Western Australia

Prisons Act 1981

Prisons Regulations 1982

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Defined terms

Prisons Regulations 1982

Part I — Preliminary

1. Citation and commencement

These regulations may be cited as the *Prisons Regulations 1982* and shall come into operation on the day upon which the *Prisons Act 1981* comes into operation.

2. Terms used in these regulations

(1) In these regulations unless the contrary intention appears —

analyst means a person approved under regulation 27(3);

approved means approved in writing by the chief executive officer;

approved analysis agent in respect of a body sample of a particular type, means an organisation approved from time to time under regulation 28A in respect of that type of sample;

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;

contract worker means a contract worker as defined in section 15A of the Act;

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;

organisation includes a person and a government department or agency;

supervision by a person of a prisoner does not require the person to be in the physical presence of the prisoner.

(2) In these regulations a reference to —

(a) a person being "in charge" of a prisoner; or

(b) a prisoner being "in the charge" of a person,

is a reference to the person being in the physical presence of the prisoner and having reasonable control over him or her.

[Regulation 2 inserted: Gazette 13 Sep 1996 p. 4569; amended: Gazette 2 Nov 1999 p. 5473; 7 Apr 2000 p. 1819; 12 Apr 2001 p. 2098; 3 Apr 2007 p. 1493-4; 9 May 2008 p. 1845; 10 Jan 2017 p. 186.]

2A. Certain regulations not applicable to contract workers

A reference to a prison officer or any other officer in a provision of these regulations that is specified in the Table to this regulation does not include a reference to a contract worker.

Table

r. 3	r. 7	r. 23
r. 4	r. 9(1)	r. 24
r. 5	r. 9(5)	r. 25
r. 6	r. 9(6)	Part IV

[Regulation 2A inserted: Gazette 12 Apr 2001 p. 2099.]

Part II — Engagement and conditions of prison officers

3. Qualifications for and engagement of prison officers

(1) A person is not eligible to be engaged as a prison officer unless he —

(a) is in a good condition of physical and mental health;

(b) satisfies the chief executive officer that he is an Australian citizen, or that he has permanent residence status in Australia;

(c) is educated to a standard set down by the chief executive officer from time to time;

(d) meets such other requirements as are laid down by the chief executive officer from time to time; and

(e) has no conviction for an offence which, in the opinion of the chief executive officer, is an offence which is relevant to the performance of the duties of a prison officer or his fitness to hold office.

(2) Notwithstanding the provisions of subregulation (1) (but subject to paragraph (e) of that subregulation) in special circumstances or in a special case, the Minister may engage any person to be a prison officer.

(3) The engagement of a prison officer is to the prison service generally and not to any particular prison.

(4) Upon his engagement in the prison service, a prison officer shall serve a 9 month period of probation.

[Regulation 3 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

4. Ranks of prison officers

(1) The ranks of prison officers appointed under section 13 of the Act in the prison service shall be in ascending order —

(a) prison officer; and

(b) assistant senior prison officer; and

(c) senior prison officer; and

(d) principal officer.

(2) A prison officer shall be eligible for promotion to the higher rank after he has met any criteria laid down from time to time by the chief executive officer and applicable to that higher rank.

(3) A prison officer may be promoted only by the chief executive officer.

[Regulation 4 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475; 28 Mar 2008 p. 907.]

5. Discharge of prison officers

(1) A prison officer who is, in the opinion of the chief executive officer, unable to perform his duties properly by reason of his physical or mental health may be required by the chief executive officer to submit himself to a medical examination by a board consisting of a medical practitioner nominated by the prison officer and 2 medical practitioners appointed by the Chief Health Officer.

(1a) If, 7 days prior to the day of examination, the prison officer has not nominated a medical practitioner who has consented to attend the medical examination, the Chief Health Officer may appoint a medical practitioner who shall, for the purposes of subregulation (1), be deemed to have been nominated by the prison officer.

(2) If a board constituted under subregulation (1), or the majority of the members of such a board, reports to the chief executive officer that a prison officer is unable to perform his duties properly by reason of his physical or mental health, the chief executive officer may, with the consent of the Minister discharge the prison officer.

(3) A prison officer who provided false, incomplete or misleading information in or with respect to his application for engagement as a prison officer may, with the consent of the Minister, be discharged by the chief executive officer.

(4) Where the chief executive officer is of the opinion during or at the end of the period of probation of a prison officer that the prison officer is unsatisfactory in the performance of his duties or unsuitable to be a prison officer, the chief executive officer may discharge that prison officer.

(5) The chief executive officer may extend the period of a prison officer's probation.

[Regulation 5 amended: Gazette 24 Dec 1982 p. 4906; 17 Aug 1984 p. 2449; 11 Dec 1987 p. 4369; 20 May 1988 p. 1668; 2 Nov 1999 p. 5475; 10 Jan 2017 p. 186.]

6. Notice prior to termination of service of prison officers

(1) A prison officer who is discharged under regulation 5(2) shall be entitled to one month's notice or to one month's pay in lieu of notice.

(2) A prison officer who leaves the prison service of his own accord shall give one month's notice in writing or forfeit one month's pay.

(3) A prison officer on probation shall give 2 weeks' notice of his intention to leave the prison service, or shall forfeit 2 weeks' pay.

(4) If a prison officer on probation is discharged for reasons other than misconduct, he shall be given 2 weeks' notice or 2 weeks' pay in lieu of notice.

(5) Where a period of notice is required to be given under this regulation, the chief executive officer may, without prejudice to

the entitlement of the prison officer to pay, abridge or dispense with such notice.

[Regulation 6 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

7. Occupation of quarters

(1) The chief executive officer may make quarters available for occupation by officers on such terms and conditions as he deems fit.

(2) An officer occupying quarters shall —

(a) keep the quarters in good order and condition and in a thorough state of cleanliness;

(b) subject to fair wear and tear, keep the quarters, outbuildings and yards in a state of good repair; and

(c) where the quarters are on a farming property, not keep any animal without the approval of the superintendent.

(3) An officer who breaches any term or condition of his occupancy or who breaches an obligation under this regulation shall be liable to be deprived of his quarters and for the costs of replacement or repair of any Government property which has been neglected, damaged, destroyed or lost by reason of any act or default on his part.

(4) An officer shall on the date of his discharge or transfer to another prison give vacant possession of his quarters to the superintendent.

(5) If an officer gives vacant possession of his quarters in a dirty condition or leaves rubbish in the quarters or the grounds of the quarters, the chief executive officer shall cause the quarters and grounds to be made fit for occupation and the outgoing officer shall be liable for the costs involved.

(6) The superintendent may, having given reasonable notice to an officer occupying quarters, inspect those quarters at any time.

[Regulation 7 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

*[**8.** Deleted: Gazette 28 Jun 1994 p. 3021.]*

9. Requirements as to uniforms

(1) The chief executive officer may designate the dress and insignia of office or rank to be worn by an officer as his uniform.

(2) A prison officer shall wear his uniform during his hours of duty and may wear his uniform whilst travelling to or from his residence to his place of duty, but shall not otherwise wear his uniform without the authority of the superintendent.

(3) A prison officer may wear clothing other than his uniform during his hours of duty only with the authority of the superintendent or when ordered to do so by the superintendent.

(4) A prison officer —

(a) shall not permit or allow any other person to wear his uniform or any part thereof; and

(b) shall not leave any part of his uniform unattended in a prison except in an area designated for the purpose by the superintendent.

(5) A uniform issued to a prison officer remains the property of the Department and upon the replacement of the uniform or part thereof, or where a prison officer leaves the prison service for any reason, the officer shall return all badges and buttons and that part of his uniform obtained by him within the preceding 6 months or shall satisfactorily account for its whereabouts and condition, and a prison officer who does not so return or account for his uniform shall be liable to have the value of his uniform deducted from any pay or entitlements due to him.

(6) A prison officer who is serving the first 3 months of his probationary service may be issued with a uniform which is not new issue.

[Regulation 9 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

*[**10, 11.** Deleted: Gazette 18 May 2001 p. 2403.]*

Part III — Functions of officers and prison officers

12. Duty on taking charge of prisoners

A prison officer on taking charge or supervision of any group of prisoners shall count the number of prisoners and shall remain responsible for the charge and supervision of each prisoner in the group until the prisoners are delivered into the charge and supervision of a relieving prison officer or other officer.

13. Duty on escape of prisoner

(1) A prison officer in charge or having the supervision of any prisoner shall in the event of an escape report the full particulars of the escape forthwith —

(a) where the escape has occurred from within a prison, to the superintendent; and

(b) where the escape has occurred outside a prison, to the superintendent or to the nearest police station.

(2) A prison officer who reports an escape to the nearest police station shall, as soon as practicable, make a further report upon the escape to his superintendent.

(3) Where a prisoner in the charge or under the supervision of a prison officer escapes or prepares or attempts to escape from that charge or supervision, the prison officer (if every other prisoner for whom he is responsible is adequately secured) or any other prison officer, may arrest that prisoner and return him to prison.

14. Duty regarding prisoner absent from prison

A prison officer in charge or having the supervision of any prisoner absent from a prison shall ensure that the prisoner complies with the provisions, conditions and stipulations of the relevant permit for absence, or order under section 85 of the

Act, relating to the prisoner, and shall at all times keep the prisoner under the prison officer's charge or supervision.

[Regulation 14 inserted: Gazette 3 Apr 2007 p. 1494.]

15. Duty to warn loiterers

A prison officer shall promptly request any person apparently loitering in the vicinity of a prison or in the vicinity of any prisoner to move away and shall warn such person of the consequences of the disobedience of his request before acting under section 52(6) of the Act.

16. Duty to prevent interference with prisoners

A prison officer shall not allow any unauthorised person to interfere in any way with any prisoner in his charge or under his supervision, or to communicate with, or give or pass anything to, a prisoner.

17. Duties as to keys and security procedures

An officer who in the course of his duty is entrusted with any key or other locking or unlocking device or mechanism or who is familiar with any security process or procedure —

(a) shall not remove any such item from the prison or make known any such process or procedure to any person without the prior authority of the superintendent;

(b) shall not part with the possession of or leave any such item unattended or lying about; and

(c) shall, when leaving the prison or on the completion of his duty, unless security procedures require otherwise, deliver such item to the officer authorised to receive them and unless he has made such delivery, he shall not be permitted to leave the prison without the permission of the superintendent.

18. Miscellaneous duties

(1) It is the responsibility of a prison officer when he is on duty —

(a) to examine all locks, bolts, keys, and other locking or unlocking devices or mechanisms in his area of duty and to report thereon to his superior officer; and

(b) to know the number of prisoners who are in his charge or under his supervision at any time.

(2) In addition to his ordinary duties a prison officer may be required to perform such duties as the exigencies of the department require.

[Regulation 18 amended: Gazette 11 Dec 1987 p. 4369; 3 Apr 2007 p. 1494.]

19. Officer not to receive visitors

An officer shall not receive any visitor at the prison when on duty without the permission of the superintendent.

20. Restriction on entering prison or leaving area of duty

(1) An officer who is not on duty shall not enter a prison without the permission of the superintendent.

(2) A prison officer shall not leave his area of duty within a prison unless authorised to do so, or until relieved by another prison officer.

21. Certificates of good service

(1) A prison officer shall not accept any address, recommendation or testimonial in connection with his duties, without the prior permission of the chief executive officer.

(2) The chief executive officer may issue a certificate of good service to a prison officer upon his discharge.

[Regulation 21 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

22. Restrictions on conduct of prison officers

(1) Subject to subregulation (2) a prison officer shall not —

(a) make any comment to any person, either orally or in writing concerning any officer, prison, or prisoner; or

(b) use for any purpose information gained by or conveyed to him through his service in the prison service,

except in connection with the discharge of his duties or with the prior written approval of the superintendent.

(2) Nothing in subregulation (1) prevents a prison officer from communicating with a union of which he is a member with respect to any matter which affects him and which is an industrial matter within the meaning of the *Industrial Relations Act 1979*.

(3) A prison officer shall not —

(a) apart from his entitlement to pay as a prison officer accept from any prisoner or person any gratuity, fee or reward for or in connection with the performance of his duties; or

(b) engage in any trade, profession, business or calling other than that of being a prison officer,

except with the prior written approval of the chief executive officer.

(4) Where a prison officer applies for the approval of the chief executive officer for the purposes of subregulation (3)(b) that approval shall not be withheld unless, in the opinion of the chief executive officer, engagement in the trade, profession, business or calling in respect of which that approval is sought would conflict with the performance of the applicant's duties.

(5) Where approval has been given to a prison officer for the purposes of subregulation (3)(b) and, in the opinion of the chief executive officer, engagement in the trade, profession, business

or calling in respect of which that approval was given is conflicting with the performance of the prison officer's duties, the chief executive officer may by notice in writing served on the prison officer withdraw that approval.

(6) An officer shall not engage in or carry out any pecuniary or other transaction with or on behalf of any prisoner, except in connection with the discharge of his duties or with the prior approval of the superintendent.

[Regulation 22 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

23. Grievances

(1) A prison officer having a grievance connected with his duties, office or rank shall state the grievance in writing and submit it to the chief executive officer or the superintendent for his decision.

(2) Where pursuant to subregulation (1), a prison officer has submitted a grievance to the superintendent the prison officer may, through the superintendent, request the chief executive officer to reconsider the decision made by the superintendent in respect of that grievance and the superintendent shall forward any such request to the chief executive officer for his decision.

[Regulation 23 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

24. Responsibility when carrying firearm items

(1A) In this regulation —

firearm item means any of the following as defined in the *Firearms Act 2024* section 5 —

(a) a firearm;

(b) a major firearm part;

(c) ammunition.

