

South Australia



STATUTES AMENDMENT (CORRECTIONAL SERVICES) ACT 1995

No. 21 of 1995

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Correctional Services Act 1982
4. Amendment of Statutes Amendment (Truth in Sentencing) Act 1994
5. Transitional provision



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 21 of 1995

An Act to amend the Correctional Services Act 1982 and the Statutes Amendment (Truth in Sentencing) Act 1994.

[Assented to 20 April 1995]

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Statutes Amendment (Correctional Services) Act 1995*.

Commencement

2. (1) This Act (except for section 4) will come into operation on assent.

(2) Section 4 of this Act will be taken to have come into operation on 1 August 1994.

Amendment of Correctional Services Act 1982

3. The *Correctional Services Act 1982* is amended as follows:

(a) section 37AA is amended by inserting after subsection (2) the following subsection:

(2a) An allegation in a complaint or information or other notice of charge for an offence (whether against this Act or any other Act) that a sample of urine was obtained from a specified prisoner on a specified day and that it was assigned a specified identifying number, is, in the absence of proof to the contrary, proof of the facts alleged and that those things were done in accordance with this Act.;

(b) section 68 is amended by striking out subsection (4) and substituting the following subsections:

(4) Notwithstanding any other provision of this Division, a prisoner must not be released on parole unless he or she has accepted in writing the conditions to which the parole will be subject.

(5) If a prisoner who is to be released under section 66 does not accept the conditions of parole, the Board—

- (a) must review the circumstances of the prisoner at intervals of not less than 3 months or more than 12; and
- (b) may, on such a review, if the prisoner will now accept the parole conditions, order the release of the prisoner on his or her written acceptance of those conditions.

(c) the following section is inserted after section 84:

Execution of warrants

85. An employee of the Department authorised by the Chief Executive Officer for the purpose may, on behalf of the Commissioner of Police, execute on a prisoner any warrant of a court or justice or other duly issued warrant.

Amendment of Statutes Amendment (Truth in Sentencing) Act 1994

4. The *Statutes Amendment (Truth in Sentencing) Act 1994* is amended—

- (a) by striking out from section 20 "A sentence" and substituting "Subject to subsection (2), a sentence";
- (b) by inserting in section 20 after its present contents (now to be designated subsection (1)) the following subsections:

(2) If a prisoner or youth becomes liable to serve the unexpired balance of a term of imprisonment imposed before the commencement of this Act, no reduction of that balance is to be made under this section.

(3) In subsection (1), the "maximum number of days of remission", in relation to a sentence of imprisonment (including a suspended sentence) in respect of which a non-parole period has been fixed, means the maximum number of days of remission that the prisoner or youth could have earned in respect of that non-parole period assuming that he or she was released in accordance with section 66(1) of the *Correctional Services Act 1982* (as in force before the commencement of this Act), whether or not he or she is in fact released at the end of the non-parole period (as reduced under this section).

Transitional provision

5. Nothing in section 4 of this Act affects a decision or order of a court or the Parole Board made before the commencement of this Act.

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

ROMA MITCHELL Governor