the interests of his or her safety or welfare;
 - (b) that a prisoner is likely to injure some other person or unduly harass another prisoner;
 - (c) that a prisoner is likely to attempt to escape from custody;
 or
 - (d) that a prisoner constitutes in some other way a threat to the security of the correctional institution or to good order and discipline within the institution,

the Permanent Head may direct that the prisoner be segregated from the other prisoners and detained in the part of the correctional institution designated for that purpose, for such period, not exceeding 14 days, as the Permanent Head thinks fit.

(4) Where the appropriate authority is of the opinion that the segregation and detention of a prisoner pursuant to subsection (3) should be extended, the authority may from time to time, with the approval of a Visiting Tribunal, direct that the prisoner be so segregated and detained for such further period, not exceeding two months, as the Visiting Tribunal may approve.;

and

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

(6) A direction given under this section—

(a) must be in writing;

and

(b) must specify the grounds on which it is given.

(7) A copy of a direction must be served personally on the prisoner to whom it relates within 24 hours of the direction being given.

(8) The Minister may establish in respect of any correctional institution a committee with the function of reviewing the segregation of prisoners within the institution.

(9) For the purposes of this section—

“appropriate authority” means—

(a) if the Minister has established in respect of the correctional institution a committee with the function of reviewing the segregation of prisoners—that committee;

(b) in any other case—the Permanent Head.

Powers of the Board

3. Section 63 of the principal Act is amended—

(a) by inserting in subsection (3) “of a prescribed class” after “and shall, if a prisoner”;

and

(b) by inserting after subsection (4) the following subsection:

(5) For the purposes of this section, a prisoner is of a prescribed class if the prisoner is serving—

(a) a sentence of life imprisonment;

(b) a sentence of indeterminate duration;

or

(c) a sentence of imprisonment for a term of more than one year in respect of which a non-parole period has not been fixed.

Apprehension, etc., of parolees

4. Section 76 of the principal Act is amended by inserting after subsection (2) the following subsection:

(2a) A warrant issued under subsection (1) or (2) authorizes the detention of the person in custody pending attendance before the Board.

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

D. B. DUNSTAN, Governor