

CORRECTIVE SERVICES

CS301

PRISONS ACT 1981
PRISONS AMENDMENT REGULATIONS 1992

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Prisons Amendment Regulations 1992*.

Commencement

2. These regulations shall come into operation on the day on which section 6 of the *Prisons Amendment Act (No. 2) 1991* comes into operation.

Principal regulations

3. In these regulations the *Prisons Regulations 1982** are referred to as the principal regulations.

[* Reprinted as at 20 May 1986.

For amendments to 23 January 1992 see 1990 Index to Legislation of Western Australia, p. 341, and the Gazettes of 9 August and 8 November 1991.]

Regulation 26 amended

4. Regulation 26 of the principal regulations is amended —

- (a) by repealing subregulations (1) to (3) and substituting the following subregulations —

“ (1) Where a prison officer has reasonable grounds for suspecting that a prisoner has committed an aggravated prison offence under section 70 (d), (e) or (f) of the Act, the prison officer may take the prisoner to the superintendent, who —

- (a) subject to subregulation (2), may direct an officer to take a sample of the blood, saliva or urine of the prisoner; and
- (b) may request the prison medical officer or a medical officer to assess the prisoner to determine whether he requires medical attention.

(1a) Where a prison officer has reasonable grounds for suspecting that a prisoner has committed an aggravated prison offence under section 70 (f) of the Act, the prison officer may, subject to subregulation (2a), require the prisoner to provide, as directed by the prison officer, a sample of his breath.

(1b) Subject to subregulations (2) and (2a), the superintendent may direct an officer to take —

- (a) samples of the blood, saliva or urine of prisoners at random to detect whether an aggravated prison offence under section 70 (d), (e) or (f) of the Act has been committed by any prisoner; or
- (b) samples of the breath of prisoners at random to detect whether an aggravated prison offence under section 70 (f) of the Act has been committed by any prisoner.

(2) A sample of the blood of a prisoner —

- (a) shall be taken by a prison medical officer, a medical officer or an officer who is registered as a nurse under the *Nurses Act 1968*; and
- (b) shall be taken with a sterile syringe and discharged into a sterile container.

(2a) A sample of the breath of a prisoner shall be taken —

- (a) by means of apparatus of a type approved by the chief executive officer; and
- (b) by an officer who has been authorized by the chief executive officer to use that apparatus.

(3) A prisoner who is required to provide a sample for the purposes of subregulation (1) (b), (1a) or (1b) shall submit himself for the taking of the sample. ”;

(b) in subregulation (3a) by inserting after “alcohol” the following —

“ , glue containing toluene ”; and

(c) in subregulations (4) and (5) by deleting “under this regulation” and substituting the following —

“ under subregulation (1) (b) or (1b) (a) ”.

Regulation 29 repealed and a regulation substituted

5. Regulation 29 of the principal regulations is repealed and the following regulation is substituted —

Admissibility of results of breath tests

“ 29. The results of a test of a sample of breath taken from a prisoner under regulation 26 shall be admissible in evidence against the prisoner on a charge of a prison offence. ”.

Regulation 85A inserted

6. After regulation 85 of the principal regulations, the following regulation is inserted —

Identification system for persons entering specified prisons

“ 85A. (1) A person shall not be permitted to enter a prison specified in the Table to this regulation unless he is stamped by an officer on a visible part of his skin with an identification mark that is visible under an ultraviolet lamp.

(2) Subregulation (1) does not apply to —

- (a) a person who is in possession of a current identification card issued by the Department to that person; or
- (b) a child under 12 years of age.

(3) A person who is admitted to a prison specified in the Table to this regulation may be required to submit to, and satisfy, a system for checking the identification mark applied under subregulation (1) before being permitted to leave the prison, and an officer may have reasonable physical contact with such a person for this purpose.

TABLE

Casuarina Prison

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.