

CORRECTIONAL SERVICES AMENDMENT BILL

CLAUSE 1

1. On p.2, from line 15 to 18, to omit the definition of "Area Commissioner".
2. On p.3 in line 34, the words "impairment" and "prevents" are wrongly spelt.
3. On p.3, in line 36, the words "and includes" to be omitted and the definition should end after "without such an impairment". It will also mean that the list in the principal Act should be deleted.
4. On p.3, in line 39, after "[Prison]", to insert "the".
5. On p.4, from line 8 to 10, to omit the definition of "Regional Commissioner".
6. On p.4, in line 13, the word "offenders" to read "offender" i.e. - not plural.

CLAUSE 4

7. On p.4, in line 34, the words "inmate" and "prisoner" should be bolded. Also to cater for the use in the plural (section 4(2)(c)).

CLAUSE 5

8. On p.4, in line 38, the words "inmate" and "prisoner" should be bolded. Also has to cater for the use in the plural in section 5(1)(a), (b) and (c).
9. In section (5)(2)(b) of the principal Act, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate".

CLAUSE 6

10. On p.4, in line 42, the words "inmate" and "prisoner" should be bolded. Also has to cater for the use in the plural in section 6(4)(a).
11. In sections 6(3); 6(4),(a),(b) and (c) of the principal Act, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate".

CLAUSE 7

12. On p.5, in line 11, before 'Commissioner' to insert "National".
13. On p.5, in line 13, before 'Commissioner' to insert "National".

CLAUSE 8

14. On p.5, in line 20, clause 8, the words "inmate" and "prisoner" should be bolded. Also has to cater for the use in the plural in section 8(2).
15. In section 8(4) of the principal Act, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate".

CLAUSE 12

16. On p.5, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" - section 12(4)(c) of the principal Act.

CLAUSE 13

17. On p.5, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 13(4) & (5); 13(6)(a).(b),(c)(i) and (c)(iii) of the principal Act.
18. On p.6, in line 1, the words "the inmates", to be substituted with "such offenders".
19. On p.6, in line 1, after "the inmates", the word "in" to be substituted with "into".
20. On p.6, in line 7, the words "inmate" and "prisoner" should be bolded – section 13(b).

CLAUSE 14

21. In section 14(1) and 14(2) of the principal Act, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate".
22. On p.6, in line 10, the words "inmate" and "prisoner" should be bolded. Also has to cater for the use in the plural in section 14(3) of the principal Act.

CLAUSE 15

23. On p.6, in line 13, the words "inmate" and "prisoner" should be bolded.
24. In section 15(1) of the principal Act, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate".

CLAUSE 17

25. On p.6, in line 44, after "[Prison]", to insert "the".

CLAUSE 18

26. On p.7, in line 2, the words "inmate" and "prisoner" should be bolded.

CLAUSE 19

27. On p.7, in line 5, the words "inmate" and "inmates" should be bolded.
28. On p.7, in line 6, the words "prisoner" and "prisoners" should be bolded and be put in brackets.

CLAUSE 21

29. On p.7, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 21(3) of the principal Act.
30. It is noticed that in section 21 on "**Complaints and requests**" in the principal Act, subsections (3),(4) and (5) still retains the words "Area Manager" whilst it was substituted by "National Commissioner" in other sections. It is therefore recommended that even in these

sections the word "Area Commissioner" should be substituted for "National Commissioner".

CLAUSE 22

31. On p.7, clause 22 the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" - section 22(2) of the principal Act.

CLAUSE 23

32. On p.7, section 23 the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 23(1) and (2) of the principal Act.

CLAUSE 24

33. On p.7, section 24 the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 24(4) of the principal Act.
34. On p.7, in line 43, after "[Prison]", to insert "the".
35. On p.8, from line 5, after "[solitary confinement]", to omit "detention in a single cell" and substitute "a penalty contemplated in subsection 5(d)".

CLAUSE 26

36. On p.8, in section 26(1) of the principal Act, the word "[prisoners]" should be substituted with "inmates" – in other words to be in the plural.
37. On p.8, in section 26(2)(a) of the principal Act, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate".
38. On p.8, in section 26(3) of the principal Act, the word "prisoners" should be substituted with "inmates" – in other words to be in the plural.