(1) A prison officer may be required to undertake training in the use of a firearm item and may after that training, when on duty, be required to carry the firearm item.

(2) A firearm item may be issued only by an officer so authorised by the superintendent.

(3) When on duty under arms, a prison officer must —

(a) be responsible for any firearm item issued to the officer; and

(b) ensure that any firearms are properly loaded and that the officer is carrying the appropriate ammunition for those firearms; and

(c) handle the firearm item so that an accident cannot occur; and

(d) report to the officer's superior officer immediately if the officer has any reason to doubt the serviceability of the firearm item; and

(e) remain alert and vigilant at the officer's post; and

(f) immediately the officer observes any irregularity in the routine of the prison which may jeopardise the security of the prison, report the irregularity to the superintendent or another prison officer (***receiving officer***), being their superior officer or the nearest prison officer with whom they can communicate, and the receiving officer must immediately inform the superintendent of the report; and

(g) as soon as practicable, report to their superior officer any discharge of any firearms or loss or damage to the firearm item.

(4) When on duty under arms, a prison officer must not —

(a) deface the firearm item; or

(b) make any alteration to the firearm item without the authority of the superintendent.

[(c) deleted]

[Regulation 24 amended: SL 2022/191 r. 4; SL 2024/275 r. 4; SL 2024/299 r. 4.]

25. Procedure before the use of firearms

(1) Before using a firearm against a prisoner or other person, a prison officer must, where it is practicable in the circumstances to do so —

(a) order the prisoner or person to halt; and

(b) if the prisoner or person so ordered refuses or neglects to halt, the prison officer must immediately call aloud "halt or I'll fire" or words to similar effect.

[(2) deleted]

(3) In exercising the discretion whether to use or to continue to use a firearm, a prison officer must have regard to the risk, in the immediate circumstances, of injury which the use of fire power would impose upon any person other than the prisoner or person against whom fire power may be used.

[Regulation 25 amended: Gazette 24 Dec 1982 p. 4907; SL 2022/191 r. 5; SL 2024/275 r. 5.]

Part IIIA — Alcohol and drug related aggravated prison offences

[Heading inserted: Gazette 7 Apr 2000 p. 1820.]

26. Terms used in this Part

In this Part —

aggravated alcohol offence means an aggravated prison offence under section 70(f) of the Act;

aggravated drug offence means an aggravated prison offence under section 70(d) or (e) of the Act;

sweat patch means an adhesive patch attached to the body of a prisoner for the taking of a sample of sweat from the prisoner.

[Regulation 26 inserted: Gazette 7 Apr 2000 p. 1820; amended: Gazette 3 Apr 2007 p. 1494.]

26A. Prison officer who suspects aggravated drug or alcohol offence to inform superintendent

A prison officer who has reasonable grounds for suspecting that a prisoner has committed an aggravated drug offence or an aggravated alcohol offence shall inform the superintendent.

[Regulation 26A inserted: Gazette 7 Apr 2000 p. 1820.]

26B. Superintendent may direct that samples are to be taken

(1) The superintendent may direct a prison officer to take a sample at random of —

(a) the blood, saliva, sweat or urine of prisoners to determine whether an aggravated drug offence or an aggravated alcohol offence has been committed by any prisoner; or

(b) the breath of prisoners to determine whether an aggravated alcohol offence has been committed by any prisoner.

(2) The superintendent may direct a prison officer to take a sample of the blood, saliva, sweat, breath or urine of a prisoner if the superintendent has reasonable grounds for suspecting (from the superintendent's own observations or otherwise) that the prisoner has committed an aggravated drug offence or an aggravated alcohol offence.

(3) This regulation is subject to regulation 26C.

[Regulation 26B inserted: Gazette 7 Apr 2000 p. 1820.]

26C. How samples of blood, breath and sweat are to be taken

(1) A sample of the blood of a prisoner shall be taken —

(a) with a sterile syringe and discharged into a sterile container; and

(b) by a medical officer or an officer who is a nurse (that is, a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession).

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

(a) by means of apparatus of a type approved for that purpose; and

(b) by an officer who has been approved to use that apparatus.

(3) A sample of the sweat of a prisoner shall be taken —

(a) by means of a sweat patch, of a type approved for that purpose, attached to the prisoner for not more than 7 days; and

(b) by a prison officer or other approved person who has successfully completed approved training as to the application and removal of sweat patches.

[Regulation 26C inserted: Gazette 7 Apr 2000 p. 1821; amended: Gazette 12 Apr 2001 p. 2099; 3 Apr 2007 p. 1495; 13 Nov 2018 p. 4434.]

26D. Prisoner may be required to provide body sample

Subject to regulation 26C, a prison officer —

(a) may require a prisoner to provide a sample of the prisoner's breath, in accordance with the directions of the prison officer, if that officer has reasonable grounds for suspecting that the prisoner has committed an aggravated alcohol offence; and

(b) shall require a prisoner to provide a sample of the prisoner's blood, saliva, sweat, breath or urine if directed to do so by the superintendent under regulation 26B.

[Regulation 26D inserted: Gazette 7 Apr 2000 p. 1821.]

26E. Prisoner to submit to having sample taken when requested to do so

(1) A prisoner who is required to provide a sample under regulation 26D shall —

(a) submit himself for the purpose of having the body sample taken; and

(b) cooperate fully in providing the sample.

(2) A prisoner required to provide a body sample of sweat under regulation 26D(b) shall be taken not to have complied with subregulation (1) if the sweat patch being used to take the sample has been removed or interfered with, unless —

(a) the removal or interference was carried out by a person referred to in regulation 26C(3)(b); or

(b) the prisoner proves that —

(i) the removal or interference was carried out against the prisoner's wishes; and

(ii) the prisoner promptly reported the removal or interference to a prison officer.

[Regulation 26E inserted: Gazette 7 Apr 2000 p. 1821-2.]

26F. Medical attention may be required

On receiving information under regulation 26A regarding a prisoner, the superintendent may request a medical officer to assess the prisoner to determine whether the prisoner requires medical attention.

[Regulation 26F inserted: Gazette 7 Apr 2000 p. 1822; amended: Gazette 12 Apr 2001 p. 2099.]

26G. Other samples may be taken for analysis

A prison officer may take for the purpose of analysis, a sample of any drug, alcohol, glue containing toluene, or other intoxicating substances found in the possession of a prisoner and not lawfully issued to him.

[Regulation 26G inserted: Gazette 7 Apr 2000 p. 1822.]

26H. Samples to be sealed, labelled and delivered to approved analysis agent

(1) A prison officer who required a sample to be taken from a prisoner under regulation 26D shall ensure that the sample is sealed in a container marked or labelled in the presence of the prisoner and the prison officer with —

(a) the name of the prisoner;

(b) the type of the sample;

(c) the name of the prison officer, or other person authorised under regulation 26C(1)(b), (2)(b) or (3)(b) who took the sample; and

(d) the time and date that the sample was taken.

(2) The superintendent shall authorise the delivery of a sample taken under this Part to the approved analysis agent.

[Regulation 26H inserted: Gazette 7 Apr 2000 p. 1822.]

27. Analyst to give certificate

(1) Upon completion of an analysis by the relevant approved analysis agent the analyst shall make a certificate in the form of Form 1 of the Schedule and shall forward that certificate to the superintendent of the prison in which the prisoner is in custody.

(2) The superintendent shall cause a copy of the certificate referred to in subregulation (1) to be served upon the prisoner from whom the sample was taken or obtained.

(3) For the purposes of these regulations, the chief executive officer may approve a person who is employed by an approved analysis agent as an analyst.

[Regulation 27 amended: Gazette 24 Dec 1982 p. 4907; 9 Aug 1991 p. 4113; 13 Sep 1996 p. 4569; 7 Apr 2000 p. 1822-3; 10 Jan 2017 p. 186.]

28. Admissibility of analyst's certificate

The certificate referred to in regulation 27 shall be admissible in evidence against a prisoner charged with a prison offence and shall be *prima facie* evidence of the matters certified in the certificate.

28A. Approval of analysis agent

(1) The chief executive officer shall, in respect of each type of body sample authorised to be taken under this Part, approve an organisation as the organisation whose employees are to carry out analysis of samples of that type.

(2) The chief executive officer may, at any time, cancel the approval of an organisation and approve another organisation under subregulation (1).

(3) If at any time no organisation is approved under subregulation (1) in respect of a type of body sample, the Chemistry Centre (WA) shall be taken to be the relevant approved analysis agent.

(4) If a sample has been delivered, under this Part, to an organisation which was, at the time of delivery, the relevant approved analysis agent —

(a) that organisation shall ensure that the analysis of the sample is completed; and

(b) the analyst employed by that organisation who carries out the analysis shall make and forward a certificate in accordance with regulation 27(1),

even if, after delivery of the sample, the approval of the organisation as the relevant approved analysis agent is cancelled.

[Regulation 28A inserted: Gazette 13 Sep 1996 p. 4570; amended: Gazette 7 Apr 2000 p. 1823; 9 May 2008 p. 1845.]

29. Admissibility of results of breath tests

The results of a test of a sample of breath taken from a prisoner under this Part shall be admissible in evidence against the prisoner on a charge of a prison offence.

[Regulation 29 inserted: Gazette 27 Mar 1992 p. 1343; amended: Gazette 7 Apr 2000 p. 1823.]

Part 3B — Inspection and disclosure of medical records and mandatory taking of blood or other body samples

[Heading inserted: SL 2020/251 r. 4.]

Division 1 — Preliminary

[Heading inserted: SL 2020/251 r. 4.]

29A. Terms used

In this Part —

affected prison officer means a prison officer to whom, the chief executive officer suspects on reasonable grounds, there has been a transfer of bodily fluid from a prisoner;

qualified person means —

(a) a medical officer; or

(b) a medical practitioner; or

(c) a person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession; or

(d) the holder of —

(i) a Certificate III in Pathology Collection from a college as defined in the *Vocational Education and Training Act 1996* section 5(1); or

(ii) an equivalent qualification from an institution based in another State or Territory or overseas;

test authorisation notice has the meaning given in regulation 29F(2).

[Regulation 29A inserted: SL 2020/251 r. 4.]

29B. COVID-19 prescribed as infectious disease

COVID-19 is prescribed for the purposes of paragraph (d) of the definition of ***infectious disease*** in section 3(1) of the Act.

[Regulation 29B inserted: SL 2020/251 r. 4.]

Division 2 — Inspection and disclosure of medical records

[Heading inserted: SL 2020/251 r. 4.]

29C. Inspection and disclosure of prisoner's medical records

(1) This regulation applies if the chief executive officer inspects a prisoner's medical records under section 46A(2)(a) of the Act.

(2) The chief executive officer must not disclose any information in the prisoner's medical records to any person other than the affected prison officer.

(3) For the purposes of subregulation (2), the only information that may be disclosed to the affected prison officer is information relating to the presence of an infectious disease.

(4) The affected prison officer must not disclose the information disclosed to them under subregulation (2), except in a manner that does not disclose the identity of the prisoner or enable the identity of the prisoner to be ascertained.

Penalty for this subregulation: a fine of $6 000.

[Regulation 29C inserted: SL 2020/251 r. 4.]

29D. Chief executive officer may direct medical officer to provide report on presence of infectious disease

For the purposes of assisting with an inspection under section 46A(2)(a) of the Act, the chief executive officer may direct a medical officer to —

(a) review a prisoner's medical records to find out whether the prisoner has an infectious disease; and

(b) provide a report to the chief executive officer on the results of the review.

[Regulation 29D inserted: SL 2020/251 r. 4.]

Division 3 — Mandatory testing of blood or other body samples

[Heading inserted: SL 2020/251 r. 4.]

29E. Duty to notify of suspected transfer of bodily fluid

A prison officer who suspects on reasonable grounds that there has been a transfer of bodily fluid from a prisoner to a prison officer must notify the chief executive officer.

[Regulation 29E inserted: SL 2020/251 r. 4.]

29F. Test authorisation notice

(1) This regulation applies if the chief executive officer requires a prisoner to submit themselves for the purpose of having a blood or other body sample taken under section 46A(2)(b) of the Act.

(2) Before the sample is taken, the chief executive officer must give to the prisoner a notice (a ***test authorisation notice***), in an approved form, that contains —

(a) the name of the prisoner; and

(b) the type of sample to be taken; and

(c) the infectious disease for which the sample is to be tested; and

(d) a statement including the following —

(i) the chief executive officer suspects on reasonable grounds that there has been a transfer of bodily fluid from the prisoner to a prison officer;

(ii) that a prison officer may take the prisoner to a place (including a place within a prison) that the chief executive officer considers has appropriate facilities for the taking of the sample;

(iii) that a qualified person at the place may take the sample;

(iv) that such force as is reasonably necessary in the circumstances may be used to take the sample;

(v) that the prisoner must submit themselves for the purpose of having the sample taken;

(vi) that the prisoner commits an aggravated prison offence if the prisoner fails to submit themselves for the purpose of having the sample taken.

(3) The content of the test authorisation notice must, at the time when the notice is given to the prisoner, be explained to the prisoner in language most likely to be understood by the prisoner.

[Regulation 29F inserted: SL 2020/251 r. 4.]

29G. Effect of test authorisation notice

A test authorisation notice given to a prisoner under regulation 29F(2) —

(a) confers the power referred to in regulation 29F(2)(d)(ii); and

(b) authorises —

(i) a sample of a type specified in the notice to be taken from the prisoner; and

(ii) the sample to be tested for the presence of the infectious disease named in the notice.

[Regulation 29G inserted: SL 2020/251 r. 4.]

