

JU301*

Prisons Act 1981

Prisons Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Prisons Amendment Regulations 2003*.

2. Commencement

These regulations come into operation on the day on which section 7 of the *Prisons Amendment Act 2003* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Prisons Regulations 1982**.

[* Reprinted as at 9 March 2001.

For amendments to 28 October 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 297, and Gazette 30 June 2003.*]

4. Regulations 54B and 54BA inserted

After regulation 54A the following regulations are inserted —

“

54B. Circumstances in which and periods for which persons may be banned from prison visits

- (1) This regulation applies to a person who wishes to visit or have access to and speak to a prisoner under section 59, 64 or 65 of the Act.
- (2) A circumstance listed in column 1 of the Table to this regulation is prescribed under section 66(3) of the Act as a circumstance in which a person may be banned by the chief executive officer from visiting a specified prison.
- (3) A period listed in column 2 of the Table to this regulation opposite a circumstance listed in column 1 of that Table is prescribed under section 66(5) of the Act as the maximum period that a person may be banned in that circumstance.

Table

Column 1	Column 2
Circumstances in which a person may be banned from visiting a prison	Maximum period for which a person may be banned from visiting a prison
The person is a serious security risk to a prison or the prison system.	12 months
The person has attempted to take a weapon into a prison.	12 months
The person has attempted to take an unauthorised item other than a weapon into a prison.	6 months
The person has threatened or assaulted a contractor, medical officer, officer, prison officer or subcontractor while that person was carrying out functions under the Act.	12 months
The person has threatened to harm or has harmed a dog used to search visitors to prisoners or prisons.	6 months

Column 1	Column 2
Circumstances in which a person may be banned from visiting a prison	Maximum period for which a person may be banned from visiting a prison
The person has coerced or attempted to coerce a visitor to a prisoner to contravene section 50(1) of the Act.	12 months
The person is the subject of a charge relating to or has been convicted of an offence under the following provisions —	
<i>Court Security and Custodial Services Act 1999</i> section 90 or 91	12 months
<i>Court Security and Custodial Services Act 1999</i> section 92	6 months
<i>Prisons Act 1981</i> section 49(6)	3 months
<i>Prisons Act 1981</i> section 50(1)(a) or (b)	12 months
<i>Prisons Act 1981</i> section 50(2)	6 months
<i>Prisons Act 1981</i> section 50(3)	3 months
<i>Prisons Act 1981</i> section 52(1)(a) or (b)	6 months
<i>Prisons Act 1981</i> section 52(3)	3 months
<i>Prisons Act 1981</i> section 52(4)(a) or (b)	12 months
<i>Prisons Act 1981</i> section 60(4)	3 months
<i>The Criminal Code</i> section 145	12 months
<i>Young Offenders Act 1994</i> section 191 or 192	6 months
<i>Young Offenders Act 1994</i> section 193(2) or 194	12 months

54BA. Reasons that are not required to be given for the purposes of section 66(6) of the Act

For the purposes of section 66(7)(b) of the Act, the reasons listed in the Table to this regulation are prescribed as reasons that the chief executive officer is not required to give under section 66(6) of the Act.

Table

Giving the reason could reasonably be expected to impair the effectiveness of a lawful method of or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law.

Giving the reason could reasonably be expected to reveal the existence of an investigation into a possible contravention of the law, whether or not, proceedings have been taken as a result of the investigation.

Giving the reason could reasonably be expected to enable the existence or non-existence, or identity, of a confidential source of information relating to the enforcement or administration of the law to be discovered.

Giving the reason could reasonably be expected to prejudice the fair trial of a person or the impartial adjudication of a disciplinary matter.

Giving the reason could reasonably be expected to endanger the life or physical safety of a person.

Giving the reason could reasonably be expected to endanger the security of property.

Giving the reason could reasonably be expected to prejudice the maintenance or enforcement of lawful measures to protect public safety.

Giving the reason could reasonably be expected to facilitate the escape of any person from lawful custody or endanger the security of a prison.

”.

5. Schedule amended

The Schedule Form 2 is amended by deleting the box after “(Signature of witness)” and the words in that box.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