CLAUSE 27

39. On p.8, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – sections 27(1), (2)(d)&(e) and (3) of the principal Act.

CLAUSE 28

40. On p.8, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 28(1) & (3) of the principal Act.

CLAUSE 30

41. On p.8, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – sections 30(1)(a),(d) & (e); 30(2)(a) and 30(7) of the principal Act.

CLAUSE 31

42. On p.9, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – sections 31(1) and (5) of the principal Act.

CLAUSE 32

43. On p.9, in line 28, after "use", the word "minimum" to be underlined.

CLAUSE 35

44. On p.10, in line 13, after "every" to remove "[and unbold the word "**sentenced**" and put in the "[before "**prisoner**". In other words to read "sentenced offender".
45. On p.10, in line15, after "furnish" to insert "sentenced".
46. On p. 10, in line 23, to omit "inmates" and substitute "sentenced offenders".
47. On p.10, in line 24, after "programmes" to insert "for sentenced offenders".
48. On p.10, in line 28, to omit "inmates" and substitute "sentenced offenders".

CLAUSE 36

49. On p.10, in line 36, after "[prisoner] to omit "sentenced".

CLAUSE 37

50. On p.10, it is observed in section 37(4) of the principal Act that the words "sentenced prisoners" will be substituted in terms of the umbrella provision in clause 97 by "sentenced offenders". However, clause 97 does not cater for the substitution of the word "prisoner" in the same subsection. In other amendments the word "such offenders" or "such an offender" would be used. It is therefore recommended that the same be followed here. Therefore in section 37(4) the word "prisoner" will be substituted by "such an offender".
51. On p.11, in section 39(2)(b) and 39(3) of the principal Act, it is observed that the word "prisoner" is used – which is not catered for in clause 97. Therefore the two subsections should be specifically amended to reflect "sentenced offender".
52. It is observed that section 39(5)((d),(e)&(f) contain the word "parolee" which is not defined in the principal Act. In order to be consistent with the rest of the Act the word should be substituted by "a person under community corrections".

CLAUSE 38

53. On p. 11, in line 19, the word "sentencedoffenders" to be separated and to read "sentenced" and "offenders".
54. On p.11, in line 20, the word "offender" to read "offenders". In other words the word should be in the plural.
55. On p.11, in line 20, to omit "an" and substitute "such".
56. On p.11, in line 21, after "providing" to omit "the" and substitute "such".
57. On p.11, in line 22, the word "offender" to read "offenders". In other words the word should be in the plural.

CLAUSE 39

58. On p.12, in line 4, after "children", to delete "may" and substitute with "may". Therefore, "may" to be in bold and in brackets, **[may]**, and to insert "must" to be underlined, must.

CLAUSE 40

59. On p.12, in line 31, after "each" to remove "[and unbold the word "sentenced" and put in the "[before "prisoner]". In other words to read "sentenced offender".
60. On p.12, in line 32, to omit "sentenced" and substitute "such".
61. On p.12, in line 35, to omit "twelve months" and substitute "**[twelve months]**".
62. On p. 12, in line 35, after "**[twelve months]**" to insert "24 months".
63. On p.12, in line 36, after "**[prisoner]** to omit "sentenced".
64. On p.12, in line 48, after "**[prisoner]** to omit "sentenced".
65. On p.12, in line 51, after "**[prisoner]** to omit "sentenced".
66. On p.12, in line 57, after "that" to omit "the".
67. On p.12, in line 58, before "offender" to omit "sentenced" and substitute "such an".
68. On p.13, in line 1, to omit "the" and substitute "such an".
69. On p.13, in line 1, after "**[prisoner]** to omit "sentenced".
70. On p.13, in line 3, to omit "the" and substitute "such an".
71. On p.13, in line 4, before "offender" to omit "sentenced".
72. On p.13, in line 9, after "**[prisoner's]** to omit "sentenced" and substitute "an".
73. On p.13, in line 13, after "**[prisoner's]** to omit "sentenced" and substitute "an".
74. On p.13, in line 25, to omit "Commission" and substitute "Commissioner". That is to correct the spelling.