29H. How samples are to be taken

(1) A prison officer executing a test authorisation notice may ask a qualified person to take from the prisoner a sample of a type specified in the notice.

(2) The qualified person must not take the sample under subregulation (1) unless the qualified person is given a copy of the test authorisation notice.

(3) Subject to section 46A(3) of the Act, in taking the sample, the qualified person may ask another person to give any reasonably necessary help.

[Regulation 29H inserted: SL 2020/251 r. 4.]

29I. Samples to be sealed, labelled and delivered to approved organisation

(1) A prison officer executing a test authorisation notice must ensure that a sample taken under the notice is sealed in a container marked or labelled in the presence of the prisoner and the prison officer with —

(a) the name of the prisoner; and

(b) the type of sample taken; and

(c) the infectious disease for which the sample is to be tested; and

(d) the name of the qualified person who took the sample; and

(e) the time and date when the sample was taken.

(2) The chief executive officer may —

(a) approve an organisation to test the sample; and

(b) authorise the delivery of the sample to the organisation.

[Regulation 29I inserted: SL 2020/251 r. 4.]

29J. Testing of samples

The organisation referred to in regulation 29I(2)(a) must —

(a) test the sample for the presence of the infectious disease named in the test authorisation notice; and

(b) notify the chief executive officer of the results of the test.

[Regulation 29J inserted: SL 2020/251 r. 4.]

29K. Disclosure of results of test

(1) The organisation referred to in regulation 29I(2)(a) must ensure that the results of any test done on the sample are not disclosed by the organisation or the employees of the organisation to any person other than the chief executive officer.

(2) The chief executive officer must not disclose the test results to any person other than —

(a) the affected prison officer; or

(b) a medical officer responsible for the medical care and treatment of the prisoner.

(3) The affected prison officer must not disclose the test results disclosed to them under subregulation (2)(a) except in a manner that does not disclose the identity of the prisoner or enable the identity of the prisoner to be ascertained.

Penalty for this subregulation: a fine of $6 000.

(4) The medical officer —

(a) must not disclose the test results disclosed to them under subregulation (2)(b) to any person other than the prisoner; and

(b) must record the test results on the prisoner's medical records held by the Department.

(5) This regulation does not prevent the disclosure of a test result if the disclosure is authorised or required to be made under a written law apart from this regulation.

[Regulation 29K inserted: SL 2020/251 r. 4.]

29L. Admissibility of results of test

The results of any test done on a sample taken from a prisoner under this Part is not admissible in evidence in any criminal proceeding against the prisoner.

[Regulation 29L inserted: SL 2020/251 r. 4.]

Part IV — Removal of prison officers

[Heading inserted: Gazette 21 Aug 2015 p. 3317.]

30. Terms used

In this Part, unless the contrary intention appears —

inspection list means a written list of relevant material gathered by a review officer for the purpose of an investigation under regulation 32B;

notice means a notice given under section 102(1) of the Act;

prison officer has the same meaning as in Part X Division 3 of the Act;

privilege means —

(a) a privilege that would attach to a document prepared for the purpose of pending or contemplated legal proceedings or in connection with the obtaining or giving of legal advice; or

(b) immunity from production of a document or any material where the production would be against the public interest; or

(c) immunity from production of a document or any material under a written law;

relevant material means any material relevant to any issue identified in a summary of investigation concerning the prison officer referred to in regulation 32A(1);

removal action has the meaning given in section 101 of the Act;

review officer means a person appointed under regulation 32A;

submission period has the meaning given in section 102(2) of the Act;

suitability to continue as a prison officer has the meaning given in section 99 of the Act;

summary of investigation means a written report that includes reference to relevant material gathered by the review officer for the purpose of an investigation under regulation 32B.

[Regulation 30 inserted: Gazette 21 Aug 2015 p. 3317-18.]

31. Application of this Part

This Part applies if, under Part X Division 3 of the Act, the chief executive officer —

(a) is contemplating taking removal action; or

(b) has decided to take removal action; or

(c) has taken removal action.

[Regulation 31 inserted: Gazette 21 Aug 2015 p. 3318.]

32A. Appointment of review officer

(1) If the chief executive officer is contemplating taking removal action in relation to a prison officer, the chief executive officer may appoint a review officer in relation to that prison officer.

(2) A person must not be appointed as a review officer in relation to a prison officer if that person has been directly involved in —

(a) a previous investigation that resulted in information being supplied to the chief executive officer regarding that prison officer's suitability to continue as a prison officer; or

(b) a previous investigation of a suspected breach of discipline by that prison officer that resulted in —

(i) a decision under the *Public Sector Management Act 1994* section 81(1)(a); and

(ii) disciplinary action as defined in section 80A of that Act;

or

(c) a previous investigation that resulted in a charge being laid against that prison officer under section 99 of the

Act as in force immediately before the commencement of the *Custodial Legislation (Officers Discipline) Amendment Act 2014* section 7; or

(d) any decision-making relating to an investigation referred to in paragraph (a), (b) or (c).

[Regulation 32A inserted: Gazette 21 Aug 2015 p. 3318-19.]

32B. Role of review officer

(1) The review officer must conduct an investigation into the prison officer referred to in regulation 32A(1) and prepare —

(a) a summary of investigation; and

(b) an inspection list.

(2) The review officer must identify in the inspection list any document in respect of which privilege is claimed and state in that inspection list each ground on which the privilege is claimed.

(3) The review officer is subject to the direction of the chief executive officer in conducting the investigation and preparing the summary of investigation and inspection list.

[Regulation 32B inserted: Gazette 21 Aug 2015 p. 3319.]

32C. Provision of material to chief executive officer

(1) When the review officer completes the investigation, the review officer must provide the chief executive officer with —

(a) the summary of investigation; and

(b) the inspection list; and

(c) any material referred to in the inspection list that the review officer considers appropriate.

(2) Before the chief executive officer decides whether or not to give a notice, the chief executive officer may cause further material, including written reports, to be provided to the chief executive officer.

(3) The chief executive officer may direct the review officer to —

(a) conduct a further investigation in accordance with regulation 32B and subregulation (1); and

(b) prepare and submit to the chief executive officer —

(i) a supplementary summary of investigation; and

(ii) a supplementary inspection list.

(4) The chief executive officer's direction may include a direction as to the matters to be investigated and included in the supplementary summary of investigation.

[Regulation 32C inserted: Gazette 21 Aug 2015 p. 3319-20.]

32D. Notice of loss of confidence

(1) In addition to the grounds to be set out under section 102(1) of the Act, a notice must —

(a) set out the particular conduct or behaviour on which the chief executive officer's loss of confidence is based; and

(b) advise the prison officer that during the submission period the prison officer may make written submissions to the chief executive officer in respect of the grounds on which the chief executive officer has lost confidence in the prison officer's suitability to continue as a prison officer.

(2) When the chief executive officer gives the notice to a prison officer, the chief executive officer must also provide to the prison officer a copy of the following documents relating to the decision to give the notice —

(a) any summary of investigation and any supplementary summary of investigation;

(b) any inspection list and any supplementary inspection list;

(c) any document examined and taken into account in deciding to give the notice.

(3) As soon as practicable after the chief executive officer gives the notice to a prison officer, the chief executive officer must make available to the prison officer for inspection any other material examined and taken into account in deciding to give the notice.

(4) Subregulations (2) and (3) do not apply to any document or material that is privileged.

(5) If the chief executive officer does not provide the prison officer with a copy of a document or make available to the prison officer for inspection any other material because it is privileged, the chief executive officer must advise the prison officer of each ground on which the document or material is privileged.

[Regulation 32D inserted: Gazette 21 Aug 2015 p. 3320.]

32E. Access to material

(1) During the submission period the chief executive officer must permit a prison officer who has been given a notice or the prison officer's legal representative to inspect any material referred to in the inspection list or any supplementary inspection list that is not privileged.

(2) A prison officer who has been given a notice may make a request in writing to the chief executive officer for permission to inspect any material, other than material provided to the prison officer under these regulations, that —

(a) the prison officer has seen or created in the course of his or her duties as a prison officer; and

(b) is relevant to any issue concerning the prison officer referred to in the notice.

(3) The request must be made as soon as practicable after, and in any event within 14 days after, the day on which the prison officer was given the notice.

(4) During the submission period the chief executive officer must as far as practicable permit the prison officer or the prison officer's

legal representative to inspect the material the subject of a request under subregulation (2).

[Regulation 32E inserted: Gazette 21 Aug 2015 p. 3321.]

32F. Chief executive officer's assessment of prison officer's submissions

(1) If the chief executive officer receives submissions from a prison officer under section 102(2) of the Act, the chief executive officer may cause further material, including written reports, to be provided to the chief executive officer.

(2) The chief executive officer must where practicable within 21 days, and in any event within 42 days, after the end of the submission period, decide whether or not a period for further investigation or analysis of any submissions of the prison officer is necessary.

(3) If the chief executive officer decides that a further period for investigation or analysis is required, the chief executive officer must endeavour to cause that investigation or analysis to be completed within 7 weeks after receiving the prison officer's submissions.

(4) If the further investigation or analysis cannot be completed within the period referred to in subregulation (3), the chief executive officer must give the prison officer a notice stating —

(a) the reason for the further investigation or analysis; and

(b) the time period required to complete the further investigation or analysis; and

(c) the reason for the need for that time period.

(5) Despite deciding under section 102(3)(a) of the Act not to take removal action, the chief executive officer may decide that the prison officer's performance or conduct warrants other action

being taken in relation to the prison officer under the Act or these regulations.

[Regulation 32F inserted: Gazette 21 Aug 2015 p. 3321-2.]

32G. Further ground for removal

(1) If the chief executive officer concludes that he or she has lost confidence in the prison officer's suitability to continue as a prison officer on a ground other than a ground set out in the notice the chief executive officer must —

(a) give the prison officer notice in writing of the further ground; and

(b) provide to the prison officer a copy of any document and make available for inspection any other material that has been examined and taken into account by the chief executive officer under this Part with the exception of —

(i) a copy of a document already given to the prison officer or any material already made available for inspection by the prison officer under this Part; and

(ii) a privileged document or material;

and

(c) allow the prison officer a specified period to provide a response to the further ground.

(2) For the purpose of subregulation (1)(c), the specified period is —

(a) a period of 21 days beginning on the later of the following days —

(i) the day on which the prison officer is given the notice of the further ground;

(ii) the day on which the prison officer is provided with copies of all of the documents required to be provided under subregulation (1)(b);

(iii) the day on which all material required to be made available has been made available to the prison officer for inspection under subregulation (1)(b);

or

(b) any longer period approved by the chief executive officer before the end of the period referred to in paragraph (a), on —

(i) an application made by the prison officer; or

(ii) the initiative of the chief executive officer.

(3) If the chief executive officer does not provide the prison officer with a copy of a document or make available for inspection any other material that was examined and taken into account by the chief executive officer under this Part because it is privileged, the chief executive officer must advise the prison officer of each ground on which the document or material is privileged.

(4) Subregulation (3) does not apply if the chief executive officer has already advised the prison officer under this Part of each ground on which the document or material is privileged.

[Regulation 32G inserted: Gazette 21 Aug 2015 p. 3322-3.]

32H. Notice of chief executive officer's decision on removal action and material relied on

(1) As far as practicable, a decision notice as defined in section 102(3)(b) of the Act must be given to the prison officer within 7 days after the chief executive officer has decided to take removal action.

(2) The chief executive officer is not required to comply with section 102(6) of the Act to the extent that —

(a) the chief executive officer has already provided the prison officer with a copy of the document or made available to the prison officer for inspection any other material under this Part; or

(b) the document or material is privileged.

(3) If the chief executive officer does not comply with section 102(6) of the Act because the document or material is privileged the chief executive officer must advise the prison officer of each ground on which the document or material is privileged.

(4) Subregulation (3) does not apply if the chief executive officer has already advised the prison officer under this Part of each ground on which the document or material is privileged.

[Regulation 32H inserted: Gazette 21 Aug 2015 p. 3323.]

32I. Service of notices or documents

(1) If a notice or document is required to be given to a prison officer under Part X Division 3 of the Act or this Part, service may be effected on the prison officer —

(a) by delivering it to the prison officer personally; or

(b) by properly addressing and posting it (by prepaid post) as a letter to the usual or last known residential address of the prison officer or address for service given by the prison officer in writing to the chief executive officer; or

(c) by leaving it for the prison officer at the prison officer's usual or last known residential address; or

(d) by leaving it for the prison officer at an address for service given by the prison officer in writing to the chief executive officer.

(2) Service under subregulation (1) is to be taken to be effected —

(a) in the case of service under subregulation (1)(a), at the time of delivery to the prison officer; or

(b) in the case of service under subregulation (1)(b), at the time when the letter would have been delivered in the ordinary course of post; or

(c) in the case of service under subregulation (1)(c), at the time it is left at the residential address; or

(d) in the case of service under subregulation (1)(d), at the time it is left at the address given to the chief executive officer.

[Regulation 32I inserted: Gazette 21 Aug 2015 p. 3324.]

32J. Application

Regulations 31 to 32H do not apply where a prison officer is discharged under regulation 5.

[Regulation 32J inserted: Gazette 21 Aug 2015 p. 3324.]

32K. Restriction on suspending prison officer's pay

During any period in which consideration is being given to a prison officer's suitability to continue as a prison officer, the chief executive officer cannot suspend the prison officer's pay.

[Regulation 32K inserted: Gazette 21 Aug 2015 p. 3324.]

Part V — Prisoners — management provisions

Division 1 — Prisoner property

[Heading inserted: Gazette 3 Apr 2007 p. 1495.]

