

Western Australia

## **Prisons Amendment Act 2003**

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As at 24 Apr 2003

No. 24 of 2003

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Western Australia

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Western Australia

## **Prisons Amendment Act 2003**

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**No. 24 of 2003**

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**An Act to amend the *Prisons Act 1981*.**

[Assented to 24 April 2003]

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Prisons Amendment Act 2003*.

**2. Commencement**

- (1) This Act comes into operation on a day fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

**3. The Act amended**

The amendments in this Act are to the *Prisons Act 1981*\*.

[\* Reprinted as at 22 December 2000.]

**4. Section 31 amended**

- (1) Section 31(1) is amended by deleting “10” and inserting instead —  
“ 30 ”.
- (2) Section 31(2) is amended by deleting “3” and inserting instead —  
“ 10 ”.

**5. Section 60 amended**

Section 60(1) is amended by deleting “prescribed by regulations for the purposes of this section”.

**6. Section 60A inserted**

After section 60 the following section is inserted —

“

**60A. Protection of proof of identity of a visitor to a prison**

- (1) In this section —  
“**proof of identity**” means a fingerprint, palm print, eye print, voiceprint or other physical or personal

characteristic provided or used to prove the identity of a visitor to a prison.

- (2) A person must not give any proof of identity to any other person unless —
  - (a) the proof of identity is given to a prison officer for the purpose of checking the identity of a visitor to a prison; or
  - (b) the person is required to do so by an order of a court.

Penalty: \$2 000 or imprisonment for 12 months.

”.

**7. Section 66 amended**

After section 66(2) the following subsections are inserted —

“

- (3) Notwithstanding any other provision of this Act, the chief executive officer may in prescribed circumstances ban a person from visiting a specified prison for a specified period.
- (4) The chief executive officer may revoke a ban.
- (5) The maximum period that a person may be banned is to be prescribed and different maximum periods may be prescribed in relation to different prescribed circumstances.
- (6) If a person is banned, the chief executive officer must give the person written notice of that ban and, subject to subsection (7), the reasons for the ban.
- (7) The chief executive officer is not required under subsection (6) to give a person a reason for a ban if —
  - (a) failure to give the reason is necessary to protect the good order and security of a prison; or

- (b) the reason is a prescribed reason.
- (8) A person banned from visiting a prison may make a submission to the chief executive officer about —
  - (a) the chief executive officer's decision to ban the person from visiting a prison; and
  - (b) any reason given by the chief executive officer for the ban.
- (9) The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to a decision made under subsection (3) or (4).
- (10) A notice under subsection (6) must contain or be accompanied by a statement explaining the effect of subsection (8).

”.

**8. Section 110 amended**

After section 110(1)(ra) the following paragraph is inserted —

“

- (rb) requiring a visitor as a condition of entry to a prison to prove his or her identity in a specified manner, including by means of a fingerprint, palm print, eye print, voiceprint or other physical or personal characteristic;

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