
JUSTICE

JM301*

Prisons Act 1981

Prisons Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Prisons Amendment Regulations 1999*.

2. The regulations amended

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

[* Reprinted as at 31 January 1997 and amended in Gazette 7 October 1997.]

3. Regulation 2 amended

Regulation 2 is amended by inserting in the appropriate alphabetical positions the following definitions —

“

“**contact visit**” means a visit to a prisoner where there is no physical barrier between the prisoner and the visitor but physical contact between them is limited, and supervised by a prison officer;

“**non-contact visit**” means a visit to a prisoner where there is a physical barrier between the prisoner and the visitor but they are able to see each other and to communicate verbally;

”.

4. Regulation 26 amended

- (1) Regulation 26(1) is amended by deleting “may take the prisoner to” and inserting instead —

“ shall inform ”.

- (2) Regulation 26(3) is amended as follows:

- (a) by deleting “(1)(b)” and inserting instead —

“ (1)(a) ”; and

- (b) by inserting after “sample” in the second place where it occurs the following —

“ and cooperate fully in providing the sample ”.

5. Regulation 49A inserted

After regulation 49 the following regulation is inserted —

“

49A. Payment of urine analysis costs where aggravated prison offence committed

- (1) Where a prisoner has committed an aggravated prison offence under section 70(d), (e) or (f) of the Act, gratuities are not to be credited to the prisoner until the cost of the analysis of any sample of urine from the prisoner and the provision of a certificate under regulation 27 in relation to that offence —

(a) has been paid to the chief executive officer; or

(b) the amount of gratuities forgone is sufficient to cover those costs.

- (2) Nothing in this regulation authorizes the costs referred to in subregulation (1) to be paid by a prisoner twice.

”.

6. Regulation 53 amended

- (1) Regulation 53(1) is repealed and the following subregulation is inserted instead —

“

- (1) Subject to section 62 of the Act and subregulation (3), every visit to a prisoner shall take place in the presence of or under the general supervision of a prison officer in such area, or areas, of the prison as are designated for the purpose by the Superintendent.

”.

- (2) After regulation 53(2) the following subregulation is inserted —

“

- (3) Every visit to a prisoner shall be a contact visit unless the Superintendent determines that, for the purpose of the preservation of the good order and security of the prison, the visit shall be a non-contact visit.

”.

7. Regulation 80 amended

Regulation 80(1) is amended by inserting after paragraph (a) the following paragraph —

“

- (aa) inform the person that if the person refuses to permit a search the Superintendent may, under section 49(3) of the Act, refuse to admit that person to or cause the person to be removed from the prison;

”.

8. Regulation 81 amended

- (1) Regulation 81(3) is amended by deleting “and with regard to decency and self-respect.” and inserting instead —

“

, with regard to decency and self-respect and in accordance with any relevant rules or standing orders.

”.

- (2) Regulation 81(4) is repealed and the following subregulation is inserted instead —

“

- (4) The Superintendent shall keep or cause to be kept a record of every search of a person pursuant to section 49 of the Act where the person is required to remove any clothing and the record shall include —

- (a) the name and address of the person;
- (b) the identity of the prisoner that the person was visiting, or intended to visit;

- (c) the nature of the search;
- (d) a description of any article seized; and
- (e) any other relevant details.

”.

9. “Permanent head” changed to “chief executive officer”

Each provision referred to in the Table to this regulation is amended by deleting “permanent head” in each place where it occurs and inserting instead —

“ chief executive officer ”.

Table

Regulations 3(1)(b), (c), (d) and (e), 4(2) and (3), 5(1), (2), (3), (4) and (5), 6(5), 7(1) and (5), 9(1), 21(1) and (2), 22(3), (4) and (5), 23(1) and (2), 30(b), 31(1), 34, 37(1) and (2), 39(2) and (3), 42(1) and (2), 48(1), 49, 54C(1) and (2), 58, 68, 72, 73(1), 74(2), 75(1), 79(3), 80(5) and (6), 81 (5), 82, 83, 84 and Form 3 of the Schedule.

By Command of the Governor,

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