CLAUSE 41

75. On p.13, in line 39, after **[prisoner]** to omit "a sentenced" and substitute "an".
76. On p.13, in line 40, after "until", to omit "the" and substitute "such".
77. On p.13, in line 40, after "**[prisoner]**" to omit "sentenced" and substitute "an".
78. On p.13, in line 43, before "Correctional Centre" to insert "the".
79. On p.13, clause 41 deals with section 43. In section 43(4) of the principal Act it is observed that reference is made to the Department of Welfare. The name of this Department has since changed to the Department of Social Development. It is therefore recommended that an amendment be made to this section to substitute the "Department of Welfare" with the "Department of Social Development".

80. In the same subsection, 43(4), the words "a sentenced child" are used. It is recommended that this should be with the rest of the Bill and to read "a sentenced offender who is a child".

CLAUSE 42

81. On p.13, in terms of clause 42(b) – section 44(2)(b) will be amended to reflect "sentenced offender" twice, whilst in the second instance it should read 'such an offender'. In other words the section should read "In that event the National Commissioner must inform the **[prisoner]** sentenced offender concerned and if such **[prisoner]** an offender is outside the ..."

CLAUSE 43

82. On p.14, in line 7, after "Where" to remove "[and unbold "a" and put "[" before "**prisoner**" and omit "a".
83. On p.14, in line 13, after "of" to remove "[and unbold "a" and put "[" before "**prisoner**" and omit "a".
84. On p.14, in line 14, before "**[prisoner]**" to omit "the" and substitute "such an".

CLAUSE 44

85. On p.14, in line 21, after "**[prisoner]**" to omit "correctional centre clothes" and substitute "prescribed sentenced offenders dress".

CLAUSE 48

86. On p.15, in line 24, the word "sentenced offender" to be bolded.

CLAUSE 51

87. On p.15, in line 47, after "medical", to omit "officer" and substitute "practitioner".
88. It is noticed that in section 72 on "**Complaints and requests**" in the principal Act, subsections (4) still retains the words "Area Manager" whilst it was substituted by "National Commissioner" in other sections. It is therefore recommended that even in these sections the word "**Area Commissioner**" should be substituted for "**National Commissioner**".

CLAUSE 55

89. On p.16, in line 36, to remove "[and unbold "a sentenced" and put "[" before "**prisoner**" and omit "a sentenced".
90. On p.16, in line 38, to remove "[and unbold "a" and put "[" before "**prisoner**" and omit "a".
91. On p.16, in line 47, after "sentenced" to insert "offender".
92. On p.16, in line 51, to remove "[and unbold "a" and put "[" before "**prisoner**" and omit "a".
93. On p.17, in line 7, after "offender", to insert "i."
94. On p17, from line 8 to line 11, after "Minister", to omit from the word "after" to "section 73A."

In other words it is going to read as follows, "in the case of a sentenced offender, sentenced to life incarceration, on a date to be determined by the Minister." This is so because the intention with clause 55 (b) is to indicate the entity that has the mandate to determine the parole date. That is why even (i) only refers to the entity without referring the incarceration framework. The reference to the minimum periods of incarceration is contained in clause 55(c).

95. On p.17, in line 14, to remove "[and unbold "a" and put "[before "prisoner" and omit "a".
96. On p.17, in line 16, after "[prisoner]" to omit "sentenced" and substitute "an".
97. On p.17, from line 20, after "Council", to omit from the words "after" to the word "Minister" in line 22 and to substitute "as contemplated in section 73A". Therefore the clause will read as follows, "the period determined by the National Council as contemplated in section 73A."
98. All subsequent clauses from line 29 to read likewise.

CLAUSE 56

99. On p.18, in line 43, to insert "sentenced" before "offenders".
100. On p.18, in line 43, to insert "sentenced" before "offenders".

CLAUSE 58

101. On p.19, in line 30, after "on", to omit "the" and substitute "such an".
102. On p.19, in line 30, after "[prisoner]" to omit "sentenced".
103. On p.19, in line 51, to remove "[and unbold "a" and put "[before "prisoner" and omit "a".
104. On p.19, clause 58, in terms of clause 58(g) – section 75(5) will be amended to reflect "sentenced offender" twice, whilst in the second instance it should read "such an offender". In other words the second "prisoner" should be substituted with "such an offender".