32. Prison clothing

Upon his admission to prison, a prisoner may be required to bathe or take a shower and, subject to these regulations, shall be issued with and shall wear prison clothing.

33. Clothing during absence from prison

(1) The superintendent may permit a prisoner to wear clothing other than prison clothing during a prisoner's authorised absence from prison.

(2) A prisoner whose appearance is required at court or at any place authorised under section 85 of the Act shall be permitted to wear his own clothing if he so elects.

[Regulation 33 amended: Gazette 3 Apr 2007 p. 1495.]

34. Clothing on discharge

The chief executive officer shall ensure that a prisoner discharged from a prison is adequately clothed in other than prison clothing and may authorise expenditure either from the prisoner's own moneys held on his behalf at the prison, or from any moneys available to the chief executive officer for that purpose.

[Regulation 34 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

35. Prisoner's property

(1) As soon as practicable after the admission of a prisoner to prison, the superintendent shall cause an inventory to be made of all property in that prisoner's possession and the prisoner

shall be asked to sign the inventory as an acknowledgment that it is correct.

(2) If a prisoner refuses to sign an inventory when asked to do so by a prison officer under subregulation (1), the prison officer shall inform the superintendent, and endorse on the inventory a note of the refusal, the time and method of contact with the superintendent, and any reason given by the prisoner for his refusal to sign.

(3) Any property which, in the opinion of the superintendent, is of a perishable, dangerous or unhygienic nature may be destroyed or otherwise dealt with as ordered by the superintendent and a record of such order and action shall be noted on the inventory.

(4) Where any property is dealt with under section 41 of the Act, the inventory shall be endorsed accordingly and signed by the authorised officer and the prisoner.

[Regulation 35 amended: Gazette 11 Feb 2003 p. 413.]

36. Safekeeping of prisoner's property

(1) The superintendent may, subject to considerations of security and practicability, and in accordance with any directions issued by the chief executive officer, authorise the retention of a prisoner's property at the prison.

(2) Any property retained at the prison on behalf of a prisoner shall be kept in safe keeping.

(3) The property of the prisoner shall be made available to that prisoner on his release or as soon as practicable thereafter.

[(4) deleted]

(5) Any property issued to or retained by a prisoner, or retained at a prison on behalf of a prisoner, may be searched by a prison

officer and, for that purpose, the prison officer may, using due care, dismantle the property.

[Regulation 36 amended: Gazette 11 Feb 2003 p. 413-14.]

36A. Prisoner's property brought by other people

(1) A person who brings to a prison any property to be delivered to a prisoner, shall surrender the property to the superintendent upon arrival at the prison.

(2) The superintendent to whom property is surrendered shall cause the property to be inspected, and shall then ensure that the property is dealt with in accordance with any directions issued by the chief executive officer.

[Regulation 36A inserted: Gazette 11 Feb 2003 p. 414.]

36B. Refusing to store property

(1) A superintendent may, at any time —

(a) refuse to store, at a prison, any or all of a prisoner's property; or

(b) decide to stop storing, at a prison, any or all of a prisoner's property,

in accordance with any directions issued by the chief executive officer.

(2) A superintendent shall refuse to store property for a prisoner, or to allow a prisoner to have possession of property, of a type specified in a direction issued by the chief executive officer.

(3) If, under subregulation (1) or (2), a superintendent refuses to store a prisoner's property, or decides to stop storing a prisoner's property, the superintendent is to —

(a) inform the prisoner, in writing, that the property is not, or is no longer, going to be stored at the prison; and

(b) request the prisoner, in writing, to make arrangements to have the property removed within a time specified in that request.

(4) If property has not been removed from a prison within a time specified under subregulation (3)(b), the superintendent shall impound that property and, subject to any directions of the chief executive officer and to subregulation (5), dispose of that property under regulation 37 as if it were abandoned property.

(5) The superintendent shall ensure that —

(a) the disposal of a prisoner's property under subregulation (4) is recorded in the inventory of the prisoner's property; and

(b) if the disposal is by way of public auction, the net proceeds from the sale of that property are credited to the prisoner's account.

[Regulation 36B inserted: Gazette 11 Feb 2003 p. 414-15.]

36C. Release of property

(1) A superintendent may release to a prisoner, or to a person nominated in writing by that prisoner, all or any of the prisoner's property stored at the prison.

(2) Property shall not be released to a prisoner's nominee, unless that nominee signs an acknowledgment of the receipt of the property at the time the property is released.

[Regulation 36C inserted: Gazette 11 Feb 2003 p. 415.]

36D. Transfer of property between prisons

(1) The chief executive officer may issue a direction specifying the maximum amount of a prisoner's property that can be transferred with the prisoner from one prison to another.

(2) Upon the transfer of a prisoner with his or her property, the provisions of regulation 35 are to be applied at the prison to which he or she is transferred as if the prisoner had been admitted to that prison.

(3) If a prisoner's property to be transferred exceeds the allowed maximum under subregulation (1), the superintendent of the prison where the property is held shall —

(a) inform the prisoner, in writing, that not all the property can be transferred with the prisoner because it exceeds the allowed maximum; and

(b) request the prisoner, in writing, —

(i) to nominate the items of property that are not to be transferred with the prisoner; and

(ii) to arrange for those items to be removed within a time specified in that request.

(4) If the items nominated under subregulation (3)(b)(i) have not been removed within the time specified under subregulation (3)(b)(ii), the superintendent shall impound that property and, subject to any directions of the chief executive officer and to subregulation (5), dispose of that property under regulation 37 as if it were abandoned property.

(5) The superintendent shall ensure that —

(a) the disposal of a prisoner's property under subregulation (4) is recorded in the inventory of the prisoner's property; and

(b) if the disposal is by way of public auction, the net proceeds from the sale of that property are credited to the prisoner's account.

[Regulation 36D inserted: Gazette 11 Feb 2003 p. 415-16.]

37. Disposal of unclaimed property

(1) Property left at a prison and uncollected, abandoned, or unclaimed for a period of 3 months may by order of the chief executive officer be —

(a) sold at a public auction;

(b) given to an association incorporated under the *Associations Incorporation Act 2015*; or

(c) destroyed or otherwise disposed of.

(2) The chief executive officer shall on at least one occasion before a public auction is conducted under subregulation (1) cause a notice to be published in the *Government Gazette* describing the property to be offered for sale and giving the time, date and place of the auction.

(3) The net proceeds of an auction sale conducted under this regulation shall be paid into the Prisoners' Industrial Trust Fund.

[Regulation 37 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475; 11 Feb 2003 p. 416; 9 May 2008 p. 1844; 30 Dec 2016 p. 5968.]

Division 2 — Prisoner records

[Heading inserted: Gazette 3 Apr 2007 p. 1495.]

38. Recording of prisoners' particulars

(1) Upon his admission to prison and at any other time which the superintendent considers necessary —

(a) a record shall be made of a prisoner's name (according to the warrant or other instrument pursuant to which he is in custody), his date of birth and usual place of residence together with a description of his general appearance, features and distinguishing marks;

(b) a prisoner shall be given the opportunity to state his religion or religious denomination and any such statement shall be recorded; and

(c) a prisoner may be required to have his height and weight recorded, be photographed, have impressions of his fingers and palms taken, and to provide a sample of his blood and an impression of his teeth.

(1a) For the purposes of subregulation (1)(a) a record of a prisoner's name may include the prisoner's name registered under the *Births, Deaths and Marriages Registration Act 1998* or any alias of the prisoner.

(1b) A record of the prisoner's name kept under subregulation (1)(a) may be changed at any time if the superintendent considers that such change is necessary.

(2) A blood sample or dental impression provided under subregulation (1)(c) shall be taken by or at the direction of a medical officer.

[Regulation 38 amended: Gazette 12 Apr 2001 p. 2099; 14 Sep 2004 p. 4057.]

39. Confidentiality of records

(1) Subject to subregulation (2) the records referred to in regulation 38 with respect to a prisoner who is released without conviction by a court and of a prisoner who is acquitted of the charge in respect of which he was imprisoned shall be destroyed at the request of the prisoner.

(2) The chief executive officer may, for statistical purposes, retain a record of —

(a) the name and date of birth;

(b) the usual place of residence at the time of admission;

(c) the date and reason for admission; and

(d) the date and reason for discharge,

of a prisoner referred to in subregulation (1).

[Regulation 39 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475; 3 Apr 2007 p. 1495.]

Division 3 — Prisoner conduct

[Heading inserted: Gazette 3 Apr 2007 p. 1495.]

40. Duty to obey orders

(1) A prisoner shall promptly obey an order given to him by a prison officer and shall obey the rules and standing orders of the prison and any other written order addressed generally to prisoners.

(2) A prisoner aggrieved by an order given to him shall obey that order before making any complaint in relation to the order.

41. Conduct in personal matters

(1) A prisoner shall keep himself, his bedding and his clothing and his cell or quarters in a thorough state of cleanliness and the furniture and any contents of his cell shall be neatly arranged as may be directed by the superintendent.

(2) A prisoner shall not in any way alter or destroy bedding or clothing issued to him or the furniture or contents of his cell and shall be accountable for its condition and responsible for its proper care.

(3) A prisoner shall bathe or shower and put on clean clothing as directed by the superintendent.

(4) The superintendent may require a prisoner to have his hair cut and may require a male prisoner to cut or shave his beard or moustache.

42. Remaining in prison

(1) The chief executive officer may if so requested by a prisoner in writing permit the prisoner to remain in the prison overnight until the morning of the day following the due date of discharge.

(2) If a prisoner is seriously ill on his discharge date, the chief executive officer may permit the prisoner to remain in the prison until suitable arrangements are made for his discharge.

[Regulation 42 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

Division 4 — Prisoner work

[Heading inserted: Gazette 3 Apr 2007 p. 1495.]

43. Work

(1) Subject to subregulation (2), a prisoner who is able to work may be employed as the superintendent directs.

(2) A prisoner on remand shall not be required to work.

(3) A prisoner on remand may apply in writing to the superintendent to work and, if such application is granted, the prisoner may, be employed in the prison in which he is confined, and be credited with gratuities accordingly.

[Regulation 43 amended: Gazette 11 May 1990 p. 2266.]

44. Classification of labour performed by prisoners

(1) Labour performed by prisoners shall be classified by the chief executive officer according to the following levels —

Level 1 — work that requires exceptional skill and requires a special aptitude and diligence.

Level 2 — work that requires above average skill and requires above average diligence.

Level 3 — work that requires average skill or average diligence.

Level 4 — work that requires a minimum of skill and ordinary diligence.

Level 5 — work that does not come within the other levels of this classification and in which the duties are only of a general nature.

(2) The level at which work is classified shall be at the discretion of the chief executive officer.

[Regulation 44 inserted: Gazette 11 May 1990 p. 2266.]

Division 5 — Prisoner gratuities and other moneys

[Heading inserted: Gazette 3 Apr 2007 p. 1495.]

45. Gratuities that may be credited to prisoners

(1) The rates of gratuities prescribed in relation to the levels of labour performed by prisoners are as follows —

Level 1 — $35 per week
Level 2 — $27 per week
Level 3 — $21 per week
Level 4 — $15 per week
Level 5 — $11 per week.

(2) The rates of gratuities to be credited under subregulation (1) shall be varied each year according to the variation in the previous year of the Consumer Price Index (all groups) Perth as issued by the Australian Bureau of Statistics under the authority of the *Census and Statistics Act 1905* of the Commonwealth and the date from which any such variation shall be credited shall be determined by the chief executive officer.

[Regulation 45 inserted: Gazette 11 May 1990 p. 2266-7.]

45A. Chief executive officer to determine level of labour

A prisoner shall be allocated such level of labour as is determined by the chief executive officer.

[Regulation 45A inserted: Gazette 11 May 1990 p. 2267.]

45B. No gratuity for non allocated prisoners or prisoners confined as punishment

(1) Where —

(a) the superintendent in the interests of the preservation of prison security or prison property has directed that a prisoner is not to work;

(b) a prisoner consistently refuses to work; or

(c) a prisoner is undergoing a penalty of confinement in his sleeping quarters or separate confinement in a punishment cell,

then in addition to any other action which may be taken against the prisoner the prisoner shall not be allocated any work and shall not be credited with any gratuity.

(2) Where a prisoner's gratuities are cancelled for a period not exceeding 14 days under a determination under Part VII of the Act, that prisoner shall for that period continue to perform work.

[Regulation 45B inserted: Gazette 11 May 1990 p. 2267; amended: Gazette 3 Apr 2007 p. 1496.]

45C. Medically unfit prisoner

(1) A prisoner shall not be transferred from a particular level of work to a lower level of work by reason only that the prisoner is temporarily medically unfit.

(2) Notwithstanding any thing in regulation 45B a prisoner who is temporarily medically unfit may during that period be credited

with the gratuity that applies to the level of labour to which the prisoner is normally allocated.

[Regulation 45C inserted: Gazette 11 May 1990 p. 2267.]

45D. Proportionate payment and public holiday

(1) Subject to these regulations where a prisoner is not allocated a particular level of work for a whole week the gratuity that may be credited to the prisoner in that week shall be in proportion to the time in that week spent by the prisoner on the duties of the level or levels in question.

(2) Where a prisoner is normally allocated any level of work the prisoner may be credited with the gratuity applicable in relation to that level for every day that is a public holiday in the part of the State in which the prison where he or she is confined is situate notwithstanding that the prisoner does not perform any work on such a day.

[Regulation 45D inserted: Gazette 11 May 1990 p. 2267.]

