

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
CORRECTIONAL SERVICES
BILL**

[B 65—98]

(As agreed to by the Portfolio Committee on Correctional Services (National Assembly))

[B 65A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WETSONTWERP OP
KORREKTIEWE DIENSTE**

[W 65—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Korrektiewe Dienste (Nasionale Vergadering))

[W 65A—98]

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AMENDMENTS AGREED TO

CORRECTIONAL SERVICES BILL
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1. On page 4, in line 12, after “Clothing” to insert “and bedding”.
2. On page 4, in line 16, after “Religion” to insert “, belief and opinion”.
3. On page 4, in line 50, to omit “Development and Support Committee” and to substitute “Case Management Committee”.

CLAUSE 1

1. On page 10, after line 49, to insert:

“Case Management Committee” means a committee established under section 42;
2. On page 12, line 32, to omit “Development and Support Committee” means a committee established under section 42;
3. On page 14, in line 36, to omit “11” and to substitute “110”.
4. On page 16, after line 9, to insert:

“senior correctional official” means a correctional official on or above post level of correctional official;

CLAUSE 3

1. On page 16, in lines 44 to 47, to omit subsection (5).

CLAUSE 4

1. On page 18, in lines 26 and 27, to omit “and may not be” and to substitute “or”.

CLAUSE 6

1. On page 20, in line 12, after “(Act No. 63 of 1977)” to insert:

, if in the opinion of the medical officer it is necessary

CLAUSE 7

1. On page 20, in line 26, to omit “subsection (2)(a)” and to substitute “subsection (2)(a) to (c)”.

CLAUSE 8

1. On page 20, in line 32, after “with” to insert:
an adequate diet to promote good health,
2. On page 20, in line 33, to omit “a diet”.
3. On page 20, in line 38, after “prisoner” to insert:
and the intervals at which the food is served,
4. On page 20, in line 40, to omit “reasonable intervals” and to substitute:
intervals of not less than four and a half hours and not more than 14 hours between the evening meal and breakfast during each 24-hour period

CLAUSE 10

1. On page 20, in line 46, after “Clothing” to insert “and bedding”.
2. On page 20, in line 47, after “clothing” to insert “and bedding”.
3. On page 20, in line 47, after “10” to insert “(1)”.
4. On page 20, in line 48, after “conditions” to omit “, except where this Act allows a prisoner to retain or acquire appropriate clothing”.
5. On page 20, after line 49, to add:
(2) Despite the provisions of subsection (1), unsentenced prisoners may be allowed to retain or acquire appropriate clothing or bedding.

CLAUSE 12

1. On page 22, in line 7, after “services” to insert:
, based on the principles of primary health care,
2. On page 22, in line 8, to omit “No prisoner is entitled to cosmetic medical treatment at State expenses” and to substitute:
Every prisoner has the right to adequate medical treatment but no prisoner is entitled to cosmetic medical treatment at State expense
3. On page 22, in line 9, to omit “Any”.
4. On page 22, in line 9, after “or” to omit “by a”.
5. On page 22, in line 9, after “officer” to insert:
, medical practitioners or by a specialist or health care institution

6. On page 22, in lines 9 and 10, after “officer” to insert:

except where the medical treatment is provided by a medical practitioner in terms of subsection (3)
7. On page 22, in line 11, after “visited” to insert “and examined” and after “consultation,” in line 13 to insert “examination,”.
8. On page 22, in line 18, to omit “prior”.
9. On page 22, in line 19, to omit “danger” and to substitute “threat”.
10. On page 22, in line 20, to omit “Any surgical intervention shall not” and to substitute:

Except as provided in paragraph (d), no surgery may
11. On page 22, in line 21, to omit “written” and to substitute “informed”.
12. On page 22, in line 21, to omit “without” and to substitute “with”.
13. On page 22, in line 22, to omit all the words after “guardian” up to and including “may be” in line 25.
14. On page 22, after line 25, to add:

(d) Consent to surgery is not required if, in the opinion of the medical practitioner who is treating the prisoner, the intervention is in the interests of the prisoner’s health and the prisoner is unable to give such consent, or, in the case of a minor, if it is not possible or practical to delay it in order to obtain the consent of his or her legal guardian.

CLAUSE 13

1. On page 22, after line 33, to add:

(4) If a prisoner is not able to receive visits from his or her spouse, partner or next of kin, the prisoner is entitled to be visited by any other person each month.
2. On page 24, after line 3, to add:

(d) If requested by the spouse, partner or next of kin, the Commissioner must as soon as practicable, with the written consent of the prisoner, give particulars of the place where the prisoner is detained.

CLAUSE 14

1. On page 24, in line 4, after “Religion” to insert “, belief and opinion”.
2. On page 24, in line 5, after “of” to insert “conscience,” and after “religion” to insert “, thought, belief and opinion”.

CLAUSE 21

1. On page 26, after line 23, to add:

- (c) if the complaint concerns an alleged assault, ensure that the prisoner undergoes an immediate medical examination and receives the prescribed treatment.

CLAUSE 23

1. On page 26, in line 45, after “to” to insert “legitimate”.

CLAUSE 25

1. On page 30, in line 5, after “days” to insert:

, after considering the record of the proceedings and a report from a registered nurse, psychologist or the medical officer on the health status of the prisoner concerned,
2. On page 30, in line 9, to omit “six” and to substitute “four”.
3. On page 30, in line 10, after “and” to insert:

his or her health assessed once a day by
4. On page 30, in line 12, after “the” to insert “registered nurse, psychologist or”.
5. On page 30, in line 13, to omit “danger” and to substitute “threat”.