CLAUSE 61

105. On p.20, from line 22, after "incarceration," to remove the "[and unbold "the" and put "[before "court" and omit "the".
106. On p.20, from line 27, after "[it]", to omit "the Minister" and substitute "he or she".
107. On p.20, in line 24, after "day parole" to omit "or" and substitute "and".

CLAUSE 62

108. On p.20, from line 46, after "condition," to omit the sentence from "and" until "future" in line 48. (That's how it was agreed with and adopted by the Portfolio Committee".

CLAUSE 63

109. On p.21, in line 5, to remove "[and unbold "a" and put "[before "prisoner" and omit "a".
110. On p.21, in line 6, after "[a prisoner] a", to omit "sentenced offender" and substitute "person".

CLAUSE 64

111. On p.21, in line 20, after "or", to insert "a".
112. On p.21, in line 21, to omit "sentenced" and substitute "such".
113. On p.21, it is observed in section 81(4) of the principal Act that the words "unsentenced prisoners" will be substituted in terms of the umbrella provision in clause 97 by "unsentenced offenders". However, clause 97 does not cater for the substitution of the word "prisoner" in the same subsection. In other amendments the word "such offenders" or "such an offender" would be used. It is therefore recommended that the same be followed here. Therefore in section 81(4) the word "prisoner" will be substituted by "such an offender or group of such offenders".

CLAUSE 65

114. On p.21, in line 33, after "[**a prisoner**]" to omit "sentenced".
115. On p.21, – section 82(b) of the principal Act, the word "prisoner's" should be substituted by "sentenced offender's".
116. On p.21, section 82(2) in the principal Act, after the word "reprieve" to insert "sentenced".
117. On p.21, from line 33, after "of" to remove "[and unbold **a**" and put "[before "**prisoner**" and omit "a".
118. On p.21, from line 35, after "of" to remove "[and unbold **a**" and put "[before "**prisoner**" and omit "a".

CLAUSE 66

119. On p.21 to omit line 43.
120. On p.21, after "Services", to omit "." and substitute "; and".
121. On p.21, after line 48, to insert "(ii) two or more not in the full-time service of the State".

CLAUSE 68

122. On p.22, in line 13, after "[**prisoners**]", to omit "offenders" and substitute "inmates".

CLAUSE 70

123. On p.22, in line 27, after "Commissioner", to omit "of the Department".

CLAUSE 71

124. On p.22, from line 45, after "assistants" to omit "and" and substitute "and when".
125. On p.22, from line 46, to omit "may be".
126. On p.22, from line 46, to omit "from time to time".
127. On p.22, from line 46 to line 47, after "assist", to omit "the Inspecting Judge" and substitute "him or her".

CLAUSE 73

128. On p.23, from line 22, to omit "Inspector-General" and substitute "Inspecting Judge".

CLAUSE 80

129. On p.25, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 99(5) of the principal Act.

CLAUSE 81

130. On p.25, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 101(4)(a) of the principal Act.

CLAUSE 83

131. On p.26,– section 106 of the principal Act. The Bill only addresses the substitution of "sentenced offender" for "prisoner" or "prisoners". In section 106(2)(c) of the principal Act refers to a "prisoner being detained in a single cell". The words "single cell" should be omitted and substituted with "segregation". In other words it is going to read "**[prisoner]** sentenced offender detained in segregation".

CLAUSE

132. In section 113(e) of the principal Act is not dealt with in the Bill. It contains the word "prisoner" for which no provision is made in the umbrella provision in clause 97. The word "prisoner" in this section should be amended to read "an inmate".

CLAUSE 84

133. On p.26, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 115(b) & (c) of the principal Act.

CLAUSE 85

134. On p.26, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 116.

CLAUSE 87

135. On p.26, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 118(2)(b) of the principal Act.

CLAUSE

136. In section 122 of the principal Act the word "prisoner" or "prisoners" should be substituted for "an inmate" or "inmates" in sections 122(b)&(c) - as it is not provided for in the umbrella clause 97.

CLAUSE 91

137. On p.26, the substitution of "prisoner" by "inmate" must have the prefix "an". In other words it should be "an inmate" – section 123(2)(a) and 123(7) of the principal Act.

143. On p.28, in lines 51 and 52, to be omitted.

CLAUSE 92