45E. Extra or lower gratuities

Notwithstanding anything in regulations 44 to 45D the chief executive officer may at the absolute discretion of the chief executive officer determine that the gratuity to be credited to a prisoner —

(a) shall be higher than the rate prescribed under these regulations in relation to the level of work performed by the prisoner; or

(b) if the chief executive officer is of the opinion that a prisoner is not carrying out the duties of a particular level of work in a satisfactory manner, shall be at a lower rate than the level prescribed in relation to the level of work normally performed by the prisoners.

[Regulation 45E inserted: Gazette 11 May 1990 p. 2267.]

46. Classification and gratuity records

The superintendent shall cause to be kept for each prisoner —

(a) a record showing the level of labour allocated to the prisoner from time to time and the amount of gratuities which have been credited to him and the details of all transactions involving that prisoner's gratuities (such record to be known as the prisoner's "gratuity card"); and

(b) a record showing the amount of all moneys held or received on behalf of a prisoner and the details of all transaction involving such moneys.

[Regulation 46 amended: Gazette 11 May 1990 p. 2267.]

47. Expenditure of gratuities

(1) A prisoner may spend from gratuities to his credit such amounts and on such purchases as may be approved by the superintendent from time to time.

(2) A prisoner may apply to the superintendent to expend or transfer moneys held on his behalf for a specified purpose and the superintendent may authorise such expenditure or transfer.

(3) The transfer of any moneys from one prisoner to another shall not be authorised by the superintendent unless he is satisfied that the transfer is for a proper purpose.

48. Restriction on money held for prisoner

(1) The chief executive officer may determine from time to time the amount of money (not including gratuities credited) which may be received and held on behalf of a prisoner.

(2) Notwithstanding any thing in regulation 47, the chief executive officer may determine that, subject to any further direction given by the chief executive officer in relation to any specified circumstances, gratuities credited to prisoners shall be retained

in the account of the prisoner to such extent as is specified by the chief executive officer.

(3) Nothing in this regulation affects the provisions of regulations 49 and 73.

[Regulation 48 amended: Gazette 11 Dec 1987 p. 4369; 11 May 1990 p. 2267; 2 Nov 1999 p. 5475.]

49. Deductions for damage etc. to property of Government or contractor

(1) If property has been damaged, destroyed or lost because of an act or omission on the part of a prisoner the chief executive officer may order a deduction from the gratuities or other moneys credited to the prisoner to defray the costs of replacement or repair of the property.

(2) In this regulation —

property —

(a) if prisons services in relation to a prison are being provided under a contract, means either —

(i) property of the State of Western Australia; or

(ii) property of the contractor;

and

(b) in any other case, means property of the State of Western Australia.

[Regulation 49 inserted: Gazette 12 Apr 2001 p. 2099-100.]

*[**49A.** Inserted: Gazette 2 Nov 1999 p. 5473 (disallowed: Gazette 21 Dec 1999 p. 6417).]*

50. Payment of gratuities on discharge

Subject to the making of any deductions authorised under these regulations the gratuities credited to a prisoner and other moneys held on his behalf shall be made available to the prisoner upon his discharge or as soon as practicable thereafter.

Division 6 — Information provided to prisoners

[Heading inserted: Gazette 3 Apr 2007 p. 1496.]

51. Provision of information to prisoners

(1) A prisoner who so requests shall at a time convenient to the superintendent be informed of —

(a) the contents of the warrant or other instrument by which he is held in custody;

(b) where those dates are able to be reckoned his anticipated date of discharge or the date upon which he becomes eligible for release on parole;

(c) the information recorded on his gratuity card; and

(d) the details contained in the records referred to in regulations 35 and 46.

(2) The superintendent need not agree to a request made under subregulation (1) if the request appears to him to be vexatious.

Division 7 — Visitors

[Heading inserted: Gazette 3 Apr 2007 p. 1496.]

52. Visits to sentenced prisoners

Subject to section 66 of the Act, a prisoner under sentence of imprisonment or detention shall be permitted to receive visits from his spouse, de facto partner, friends and relations —

(a) as soon as practicable after his admission to prison in accordance with the rules prescribed for the prison in which that prisoner is confined;

(b) weekly thereafter in accordance with the rules prescribed for that prison; and

(c) at such other times as may be authorised by the superintendent.

[Regulation 52 amended: Gazette 22 Apr 1983 p. 1250; 30 Jun 2003 p. 2625.]

53. Visits — general

(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) Subject to section 63 of the Act a prisoner may refuse to see or to speak to any visitor.

(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.

[Regulation 53 amended: Gazette 2 Nov 1999 p. 5474.]

53A. Visitors may be required to produce evidence of identity

(1) A visitor to a prisoner who makes and signs a declaration under section 60 of the Act may be required by the superintendent, or an officer appointed by the superintendent for the purposes of that section of the Act, to produce evidence of his or her identity at the time of making and signing the declaration.

(2) In subregulation (1) —

"evidence of his or her identity" includes a passport, an Australian citizenship certificate, a driver's licence, a Medicare card or any other form of identification that the superintendent or officer considers satisfactory.

[Regulation 53A inserted: Gazette 19 Mar 1996 p. 1241.]

53B. Confirmation of visitor's identity

(1) The chief executive officer may direct that visitors to a prison specified by the chief executive officer are to confirm their identity by submitting to an iris scan or a fingerprint scan before entry to, and exit from, the prison.

(2) A prison cannot be specified for the purposes of subregulation (1) unless equipment required for the method of identity confirmation is in place at that prison.

(3) A person who refuses or otherwise fails to undergo initial identity confirmation when required to do so may be refused entry to the prison.

[(4) deleted]

[Regulation 53B inserted: Gazette 28 Mar 2008 p. 907-8; amended: Gazette 28 Nov 2008 p. 5030.]

54. Form of visitor's declaration

For the purposes of section 60 of the Act, the form of the declaration to be made and signed by a visitor to a prisoner shall be in accordance with Form 2 in the Schedule.

*[**54A.** Deleted: Gazette 3 Apr 2007 p. 1496.]*

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 Circumstances in which a person may be banned from visiting a prison	Column 2 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
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 —	
Court Security and Custodial Services Act 1999 section 90 or 91	12 months
Court Security and Custodial Services Act 1999 section 92	6 months
Prisons Act 1981 section 49(6)	3 months
Prisons Act 1981 section 50(1)(a) or (b)	12 months
Prisons Act 1981 section 50(2)	6 months
Prisons Act 1981 section 50(3)	3 months
Prisons Act 1981 section 52(1)(a) or (b)	6 months
Prisons Act 1981 section 52(3)	3 months

Column 1 Circumstances in which a person may be banned from visiting a prison	Column 2 Maximum period for which a person may be banned from visiting a prison
Prisons Act 1981 section 52(4)(a) or (b)	12 months
Prisons Act 1981 section 60(4)	3 months
The Criminal Code section 145	12 months
Young Offenders Act 1994 section 191 or 192	6 months
Young Offenders Act 1994 section 193(2) or 194	12 months

[Regulation 54B inserted: Gazette 11 Jun 2004 p. 2000-1.]

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.

[Regulation 54BA inserted: Gazette 11 Jun 2004 p. 2001-2.]

Division 8 — Separation of prisoners

[Heading inserted: Gazette 3 Apr 2007 p. 1496.]

54C. Separation of prisoners

(1) The chief executive officer may, where he is of the opinion that the management, control or security of a prison or of the prisoners therein requires —

(a) that prisoners of a particular category or description be confined in a separate part of the prison —

(i) by instrument in writing declare that a part of the prison specified in the instrument is set aside for the confinement of that particular category or description of prisoner;

(ii) from time to time determine the prisoners who shall be confined in that part of the prison; and

(iii) by order under section 35 of the Act make provision for the management, control, security and routine in that part of the prison and of the prisoners confined in that part;

(b) that special provision be made for prisoners of a particular category or description —

(i) by order under section 35 of the Act make provision for the management, control, security and routine of such prisoners; and

(ii) from time to time determine the prisoners to whom those provisions shall apply.

(2) The chief executive officer may by instrument in writing amend, or revoke a declaration under subregulation (1)(a)(i) or may revoke the declaration and substitute another declaration for it.

(3) Nothing in subregulation (1) affects the application of these regulations to any prisoner but, subject to that limitation, the provisions as to management, control, security and routine —

(a) applicable in a part of a prison set aside under subregulation (1)(a)(i) and to the prisoners confined in that part; or

(b) applicable under subregulation (1)(b) to prisoners of a particular category or description,

may differ from those applicable in other parts or another part of the prison or to other prisoners or prisoners of another category or description.

[Regulation 54C inserted: Gazette 25 Mar 1988 p. 898; amended: Gazette 2 Nov 1999 p. 5475.]

Division 9 — Absence permits

[Heading inserted: Gazette 3 Apr 2007 p. 1496.]

54D. Prescribed purposes or circumstances for absence permits

For the purposes of section 83(3)(a) of the Act, a prescribed purpose is, or prescribed circumstances are —

(a) facilitating the rehabilitation of a prisoner and the successful reintegration of the prisoner into the community;

(b) facilitating the education and training of a prisoner;

(c) facilitating the employment, or the preparation for employment, of a prisoner;

(d) facilitating participation by a prisoner in community work or work associated with the operation of the prison;

(e) facilitating the maintenance by a prisoner of cultural ties and enabling the prisoner to meet cultural obligations;

(f) facilitating the observance by a prisoner of religious or spiritual beliefs or practices;

(g) facilitating a prisoner's participation in recreational activities or other activities that will promote the wellbeing of the prisoner;

(h) preparing a prisoner for release;

(i) facilitating the maintenance of contact between a prisoner and his or her family, or any other approved person, and enabling the prisoner to meet responsibilities to that family or person, including parental or guardianship responsibilities;

(j) enabling the prisoner to be absent from prison on compassionate grounds;

(k) facilitating the provision of medical, dental or other approved ancillary health services to a prisoner;

(l) facilitating the investigation of an offence or the administration of justice.

[Regulation 54D inserted: Gazette 3 Apr 2007 p. 1496-7.]

54E. Duration of absence permit

(1) In the case of an absence permit for a purpose or in circumstances mentioned in regulation 54D(a), (b), (c), (d), (e), (f), (g) or (h), the period specified in the absence permit under section 83(2)(a) of the Act shall be not longer than —

(a) the shortest period reasonably required for that purpose or in those circumstances, including travel time; or

(b) 12 hours, plus travelling time to and from the prison,

whichever is shorter.

(2) In the case of an absence permit for a purpose or in circumstances mentioned in regulation 54D(i), the period specified in the absence permit under section 83(2)(a) of the Act shall be not longer than —

(a) the shortest period reasonably required for that purpose or in those circumstances, including travel time; or

(b) 36 hours, plus travelling time to and from the prison,

whichever is shorter.

(3) In the case of an absence permit for a purpose or in circumstances mentioned in regulation 54D(j), (k) or (l), the period specified in the absence permit under section 83(2)(a) of the Act shall be the shortest period reasonably required for that purpose or in those circumstances, including travel time.

[Regulation 54E inserted: Gazette 3 Apr 2007 p. 1497-8.]

54F. Eligibility for absence permit

(1) A prisoner is not eligible to receive an absence permit except in accordance with this regulation.

(2) Every prisoner is eligible to receive an absence permit for a purpose or in circumstances mentioned in regulation 54D(j), (k) or (l).

(3) A prisoner who has been given a minimum security rating by the chief executive officer is eligible to receive an absence permit for a purpose or in circumstances mentioned in regulation 54D(a), (b), (c), (d), (e), (f), (g), (h) or (i).

(4) A prisoner sentenced to a life term or indefinite imprisonment is eligible to receive an absence permit for a purpose or in circumstances mentioned in regulation 54D(a), (b), (c), (d), (e), (f), (g), (h) or (i) if that purpose is, or those circumstances are, part of a re-socialisation programme approved under the *Sentence Administration Act 2003* section 13.

[Regulation 54F inserted: Gazette 3 Apr 2007 p. 1498.]

54G. Arrangements relating to accommodation and community work

The chief executive officer may —

(a) enter into an arrangement with a person for —

(i) a prisoner to stay in accommodation provided or arranged by the person; or

(ii) a prisoner to perform community work for, or arranged by, the person; or

(iii) the person to accompany the prisoner,

while the prisoner is absent from prison on an absence permit; and

(b) as part of an arrangement under paragraph (a)(ii), require a financial contribution, payment or commitment from the person to cover expenses incurred by the Department in relation to the absence permit.

[Regulation 54G inserted: Gazette 3 Apr 2007 p. 1498-9.]

54H. Terms of paid employment of prisoner on an absence permit

Where a prisoner is in paid employment while absent from prison on an absence permit, the terms and conditions, including the amount payable, in respect of the employment shall be —

(a) the terms and conditions including the amount payable under any award or agreement in force under —

(i) the *Industrial Relations Act 1979*; or

(ii) the *Industrial Relations Act 1988* of the Commonwealth,

that applies to the employment; or

(b) if there is no such award or agreement — such terms and conditions, including the amount payable, as are agreed upon by the employer and the chief executive officer.

[Regulation 54H inserted: Gazette 3 Apr 2007 p. 1499.]

54I. Appointment of escorts and supervisors

The chief executive officer may appoint as an escort or supervisor of a prisoner who is absent from prison on an absence permit —

(a) a prison officer; or

(b) a contract worker as defined in the *Court Security and Custodial Services Act 1999* section 3; or

(c) any other person who the chief executive officer thinks is fit to be appointed as an escort or supervisor.

[Regulation 54I inserted: Gazette 3 Apr 2007 p. 1499.]

54J. Restrictions on giving absence permits

The chief executive officer shall not give an absence permit to a prisoner unless he or she is satisfied that the prisoner will, at all times that the prisoner is absent from prison under the permit, comply with every condition of the permit.