CLAUSE 26

1. On page 30, in line 19, after “the” to insert “safe”.

CLAUSE 27

1. On page 30, in line 32, to omit all the words from “Upon” up to and including “prisoner” in line 35 and to substitute:

The person of a prisoner may be searched by a manual search, or search by technical means, of the clothed body.
2. On page 30, after line 35, to insert:

(2) Upon reasonable grounds, the person of a prisoner may be searched in the following ways:

CLAUSE 30

1. On page 32, in line 46, to omit “medical officer, psychologist or registered nurse” and to substitute “registered nurse, psychologist or medical officer”.
2. On page 32, in line 47, to omit “medical officer or psychologist” and to substitute “registered nurse, psychologist or medical officer”.
3. On page 34, in line 16, to omit “appeal against the decision” and to substitute “refer the matter”.

CLAUSE 32

1. On page 34, in line 48, after “If” to insert:
 , after a correctional official has tried to obtain authorization,
2. On page 36, after line 3, to add:
 (5) If force was used, the prisoner concerned must undergo an immediate medical examination and receive the prescribed treatment.

CLAUSE 34

1. On page 36, in lines 21 and 22, to omit “the legal requirements of self-defence are present or when”.

CLAUSE 35

1. On page 36, in line 29, after “the” to insert “training,”.

CLAUSE 42

1. On page 42, in line 1, to omit “**Development and Support Committee**” and to substitute “**Case Management Committee**”.
2. On page 42, in line 2, to omit “Development and Support Committee” and to substitute “Case Management Committee”.
3. On page 42, in line 4, to omit “Development and Support Committee” and to substitute “Case Management Committee”.
4. On page 42, in line 44, to omit “Development and Support Committee” and to substitute “Case Management Committee”.

CLAUSE 43

1. On page 42, in line 53, to omit “medical officer or registered nurse” and to substitute “registered nurse or medical officer”.

CLAUSE 45

1. On page 44, in line 24, to omit “prepare” and to substitute “be prepared”.

CLAUSE 46

Clause rejected.

CLAUSE 55

1. On page 48, in line 43, to omit “on time”.

CLAUSE 59

1. On page 50, in line 48, after “persons” to insert “from the community”.

CLAUSE 76

1. On page 62, in line 13, to omit “Development and Support Committee” and to substitute “Case Management Committee”.
2. On page 64, in line 7, to omit “Development and Support Committee” and to substitute “Case Management Committee”.

CLAUSE 85

1. On page 68, after line 44, to add:

(3) The National Council must fulfil the functions and duties ascribed to the National Advisory Council by section 65(5) of the Correctional Services Act, 1959 (Act No. 8 of 1959), relating to prisoners serving life sentences and still to be considered for parole in terms of the said Act.

CLAUSE 88

1. On page 70, in lines 23 and 24, to omit “legally qualified person or persons with a penological background” and to substitute “person or persons with a legal, medical or penological background”.
2. On page 70, in line 31, after “Judge” to insert “after consultation with the Commissioner and”.

CLAUSE 91

1. On page 72, in line 9, omit “or”.
2. On page 72, in line 10, after “Visitor” to insert:

and may of his or her own volition deal with any complaint

CLAUSE 93

1. On page 72, in line 37, to omit “may” and to insert “must as soon as practicable”.

CLAUSE 94

1. On page 74, in line 14, after “urgency” to insert:

or in the absence of such a committee

CLAUSE 95

1. On page 74, in lines 29 to 31, to omit “The Inspecting Judge may establish a Visitors’ Committee for each management area consisting of the Independent Prison Visitors appointed to prisons in that area” and to substitute:

Where appropriate, the Inspecting Judge may establish a Visitors' Committee for a particular area consisting of the Independent Prison Visitors appointed to prisons in that area.

CLAUSE 97

1. On page 76, after line 47, to add:

(5) The retirement age of correctional officials contained in the Correctional Services Act, 1959 (Act No. 8 of 1959), remains in force unless amended in the Bargaining Council for the Department of Correctional Services in terms of the Labour Relations Act.

CLAUSE 102

1. On page 78, in line 38, to omit "28" and to substitute "27".

CLAUSE 107

1. On page 82, in line 30, to omit paragraph (c).

CLAUSE 113

1. On page 84, in line 41, after "Commissioner" to insert "in consultation with the Minister".

CLAUSE 124

1. On page 92, after line 39, to insert:

"(3) Any person who is not satisfied with the decision of the Commissioner may within 10 days after the decision was taken, refer the matter to the Inspecting Judge. The Inspecting Judge must confirm or set aside the decision.

CLAUSE 133

1. On page 96, in line 42, to omit "facilities" and to substitute "canteens".
2. On page 96, in line 44, to omit "Facilities" and to substitute "Canteens".
3. On page 96, in line 48, to omit ", tax, duty" and to omit "other than customs or excise duties or value-added tax".
4. On page 96, in line 50, to omit "facility" and to substitute "canteen".
5. On page 98, in line 2, to omit "facility" and to substitute "canteen".
6. On page 98, in line 4, to omit "facility" and to substitute "canteen".

7. On page 98, in line 10, to omit “facility” and to substitute “canteen”.
8. On page 98, in line 12, to omit “facility” and to substitute “canteen”.

CLAUSE 134

1. On page 98, in line 35, after “clothing” to insert “and bedding”.
2. On page 100, in line 15, to omit “Development and Support Committees” and to substitute “Case Management Committees”.
3. On page 100, after line 42, to insert:
 - (5) The Minister must refer proposed regulations to the Portfolio Committee on Correctional Services.

