



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 22 of 1987

An Act to amend the Correctional Services Act, 1982.

[Assented to 16 April 1987]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Correctional Services Act Amendment Act, 1987".

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

Repeal of s. 37
and substitution
of new section.

2. Section 37 of the principal Act is repealed and the following section is substituted:

Search of
prisoners.

37. (1) The manager of a correctional institution may cause a prisoner or a prisoner's belongings to be searched in either of the following cases:

- (a) where the prisoner enters the correctional institution or moves from one part of the institution to another;
- (b) where the manager has reasonable cause to suspect that the prisoner has possession of an item prohibited by the regulations.

(2) The following provisions apply to the search of a prisoner:

- (a) those present at any time during the search when the prisoner is naked, except a medical practitioner, must be of the same sex as the prisoner;
- (b) at least two persons, apart from the prisoner, must be present at all times during the search when the prisoner is naked;
- (c) for the purposes of the search, the prisoner may be required—
 - (i) to open his or her mouth;
 - (ii) to strip;
 - (iii) to adopt particular postures;

(iv) to do anything else reasonably necessary for the purposes of the search,

and if the prisoner does not comply with such a requirement reasonable force may be applied to secure compliance.

(3) Force must not be applied to open a prisoner's mouth except by or under the supervision of a medical practitioner.

(4) Nothing may be introduced into an orifice of a prisoner's body for the purposes of a search except by a medical practitioner.

(5) A search must be carried out expeditiously and undue humiliation of the prisoner must be avoided.

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

D. B. DUNSTAN, Governor