



**CORRECTIONAL SERVICES (PRISONERS' GOODS)
AMENDMENT ACT 1994**

No. 4 of 1994

SUMMARY OF PROVISIONS

1. **Short title**
2. **Amendment of s. 33—Prisoners' mail**
3. **Insertion of s. 33A**
 - 33A. **Prisoners' goods**



ANNO QUADRAGESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1994

No. 4 of 1994

An Act to amend the Correctional Services Act 1982.

[Assented to 31 March 1994]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Correctional Services (Prisoners' Goods) Amendment Act 1994*.

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

Amendment of s. 33—Prisoners' mail

2. Section 33 of the principal Act is amended—

- (a) by striking out from subsection (1) "or parcel";
- (b) by striking out from subsection (2) "or parcel" wherever it occurs;
- (c) by striking out from subsection (3) "or parcel";
- (d) by striking out subsection (4) and substituting the following subsection:

(4) A manager may cause all letters sent to or by a prisoner to be opened and examined by an authorised officer for the purpose of determining whether a letter contains a prohibited item or a sum of money.;

- (e) by striking out from subsection (9) "or parcel" wherever it occurs;
- (f) by striking out from subsection (9) "or examined";
- (g) by striking out from subsection (10) "or parcel" wherever it occurs;
- (h) by striking out from subsection (10) "or examined";
- (i) by striking out from subsection (11) "or parcel" wherever it occurs;

- (j) by striking out from subsection (11) "or examined";
- (k) by striking out from subsection (12) "or parcel" wherever it occurs.

Insertion of s. 33A

3. The following section is inserted after section 33 of the principal Act:

Prisoners' goods

33A. (1) A prisoner is not entitled to receive any goods from a person outside the prison unless the prisoner has the permission of the manager to do so.

(2) A prisoner is entitled to send or give any goods to a person outside the prison other than items prohibited by the regulations.

(3) The manager may cause all goods, and all parcels apparently containing goods, sent or given to a prisoner, or sent or given by a prisoner, to be examined.

(4) If goods sent or given to a prisoner consist of items prohibited by the regulations or are goods in respect of which permission is not given, the manager has an absolute discretion to deal with or dispose of the goods as he or she thinks fit (for example, by returning them to the sender or donor, selling, destroying or storing them, handing them over to a member of the prisoner's family).

(5) Goods sent or given by a prisoner must be forwarded or handed on to the recipient unless the goods are prohibited items or are to be kept as evidence of an offence.

(6) Goods that a person is prohibited by some other Act or law from possessing must be destroyed unless they are to be kept as evidence of an offence.

(7) The Minister may fix charges for the storage of goods on behalf of prisoners.

(8) Any costs incurred in dealing with or disposing of goods (including storage charges) may be deducted by the manager from any account (other than a resettlement account) held on behalf of the prisoner under this Act.

(9) If a prisoner fails, on being discharged from prison, to take any goods that have been stored in the prison on his or her behalf, the manager may deal with or dispose of the goods as the manager thinks fit.

(10) Any proceeds from the sale of goods under this section will (after deduction of the costs of storage and sale) be credited to the prisoner's account or, if the prisoner has been discharged and his or her whereabouts are known, refunded to the prisoner.

(11) Money not refunded under subsection (10) will be dealt with in accordance with the *Unclaimed Moneys Act 1891*.

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

ROMA MITCHELL Governor