[Regulation 54J inserted: Gazette 3 Apr 2007 p. 1499.]

54K. Standard conditions of absence permits

(1) An absence permit is subject to the condition that the prisoner shall —

(a) at all times that the prisoner is absent from prison under the permit, remain in the charge of an escort, or under the supervision of a supervisor, as specified in the permit; and

(b) comply with every order or direction of that escort or supervisor.

(2) An absence permit for a period requiring overnight accommodation is subject to the condition that the prisoner shall stay in approved accommodation and no other accommodation.

[Regulation 54K inserted: Gazette 3 Apr 2007 p. 1500.]

54L. Amounts deducted from moneys paid to a prisoner on an absence permit

(1) The chief executive officer may order a deduction from moneys paid to a prisoner employed while the prisoner is absent from prison on an absence permit —

(a) to pay any outstanding fines, restitution or compensation payable by the prisoner under a conviction by a court or a determination under Part VII of the Act; or

(b) for the prisoner's savings or purchases; or

(c) for the prisoner's contributions to the upkeep of his or her family, or any other approved person; or

(d) to defray any expenses relating to board or employment incurred while the prisoner was absent on the permit.

(2) When money is deducted under subregulation (1), the balance remaining shall not be less than one week's gratuities payable for work classified under regulation 44(1) as Level 1.

[Regulation 54L inserted: Gazette 3 Apr 2007 p. 1500.]

Division 10 — Interstate absence permits

[Heading inserted: Gazette 3 Apr 2007 p. 1500.]

54M. Terms used in this Division

In this Division, unless the contrary intention appears —

corresponding law means a law that is declared to be a corresponding law in regulation 54N;

external facility has the meaning given to that term in section 23(1) of the Act;

interstate absence permit —

(a) in relation to a prisoner in this State, means an absence permit authorising the person to travel to or through a participating State or Territory; and

(b) in relation to an interstate prisoner, means a permit given under a corresponding law authorising the prisoner to travel to or through this State;

interstate escort means a person who is authorised under an interstate absence permit to escort an interstate prisoner to or through this State;

interstate prisoner means a person imprisoned in a participating State or Territory;

participating State or Territory means any other State or a Territory in which a corresponding law is in force.

[Regulation 54M inserted: Gazette 3 Apr 2007 p. 1500-1.]

54N. Corresponding laws

A law of another State or a Territory specified in the Table to this regulation is declared to be a corresponding law for the purposes of this Division.

Table

Law	State/Territory
Prisoners' Interstate Leave Act 1997	Australian Capital Territory
Crimes (Administration of Sentences) Act 1999 Part 2 Division 3 Subdivision 2	New South Wales
Prisons (Correctional Services) Act Part XVII Division 2	Northern Territory
Corrective Services Act 2006 Chapter 2 Part 2 Division 9	Queensland
Correctional Services Act 1982 Part 4 Division 5	South Australia
Corrections Act 1997 Part 6	Tasmania
Corrections Act 1986 Part 8A	Victoria

[Regulation 54N inserted: Gazette 3 Apr 2007 p. 1501.]

54O. Interstate absence permit

The chief executive officer may, if he or she thinks it is appropriate, give to a prisoner in this State an interstate absence permit for any purpose that, or in any circumstances where, an absence permit may be given.

[Regulation 54O inserted: Gazette 3 Apr 2007 p. 1501.]

54P. Notice to participating State or Territory

On giving an interstate absence permit to a prisoner in this State, the chief executive officer shall give written notice of the

fact that the permit has been given, and of the period of the permit —

(a) in relation to the participating State or Territory to which the prisoner is travelling —

(i) to the officer responsible for the administration of prisons (however described) in that State or Territory; and

(ii) to the chief officer of police of that State or Territory;

and

(b) in relation to any other participating State or Territory through which the prisoner is travelling — to the chief officer of police of that State or Territory.

[Regulation 54P inserted: Gazette 3 Apr 2007 p. 1502.]

54Q. WA escorts

If it is a condition of an interstate absence permit given to a prisoner in this State that the prisoner shall be escorted to or through a participating State or Territory, the permit —

(a) authorises the escort to be in charge of the prisoner for the purpose of escorting the prisoner to or through the participating State or Territory in accordance with the permit; and

(b) authorises the escort to be in charge of the prisoner for the purpose of returning the prisoner to the prison or any external facility from which the prisoner is absent,

except for any period during which the prisoner is in custody in a prison in a participating State or Territory under a provision of a corresponding law corresponding with regulation 54R(2) or 54T.

[Regulation 54Q inserted: Gazette 3 Apr 2007 p. 1502.]

54R. Interstate escorts

(1) An interstate escort is authorised, while in this State —

(a) to be in charge of an interstate prisoner for the purposes and period set out in the relevant interstate absence permit; and

(b) to be in charge of the interstate prisoner for the purpose of returning the prisoner to the participating State or Territory,

except for any period during which the prisoner is in custody in a prison, external facility or police lock-up under subregulation (2) and regulation 54T.

(2) If the interstate prisoner is in the charge of an interstate escort and requires overnight accommodation while in this State, the prisoner may, at the request of the escort, be detained in a prison, external facility or police lock-up for that period, and the relevant interstate absence permit is sufficient authority for that detention.

[Regulation 54R inserted: Gazette 3 Apr 2007 p. 1502-3.]

54S. Arrest of interstate prisoners

If, while an interstate prisoner is in this State, the prisoner —

(a) escapes or attempts to escape from the charge of an interstate escort or from the custody of a prison, external facility or police lock-up under regulation 54R(2); or

(b) otherwise breaches a condition of the relevant interstate absence permit,

the prisoner may be arrested, without warrant, by a prison officer, a police officer, the prisoner's escort, if any, or a contract worker as defined in the *Court Security and Custodial Services Act 1999* section 3, and taken to the nearest police station.

[Regulation 54S inserted: Gazette 3 Apr 2007 p. 1503.]

54T. Return of arrested interstate prisoners to State or Territory of origin

(1) An interstate prisoner who is arrested under regulation 54S shall be brought before a court of summary jurisdiction within 2 working days of the day of arrest and may be detained in a prison, external facility or police lock-up until that occurs.

(2) The court of summary jurisdiction may, if the court thinks appropriate, order that the prisoner —

(a) be returned by the prisoner's interstate escort to the State or Territory in which the relevant interstate absence permit was given; or

(b) be delivered into the custody of another escort for the purposes of being returned to that State or Territory,

as the case requires.

(3) If an order is made under subregulation (2)(b) —

(a) the prisoner may be detained in a prison, external facility or police lock-up until —

(i) the order is executed; or

(ii) the expiration of 7 days from the making of the order,

whichever occurs first; and

(b) the order, if not executed, expires at the end of that 7 day period.

[Regulation 54T inserted: Gazette 3 Apr 2007 p. 1503-4.]

54U. Status of detained interstate prisoners

An interstate prisoner shall, while detained in a prison, external facility or police lock-up under regulation 54R(2) or 54T, be taken to be a prisoner for the purposes of —

(a) the Act; and

(b) these regulations except paragraph (a) of the definition of "interstate absence permit" in regulation 54M.

[Regulation 54U inserted: Gazette 3 Apr 2007 p. 1504.]

Division 11 — Bring up orders

[Heading inserted: Gazette 3 Apr 2007 p. 1504.]

54V. Superintendent authorised to issue bring up order

A superintendent of a prison is authorised for the purposes of section 85(1)(c) of the Act.

[Regulation 54V inserted: Gazette 3 Apr 2007 p. 1504.]

54W. Custody of prisoners on bring up orders

Where an order under section 85 of the Act is made —

(a) the superintendent of the prison in which the prisoner is confined may charge a prison officer or officer with the execution of the order; and

(b) a prisoner who is brought up under the order shall —

(i) while absent from a prison or other facility for the purpose specified in the order, be kept in the charge of a prison officer, officer or police officer; and

(ii) in due course and subject to any lawful order to the contrary, be returned to the custody from which the prisoner was brought up without prejudice to any cause or matter for which he or she was in that custody;

and

(c) if the proceeding that the prisoner is required to attend is adjourned, the prisoner may during the adjournment —

(i) be taken to and confined in any prison or be kept at any place in the charge of the prison officer or officer charged with the execution of the order, a

police officer or a contract worker as defined in the *Court Security and Custodial Services Act 1999* section 3; and

(ii) be brought up from time to time and day-to-day to the court or place where his or her attendance is required.

[Regulation 54W inserted: Gazette 3 Apr 2007 p. 1504-5.]

[Regulation 54W. Modifications to be applied in order to give effect to Cross-border Justice Act 2008: regulation altered 1 Nov 2009. See endnote 1M.]

Part VI — Remand prisoners

55. Remand prisoners

A person (not otherwise a prisoner) who is —

(a) on commitment for trial for an indictable offence and awaiting trial or during his trial or on remand;

(b) committed to prison pending or during proceedings or the hearing of a prosecution notice under the provisions of the *Criminal Procedure Act 2004*; or

(c) on commitment to await extradition or any other commitment,

is referred to in these regulations as a prisoner on remand and shall be treated accordingly.

[Regulation 55 amended: Gazette 9 May 2008 p. 1844-5.]

56. Visits to remand prisoners

Subject to section 66 of the Act, a prisoner on remand shall be permitted to receive visits from the prisoner's spouse, de facto partner, friends and relations —

(a) as soon as practicable after the prisoner's admission to prison in accordance with the rules prescribed for the prison in which that prisoner is confined; and

(b) subject to the physical capacity of the prison's visiting facilities, then twice weekly in accordance with the rules prescribed for that prison; and

(c) at such other times as may be authorised by the superintendent.

[Regulation 56 amended: Gazette 30 Jun 2003 p. 2625; SL 2022/197 r. 4.]

57. Separation of remand prisoners

A prisoner on remand shall as far as practicable and where the interests of security permit, be kept separate from sentenced prisoners.

58. Request for reclassification by remand prisoners

A prisoner on remand may apply in writing to the chief executive officer, to be treated as a sentenced prisoner and if such application is granted may be treated accordingly.

[Regulation 58 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

59. Exercise by remand prisoners

Consistent with his detention in secure custody, a prisoner on remand shall be permitted to take such air and exercise as the superintendent considers necessary.

60. Clothing of remand prisoners

(1) Subject to any direction to the contrary made by the superintendent in the interests of prison security, a prisoner on remand may wear his own clothing unless that clothing is inadequate, unfit to be worn, or required to be preserved for the purposes of justice, in any of which cases the prisoner may be required to wear prison clothing.

(2) A prisoner who wears his own clothing shall —

(a) clean and maintain that clothing himself;

(b) not part with the possession of or destroy any item of his clothing without the approval of the superintendent; and

(c) have his clothing in his possession entirely at his own risk.

61. Remand prisoner to clean cell

A prisoner on remand shall keep his cell and any other areas used by remand prisoners in a thorough state of cleanliness.

62. Haircuts etc. of remand prisoners

A prisoner on remand shall not be required to have his hair cut or to cut or shave his beard or moustache unless a medical officer otherwise directs in the interests of the health or cleanliness of the prisoner or the prison.

[Regulation 62 amended: Gazette 12 Apr 2001 p. 2100.]

[Part VII deleted: Gazette 22 Apr 1983 p. 1250.]

Part VIII — Prison offences

66. Determination of prison offences

Where a prison offence is dealt with before the superintendent or a visiting justice and the prisoner charged denies the truth of the charge, the procedure subject to section 76 of the Act shall be as follows —

(a) the prosecuting prison officer shall state the case against the prisoner and call any witnesses in support of the charge;

(b) the superintendent or visiting justice may take evidence on oath, affirmation or otherwise at his discretion;

(c) the prosecuting prison officer shall conduct the examination in chief of each witness and the prisoner may cross-examine each witness;

(d) the prosecuting prison officer shall be permitted to re-examine each witness on matters arising out of cross-examination;

(e) the prosecuting prison officer shall then close his case; and

(f) the prisoner shall then give evidence on his own behalf or call his witnesses and paragraphs (c), (d) and (e) shall apply subject to necessary modification.

67. Conduct of proceedings

(1) The superintendent or the visiting justice —

(a) shall conduct proceedings expeditiously and without undue adjournment or delay;

(b) shall keep or cause to be kept an adequate record of proceedings;

(c) may question a witness called; and

(d) may direct that a particular witness be called or call and question a witness.

(2) The prosecuting prison officer and the prisoner charged shall be permitted to question any witness called and questioned under subregulation (1)(d).

68. Separate confinement in punishment cell

A penalty of separate confinement in a punishment cell imposed upon a prisoner shall be served in a cell which has been certified by the chief executive officer in writing as fit for that purpose.

[Regulation 68 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

69. Calculation of separate confinement in punishment cell

(1) A penalty of separate confinement in a punishment cell for a specified number of days (or the total number of days imposed under section 78(2) of the Act) shall be deemed to have commenced to run from 1 p.m. on the day that the penalty was imposed and shall determine at 1 p.m. on the day that the penalty determines.

(2) A penalty of separate confinement in a punishment cell for a specified number of hours during a weekend shall be served during the hours specified in the order.

70. Confinement in sleeping quarters

A penalty of confinement in sleeping quarters imposed upon a prisoner shall be served in the cell or quarters allocated to that prisoner prior to the commission of the offence.

71. Calculation of confinement in sleeping quarters

A penalty of confinement in sleeping quarters for a specified number of hours or days shall be reckoned from the time of pronouncement of that penalty.

72. Separate confinement under section 43

Where the chief executive officer orders the separate confinement of a prisoner under section 43 of the Act, the

separate confinement shall (subject to that provision) be undergone in the cell and for the period specified in the order and shall be subject to the regimen set down in the order.

