



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 52 of 1991

An Act to amend the Correctional Services Act 1982.

[Assented to 28 November 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Correctional Services (Drug Testing) Amendment Act 1991*.
- (2) The *Correctional Services Act 1982* is referred to in this Act as “the principal Act”.

Commencement

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

Interpretation

3. Section 4 of the principal Act is amended by inserting after the definition of “designated condition” the following definition:

“drug” means—

(a) a drug of dependence or prohibited substance, as defined in the *Controlled Substances Act 1984*;

or

(b) a substance, generally supplied on prescription only, declared by the regulations to be a drug for the purposes of this Act.

Search of prisoners

4. Section 37 of the principal Act is amended—
 - (a) by striking out from subsection (1) “either” and substituting “any”;
 - and
 - (b) by inserting after paragraph (b) in subsection (1) the following paragraph:
 - (c) where the prisoner is required pursuant to this Act to provide a specimen of his or her urine for analysis.

Insertion of s. 37aa

5. The following section is inserted in Division VI of Part IV of the principal Act after section 37:

Drug testing of prisoners

37aa. (1) The manager of a correctional institution may require a prisoner to provide a specimen of his or her urine for analysis in the following circumstances:

- (a) where the manager suspects that the prisoner has unlawfully used a drug;
- (b) where the manager, for the purpose of ascertaining the incidence of unlawful drug use in the correctional institution—
 - (i) has caused the random selection of prisoners from the whole, or any part, of the institution for urine testing;
 - or
 - (ii) proposes that all prisoners within the institution, or a part of the institution, be so tested.

(2) For the purposes of this Act, a prisoner uses a drug if he or she smokes or consumes the drug or administers the drug to himself or herself, or permits another person to administer the drug to him or her.

(3) In any legal proceedings, an apparently genuine certificate purporting to be signed by an analyst and certifying that a specified drug was found to be present in a specified sample of urine is, in the absence of proof to the contrary, proof of the matters so certified.

Regulations

6. Section 89 of the principal Act is amended by inserting after paragraph (e) in subsection (2) the following paragraph:

- (ea) regulating the collection of urine specimens from prisoners for the purposes of analysis and, without limiting the generality of this paragraph—
 - (i) prescribing the directions that can be given to a prisoner for the purpose of collecting and authenticating a urine specimen;
 - (ii) prescribing higher maxima for the penalties prescribed by sections 43 and 44 where a prisoner breaches regulations under this paragraph, provided that those higher maxima do not exceed by more than three times the maxima prescribed in those sections;

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

ROMA MITCHELL Governor