[Regulation 72 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

73. Penalties of restitution and cancellation of gratuities

(1) Where the penalty of restitution is imposed upon a prisoner in respect of a prison offence, the chief executive officer shall give effect to the penalty and shall authorise the deduction to be made from the gratuities credited or to be credited to the prisoner or from other moneys held on his behalf.

[(2) deleted]

[Regulation 73 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475; 3 Apr 2007 p. 1505.]

Part IX — Death of prisoner

74. Procedure on death of prisoner

(1) Upon the death of a prisoner, the superintendent shall ensure that a medical officer records —

(a) the time of death and the time of certification of death;

(b) the nature of illness or other apparent cause of death;

(c) the progression of any illness suffered by the prisoner; and

(d) any other remarks that the medical officer considers necessary.

(2) The medical officer shall, as soon as practicable after recording the matters under subregulation (1), send a copy of the record to the chief executive officer.

[Regulation 74 inserted: Gazette 12 Apr 2001 p. 2101.]

75. Notice of death of prisoner

(1) Upon the death of a prisoner, the superintendent shall forthwith give notice of the death to the chief executive officer and to the officer in charge of the nearest police station.

(2) Upon the death of a prisoner who is serving all or part of his sentence in a lock-up, the officer in charge of that lock-up shall forthwith give notice of the death to the superintendent of the nearest prison.

[Regulation 75 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

Part X — Independent prison visitors

[Heading inserted: Act No. 75 of 2003 s. 56.]

76. Visits by independent prison visitors

Where an independent prison visitor has given notice of his or her intention to visit a prison the superintendent shall cause a notice of the intended visit to be published within the prison.

[Regulation 76 inserted: Act No. 75 of 2003 s. 56.]

77. Interviews by independent prison visitors

(1) The superintendent shall bring to the attention of the independent prison visitor the names of any prisoner or officer who has requested to see the independent prison visitor and shall make the necessary arrangements to enable the independent prison visitor to interview such prisoner or officer at the prison.

(2) The independent prison visitor may interview an officer in private.

(3) Subject to any direction to the contrary made by the superintendent in the interests of security, the independent prison visitor may interview a prisoner within the view but not the hearing of an officer.

[Regulation 77 inserted: Act No. 75 of 2003 s. 56.]

Part XI — Searches and examinations

78. Duties as to search of prisoners

(1) A search of a prisoner under this regulation cannot be carried out unless ordered by the superintendent under section 41(1) of the Act.

(1A) Without limiting subregulation (1C), the manner in which a prisoner may be searched under this regulation includes by means of an approved electronic scanning device.

(1B) The superintendent must ensure that each prisoner is searched by a prison officer on the prisoner's admission to prison and immediately before the prisoner's discharge from prison.

(1C) A prisoner may be searched on such other occasions and in such manner as may be considered necessary by the superintendent.

(2) A prison officer may search any prisoner in the officer's charge or under the officer's supervision and where prisoners have left or returned to a prison or have been transferred between prisons, the superintendent must ensure that each prisoner is searched by a prison officer.

(3) A prisoner shall not be stripped of the prisoner's clothing and searched unless the superintendent has so ordered and any prison officer involved in such a search shall make a written report of the search and forward it to the superintendent.

(4) A search of a prisoner shall be conducted with regard to decency and self-respect and, subject to subregulation (5), the prisoner shall not be stripped of the prisoner's clothing and searched in the sight or the presence of a person of the opposite sex and, where practicable, no prisoner shall be stripped in the presence of another prisoner.

(5) The superintendent may request the presence of a medical officer to provide advice during the search of a prisoner.

[Regulation 78 amended: Gazette 12 Apr 2001 p. 2101; SL 2022/12 r. 4.]

79. Examination of articles under section 49

(1) Where the superintendent requires an examination of any article in the possession or under the control of a person pursuant to section 49 of the Act, he shall before directing any examination —

(a) inform the person of his authority to require and direct an examination; and

(b) ask the person whether he has in his possession or under his control any article which may jeopardise the good order of security of the prison and if so to produce such article.

(2) An examination of an article under subregulation (1) shall be conducted expeditiously and in the presence of the person referred to in that subregulation.

(3) Where any article is seized after an examination, the superintendent shall as soon as practicable notify the chief executive officer who shall make a direction under section 49(5) of the Act.

[Regulation 79 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

80. Searching persons under section 49

(1) Where the superintendent requires a search of a person pursuant to section 49 of the Act, he shall before directing any search —

(a) inform the person of his authority to require and direct the search;

(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;

(b) inform the person of the requirement in the particular case and the reason therefor;

(c) ask the person whether he has in his possession any article which may jeopardise the good order or security of the prison and if so to produce such article; and

(d) provide the person with the opportunity to respond and record the response to the request.

(2) Where in the opinion of the superintendent a search of the person is necessary, he may then direct that a search of the person take place.

(3) A person who is about to be searched —

(a) may request that someone of the same sex who has accompanied that person to the prison or some other person of the same sex (not being a prisoner) who is then at the prison be present during the search; and

(b) shall be informed of the provisions of paragraph (a).

(4) A search of a person shall be conducted expeditiously and with regard to decency and self-respect and subject to section 49(4) of the Act shall be conducted by a person of the same sex as the person searched.

(5) Where any article is seized after a search, the superintendent shall as soon as practicable notify the chief executive officer who shall make a direction under section 49(5) of the Act.

(6) This regulation applies in the case of a search consisting of a search of the hair of the head, clothing and footwear of a person by hand or by means of approved apparatus.

[Regulation 80 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5474 and 5475; 3 Apr 2007 p. 1505.]

81. Regulation of strip searches under section 49

(1) Where the superintendent requires a search of a person pursuant to section 49 of the Act and that person is required to remove any clothing for the purposes of the search then, in addition to the requirements set down in regulation 80(1) and (3) —

(a) the superintendent may request the presence of a medical officer during the search;

(b) the search shall be conducted in the presence of not more than 2 officers unless the superintendent orders otherwise in the interests of security of the prison or to overcome actual resistance offered to the search.

(2) Subject to section 49(4) of the Act and to subregulation (1)(a), a search under this regulation shall not be conducted by or in the presence or within the sight of any person who is not of the same sex as the person being searched.

(3) A search of a person shall be conducted expeditiously, with regard to decency and self-respect and in accordance with any relevant rules or standing orders.

(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.

(5) Where any article is seized after a search under this regulation, the superintendent shall as soon as practicable notify the chief executive officer who shall make a direction under section 49(5) of the Act.

(6) This regulation applies in the case of a search where a person is required to undress and be searched visually and by hand and in the case of an examination of body orifices.

[Regulation 81 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5474 and 5475; 12 Apr 2001 p. 2101.]

Part XIA — Canine section

[Heading inserted: Gazette 7 Oct 1997 p. 5609.]

81A. Terms used in this Part

In this Part —

allocated means allocated in accordance with regulation 81B(2)(a);

canine section means the canine section referred to in regulation 81B;

dog handler means a prison officer who is a member of the canine section;

prison dog means a dog approved in accordance with regulation 81C.

[Regulation 81A inserted: Gazette 7 Oct 1997 p. 5609-10; amended: Gazette 3 Apr 2007 p. 1505.]

81B. The canine section

(1) There shall be a canine section which comprises —

(a) prison officers trained as dog handlers, in accordance with an approved training programme; and

(b) prison dogs.

(2) The officer in charge of the canine section shall be responsible for —

(a) the allocation of the responsibility for each prison dog to a particular dog handler; and

(b) the deployment of prison dogs and dog handlers.

[Regulation 81B inserted: Gazette 7 Oct 1997 p. 5610; amended: Gazette 3 Apr 2007 p. 1505.]

81C. Prison dogs

(1) A dog is approved for use by a prison officer in carrying out drugs searches for the purposes of the definition of "prison dog" in section 49A of the Act if that dog —

(a) has completed an approved training programme; and

(b) is approved for use as a prison dog, following completion of an approved assessment course.

(2) The chief executive officer shall not approve a dog for use as a prison dog unless the last former owner of the dog, if known, has relinquished in writing all rights to the dog.

[Regulation 81C inserted: Gazette 7 Oct 1997 p. 5610.]

81D. Authorised manner for prison officer to use prison dog

For the purposes of section 49A(2) of the Act, a prison dog shall be taken to have been used by a prison officer in an authorised manner if —

(a) the prison officer is the dog handler who has been allocated responsibility for the prison dog;

(b) the dog is under the control of the dog handler; and

(c) the use of the prison dog is in accordance with any relevant rules.

[Regulation 81D inserted: Gazette 7 Oct 1997 p. 5610.]

81E. Particular duties of dog handlers

(1) A dog handler who has been allocated responsibility for a particular prison dog is to ensure that no other person has access to, or control of, that dog, other than in accordance with the directions of the officer in charge of the canine section.

(2) The dog handler who has been allocated responsibility for a particular prison dog shall —

(a) be responsible for the daily care, handling and training of that dog;

(b) so far as is practicable, ensure that the dog maintains a high level of obedience at all times; and

(c) report any problems with the dog to the officer in charge of the canine section.

(3) A dog handler who has been allocated responsibility for a particular prison dog shall keep that dog on a lead at all times except —

(a) in emergency circumstances; or

(b) when, in the opinion of the handler, leaving the dog off a lead does not pose a risk of the dog attacking any person.

[Regulation 81E inserted: Gazette 7 Oct 1997 p. 5610-11.]

81F. Periodic inspections of operations of canine section

The chief executive officer shall ensure that periodic inspections of the operations of the canine section are carried out by an appropriate officer.

[Regulation 81F inserted: Gazette 7 Oct 1997 p. 5611.]

Part XII — Inquiries under section 9 of Act

82. Appearance before section 9 inquiry

A person appointed by the chief executive officer to conduct an inquiry under section 9 of the Act may —

(a) issue a notice in Form 3 of the Schedule, requiring the appearance of any officer or prisoner before the inquiry;

(b) charge any officer with the execution of the service of that notice upon the officer or prisoner to whom it is addressed; and

(c) appoint an officer to assist the inquiry.

[Regulation 82 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

83. Conduct of section 9 inquiry

A person appointed by the chief executive officer to conduct an inquiry under section 9 of the Act shall —

(a) ensure that an officer or person appearing before the inquiry is aware of the subject of the inquiry and understands his obligations under the Act;

(b) conduct the inquiry in a full and objective manner and without undue adjournment or delay;

(c) keep or cause to be kept an adequate record of proceedings;

(d) provide the opportunity for persons other than those whose appearance has been required to attend before the inquiry; and

(e) report in writing to the chief executive officer at the conclusion of the inquiry or at any such other time or times as the chief executive officer may require.

[Regulation 83 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

84. Duty of reporting officer

Where before an inquiry set up under section 9 of the Act an officer or prisoner fails to give information or answer a question required by a person appointed to conduct the inquiry or gives any information or answer that in the opinion of the person conducting the inquiry is false in any particular, he shall forthwith report the full details of such failure or falsehood to the chief executive officer.

[Regulation 84 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

Part XIII — Miscellaneous

85. Responsibility for prisoners in lock-ups

(1) If a prisoner is confined in a place prescribed as a lock-up for the purposes of the *Court Security and Custodial Services Act 1999*, the CEO as defined in that Act is responsible for the management and routine of the prisoner while the prisoner is confined in that place.

(2) If a prisoner is confined in any other lock-up, the Commissioner of Police is responsible for the management and routine of the prisoner while the prisoner is confined in the lock-up.

[Regulation 85 inserted: Gazette 12 Apr 2001 p. 2101.]

85A. Identification system for persons entering specified prisons

(1) A person shall not be permitted to enter a prison specified in the Table to this regulation unless —

(a) an officer has stamped a visible part of the person's skin with an identification mark that is visible under ultraviolet light; or

(b) an officer has applied an identification band to the person's wrist.

(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 or removing the identification mark or band 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

Acacia Prison

Casuarina Prison

[Regulation 85A inserted: Gazette 27 Mar 1992 p. 1343; amended: Gazette 12 Apr 2001 p. 2102.]

86. Publication of contracts: s. 15G(5)(b)

(1) This regulation applies if, under section 15G(5)(a) of the Act, the Clerk of the Legislative Assembly or the Clerk of the Legislative Council receives a copy of a contract or a contract as amended (the ***contract***).

(2) The Clerk is to cause to be published in the *Gazette* within 14 days of receiving the contract a notice setting out —

(a) the date on which the contract was received by the Clerk;

(b) the contract's name or a brief description of the contract's contents;

(c) the date of the contract or the date on which the contract was amended, as is relevant to the case;

(d) the parties to the contract; and

(e) details as to where and when the contract can be inspected by members of the public.

(3) The Clerk is to ensure that the contract can be inspected by any person during office hours.

(4) Copies or extracts may be taken from the contract.

[Regulation 86 inserted: Gazette 17 Dec 1999 p. 6226.]

87. Restriction of access to exchange information: s. 113(9)(b)

(1) A person shall not publish information disclosed under section 113(6) of the Act without the written approval of the chief executive officer.

Penalty: a fine of $1 000.

(2) The chief executive officer shall not give approval under subregulation (1) unless the chief executive officer is satisfied that —

(a) the research for which the information was disclosed was conducted in a methodologically sound manner; and

(b) the report based on that research is factually correct; and

(c) the publication does not identify individuals, reveal confidential Departmental information or otherwise pose a security risk to the operations of the Department.

[Regulation 87 inserted: Gazette 3 Apr 2007 p. 1505.]

88. Prescribed kinds of information disclosed to victims

For the purposes of section 113B(2) of the Act, prescribed kinds of information are —

(a) details of where the prisoner is being detained or is otherwise located while serving a sentence and notification and details of any proposed transfer;

(b) any security rating assigned to the prisoner by the chief executive officer and notification and details of any proposed change in that security rating;

(c) details of each sentence the prisoner is serving and notification and details of any changes resulting from any appeal;

(d) the date, time and circumstances of any escape from custody by the prisoner and notification of the subsequent recapture of the prisoner;

(e) notification of the death, or entry into hospice care, of the prisoner;

(f) a description of any programme in which the prisoner has participated or is participating while in prison;

(g) notification and details of any release or absence from custody of the prisoner;

(h) details of any conditions attached to the release or absence from custody of the prisoner impacting on the victim and notification when any of those conditions cease to have effect;

(i) the region, city, town or suburb in which the prisoner will reside upon release;

(j) a photograph of the prisoner.

[Regulation 88 inserted: Gazette 3 Apr 2007 p. 1506.]

Schedule

Form 1

[Regs. 27, 28]

Prisons Act 1981
Prisons Regulations 1982

Superintendent,
..... Prison.

I, ... (full name) being a person approved as an analyst under regulation 27(3) and employed at the ..... (Name of approved analysis agent)

CERTIFY THAT:

(1) On the ..... day of ..... 20 .....
I received a sample of .....
from .....
in a sealed container and bearing, *inter alia*,
..... Prisoner's name
..... Officer who took sample
..... Time and date sample taken

(2) I certify that I have analysed the said sample and the result of such analysis is as follows —
.....
.....
.....

DATED this ..... day of ..... 20 .....

....
Analyst Laboratory Number

[Form 1 inserted: Gazette 17 Aug 1984 p. 2450; amended: Gazette 9 Aug 1991 p. 4113; 8 Nov 1991 p. 5721; 13 Sep 1996 p. 4570; 10 Jan 2017 p. 187.]

Form 2

[Regulation 54]

Prisons Act 1981
Prisons Regulations 1982

DECLARATION UNDER SECTION 60 OF THE *PRISONS ACT 1981*

IMPORTANT INFORMATION

When you make a declaration under section 60 of the *Prisons Act 1981* you may be required to produce evidence of your identity.

It is an offence to make a declaration under section 60 of the *Prisons Act 1981* which is false in a material particular and the maximum penalty for doing so is a fine of $1 500 or 18 months' imprisonment, or both the fine and imprisonment.

1. I declare that my full name and address and date of birth are .....
.....
.....
(*Print your given name(s) and family name, current address and date of birth*)

2. I wish to visit prisoner .....
(*Print the name of the prisoner you wish to visit*)

3. *(Complete paragraph (a), (b) or (c) if you are the prisoner's spouse, de facto partner, relation or friend)*

(a) I am the prisoner's spouse or de facto partner
.....
(State relationship to prisoner)

OR

(b) I am a relation of the prisoner as I am the prisoner's
.....
(State your relationship to the prisoner)

OR

(c) I am a friend of the prisoner and I have known the prisoner for
.....
(*State the number of years or months that you have known the prisoner*)

4. The purpose of my visit to the prisoner is .....
.....
(State the purpose of your visit to the prisoner)

5. I have been informed that I am required to make this declaration under section 60 of the *Prisons Act 1981* and I understand that a person who makes a declaration under that section which is false in a material particular commits an offence.

.....
(Signature of person making this declaration)

Made the ..... day of ..... 20 .....

In the presence of .....
(Print name of witness)

.....
(Signature of witness)

[Form 2 inserted: Gazette 19 Mar 1996 p. 1241-2; amended: Gazette 30 Jun 2003 p. 2625-6; 11 Jun 2004 p. 2002.]

Form 3

[Reg. 82]

Prisons Act 1981
Prisons Regulations 1982

INQUIRY BY REPORTING OFFICER

To: .....
(person required to attend inquiry)

WHEREAS on ..... and pursuant to section 9 of the *Prisons Act 1981*, I (A.B.) was appointed by the chief executive officer of the Department to INQUIRE into:

.....
.....
.....
(here state concisely the matter, incident or occurrence concerning the security or good order of the prison or concerning the prisoner or prisoners).

AND TO REPORT upon the subject of this inquiry to the chief executive officer.

TAKE NOTICE that you are required to appear before the inquiry at ..... on ..... day, the ..... day of ..... and there and then give such information as may be required and to answer such questions as may be put in relation to the subject of this inquiry.

By section 10 of the *Prisons Act 1981* an officer required to give any information or to answer any question and who without reasonable excuse fails to give that information or gives any information or answer that is false in any particular, commits an offence and is liable on conviction to a penalty not exceeding $300.

A prisoner who commits that offence is guilty of an aggravated prison offence and liable to be punished accordingly.

GIVEN under my hand this ..... day of ..... 20 .....

..... (A.B.).

[Form 3 amended: Gazette 11 Dec 1987 p. 4369; 2 Nov 1999 p. 5475.]

Notes

This is a compilation of the *Prisons Regulations 1982* and includes amendments made by other written laws [1M]. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Prisons Regulations 1982	23 Jul 1982 p. 2905-29	1 Aug 1982 (see r. 1 and *Gazette* 23 Jul 1982 p. 2841)
Prisons Amendment Regulations 1982	24 Dec 1982 p. 4906-7	24 Dec 1982 (see r. 3)
Prisons Amendment Regulations 1983	22 Apr 1983 p. 1250	22 Apr 1983
Prisons Amendment Regulations 1984	17 Aug 1984 p. 2449-50	17 Aug 1984
Prisons Amendment Regulations 1985	12 Apr 1985 p. 1283	12 Apr 1985
Reprint of the *Prisons Regulations 1982* as at 20 May 1986 (see *Gazette* 5 Jun 1986 p. 1849-77) (includes amendments listed above)		
Prisons Amendment Regulations 1987	11 Dec 1987 p. 4368-9	11 Dec 1987 (see r. 2 and *Gazette* 11 Dec 1987 p. 4363)
Prisons Amendment Regulations 1988	26 Feb 1988 p. 604	26 Feb 1988
Prisons Amendment Regulations (No. 2) 1988	25 Mar 1988 p. 898	25 Mar 1988
Prisons Amendment Regulations (No. 3) 1988	20 May 1988 p. 1668	20 May 1988
Prisons Amendment Regulations (No. 4) 1988	12 Aug 1988 p. 2699	12 Aug 1988
Prisons Amendment Regulations 1990	11 May 1990 p. 2266-7	18 May 1990 (see r. 2)
Prisons Amendment Regulations 1991	9 Aug 1991 p. 4113	9 Aug 1991 (see r. 2 and *Gazette* 9 Aug 1991 p. 4101)
Prisons Amendment Regulations (No. 2) 1991	8 Nov 1991 p. 5721	8 Nov 1991
Prisons Amendment Regulations 1992	27 Mar 1992 p. 1341-3	1 Apr 1992 (see r. 2 and *Gazette* 27 Mar 1992 p. 1341)

Citation	Published	Commencement
Prisons Amendment Regulations 1994	28 Jun 1994 p. 3021	1 Jul 1994 (see r. 2)
Prisons Amendment Regulations 1996	19 Mar 1996 p. 1240-2	19 Mar 1996
Prisons Amendment Regulations (No. 2) 1996	13 Sep 1996 p. 4569-70	13 Sep 1996
Reprint of the *Prisons Regulations 1982* as at 31 Jan 1997 (includes amendments listed above)		
Prisons Amendment Regulations 1997	7 Oct 1997 p. 5609-11	8 Oct 1997 (see r. 2 and *Gazette* 7 Oct 1997 p. 5607)
Prisons Amendment Regulations 1999 [1]	2 Nov 1999 p. 5472-5	2 Nov 1999
Prisons Amendment Regulations (No. 3) 1999	17 Dec 1999 p. 6225-6	18 Dec 1999 (see r. 2 and *Gazette* 17 Dec 1999 p. 6175)
Prisons Amendment Regulations (No. 2) 1999	7 Apr 2000 p. 1819-23	7 Apr 2000
Prisons Amendment Regulations 2000	7 Jul 2000 p. 3684-5	7 Jul 2000 (see r. 2)
Reprint of the *Prisons Regulations 1982* as at 9 Mar 2001 (includes amendments listed above) (correction in *Gazette* 23 Mar 2001 p. 1667)		
Prisons Amendment Regulations (No. 2) 2001	12 Apr 2001 p. 2098-102	12 Apr 2001
Prisons Amendment Regulations 2001	18 May 2001 p. 2403	18 May 2001
Prisons Amendment Regulations 2002	11 Feb 2003 p. 413-16	11 Feb 2003
Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 32	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and *Gazette* 30 Jun 2003 p. 2579)
Inspector of Custodial Services Act 2003 s. 56 assented to 15 Dec 2003 [2]		15 Dec 2003 (see s. 2)
Prisons Amendment Regulations 2003	11 Jun 2004 p. 1999-2002	12 Jun 2004 (see r. 2 and *Gazette* 11 Jun 2004 p. 1999)
Prisons Amendment Regulations 2004	14 Sep 2004 p. 4057	14 Sep 2004
Reprint 4: The *Prisons Regulations 1982* as at 19 Nov 2004 (includes amendments listed above)		

Citation	Published	Commencement
Prisons Amendment Regulations 2007	3 Apr 2007 p. 1493-506	4 Apr 2007 (see r. 2 and *Gazette* 3 Apr 2007 p. 1491)
Prisons Amendment Regulations 2008	28 Mar 2008 p. 907-8	r. 1 and 2: 28 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Mar 2008 (see r. 2(b))
Prisons Amendment Regulations (No. 2) 2008	9 May 2008 p. 1844-5	r. 1 and 2: 9 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 10 May 2008 (see r. 2(b))
Reprint 5: The *Prisons Regulations 1982* as at 11 Jul 2008 (includes amendments listed above)		
Prisons Amendment Regulations (No. 3) 2008	28 Nov 2008 p. 5029-30	r. 1 and 2: 28 Nov 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Nov 2008 (see r. 2(b))
Prisons Amendment Regulations 2015	21 Aug 2015 p. 3317-24	r. 1 and 2: 21 Aug 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Aug 2015 (see r. 2(b) and *Gazette* 21 Aug 2015 p. 3310)
Corrective Services Regulations Amendment (Associations Incorporation) Regulations 2016 Pt. 3	30 Dec 2016 p. 5967-8	31 Dec 2016 (see r. 2(b))
Corrective Services Regulations Amendment (Public Health) Regulations 2016 Pt. 2 [5]	10 Jan 2017 p. 185-9	24 Jan 2017 (see r. 2(b) and *Gazette* 10 Jan 2017 p. 165)
Corrective Services Regulations Amendment Regulations 2018 Pt. 3	13 Nov 2018 p. 4433-5	1 Dec 2018 (see r. 2(b))
Prisons Amendment Regulations 2020	SL 2020/251 18 Dec 2020	r. 1 and 2: 18 Dec 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2020 (see r. 2(b) and SL 2020/243 cl. 2)
Prisons Amendment Regulations 2022	SL 2022/12 11 Feb 2022	r. 1 and 2: 11 Feb 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Feb 2022 (see r. 2(b))

Citation	Published	Commencement
Corrective Services Regulations Amendment (Firearms) Regulations 2022 Pt. 2	SL 2022/191 18 Nov 2022	19 Nov 2022 (see r. 2(b))
Prisons Amendment Regulations (No. 2) 2022	SL 2022/197 18 Nov 2022	r. 1 and 2: 18 Nov 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Nov 2022 (see r. 2(b))
Prisons Amendment Regulations 2024	SL 2024/275 18 Dec 2024	r. 1 and 2: 18 Dec 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Dec 2024 (see r. 2(b))
Corrective Services Regulations Amendment (Firearms) Regulations 2024 Pt. 2	SL 2024/299 21 Dec 2024	31 Mar 2025 (see r. 2(b) and SL 2024/289 cl. 2)

Other notes

[1M] Under the *Cross-border Justice Act 2008* section 14, in order to give effect to that Act, these Regulations must be applied with the modifications prescribed by the *Cross-border Justice Regulations 2009* Part 3 Division 17 as if these Regulations had been altered in that way. If a modification is to replace or insert a numbered provision, the new provision is identified by the superscript 1M appearing after the provision number. If a modification is to replace or insert a definition, the new definition is identified by the superscript 1M appearing after the defined term.

[1] Regulation 5 disallowed on 15 Dec 1999 (see *Gazette* 21 Dec 1999 p. 6417).

[2] The *Inspector of Custodial Services Act 2003* s. 56(2) reads as follows:

“

(2) Nothing in this Act prevents any of the *Prisons Regulations 1982* from being amended in accordance with the *Prisons Act 1981*.

”.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
affected prison officer	29A
aggravated alcohol offence	26
aggravated drug offence	26
allocated	81A
analyst	2(1)
approved	2(1)
approved analysis agent	2(1)
canine section	81A
contact visit	2(1)
contract	86(1)
contract worker	2(1)
corresponding law	54M
dog handler	81A
external facility	54M
firearm item	24(1A)
inspection list	30
interstate absence permit	54M
interstate escort	54M
interstate prisoner	54M
non-contact visit	2(1)
notice	30
organisation	2(1)
participating State or Territory	54L(2)
prison dog	81A
prison officer	30
privilege	30
property	49(2)
qualified person	29A
receiving officer	24(3)
relevant material	30
removal action	30
review officer	30
submission period	30
suitability to continue as a prison officer	30
summary of investigation	30
supervision	2(1)

sweat patch.....26
test authorisation notice .....29A, 29F(2)

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