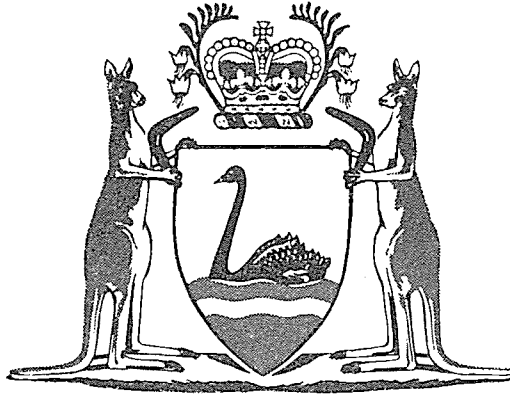


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[1974

PRISONS ACT, 1903-1971

PRISON
REGULATIONS,
1974.

PRISONS ACT, 1903-1971.

Department of Corrections,
Perth, 16th May, 1974.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Prisons Act, 1903-1971, has been pleased to make the regulations set out in the schedule hereto.

M. E. STEPHENS,
Chief Secretary.

Schedule.

Regulations relating to the Management and Control of the Prisons of Western Australia

PART I—PRELIMINARY.

1. These regulations may be cited as the Prison Regulations, 1974.
2. The Prisons Regulations, 1940 published in the *Gazette* on 23rd August, 1940, as from time to time amended by notices so published, are hereby revoked.
3. These regulations are arranged as follows—

PART I.—PRELIMINARY—Regulations 1-4.

PART II.—GOVERNMENT OF PRISONS—Regulation 5.

Division 1—Prison Officers—

- General Regulations 6-19.
- Duties of officers—Regulations 20-28.
- Armed officers—Regulation 29.
- Female Prison officers—Regulations 30-31.
- Uniforms—Regulations 32-33.
- Detached parties—Regulation 34.
- Offences by officers—Regulations 35-44.
- Medical Officers—Regulation 45.
- Chaplains—Regulation 46.
- Prison Visitors—Regulation 47.
- Rehabilitation farm properties—Regulation 48.

Division 2—Prisoners—

Treatment of prisoners—

- Admission, Discharge, Removal—Regulations 49-57.
- Prohibited articles—Regulation 58.
- Clothing and bedding—Regulations 59-60.
- Food—Regulations 61-62.
- Health and cleanliness—Regulation 63.
- Employment and daily routine—Regulation 64.
- Visits and communications—Regulations 65-66.
- Prison discipline—Regulations 67-68.
- Interviews, petitions by prisoners—Regulations 69-70.
- Classification, Remission and Privileges—Regulations 71-74.
- Offences under section 62 and 63 of the Act by persons other than prison officers—Regulation 75.

Special Rules as to particular classes of prisoners—

- Female Prisoners—Regulation 76.
- Offenders of the First Division—Regulation 77.
- Prisoners under sentence of imprisonment only—Regulation 78.
- Prisoners under sentence of death—Regulation 79.
- Prisoners unconvicted of crime detained for safe custody—Regulation 80.
- Prisoners awaiting trial or under Remand—Regulations 81-94.
- Debtors—Regulation 95.

PART III.—REFORMATORY PRISONS—Regulation 96.

PART IV.—INSTITUTIONS FOR THE RECEPTION OF CONVICTED INEBRIATES—Regulation 97.

PART V.—LEAVE OF ABSENCE FOR CERTAIN PRISONERS—Regulations 98-103.

4. In these regulations, unless the contrary intention appears—

“Act” means the Prisons Act, 1903;

“detached party” means a party or gang of prisoners detached from some prison to perform some particular work in a locality where a permanent prison is not established;

“Director” means the Director of the Department of Corrections, or other person duly appointed to act on his behalf;

“form” means a form in the Schedule to these regulations;

“gaoler” used in respect of a prisoner on leave, means the person in charge of the prison from which the prisoner was granted leave;

“Medical Officer” means the Medical Officer of the prison or the District Medical Officer of the district in which the prison is situated;

“officer” for the purpose of these regulations, means any employee whose conditions of employment are covered by the Prison Officers Industrial Award;

“prison” includes any gaol, police gaol, reformatory prison, rehabilitation centre, prison farm, penal outstation, or any institution where prisoners are held in custody;

“prisoner”, for the purpose of Part V of these regulations, means any person serving a sentence;

“prison officer” means any Superintendent, Deputy Superintendent, Gaoler, or officer of any prison, and includes any person employed in or about a prison, not being a prisoner;

“Prison Visitor” means a person appointed by the Governor as a visitor under Part III of the Act;

“Superintendent” means any person so designated, who is in charge of a prison or institution, or any person authorised to act on his behalf, and includes Deputy Superintendent, any Chief Officer, and any officer appointed by the Director to take charge;

“Visiting Justice” means a prison visitor who is also a Justice of the Peace.

PART II.—GOVERNMENT OF PRISONS.

5. Except as otherwise provided, the provisions of this Part of the regulations shall, so far as is practicable, apply to all prisons.

Division 1.—Prison Officers.

General.

6. There shall be kept in each prison, an “Order Book” which shall be accessible at all times, and in which shall be recorded all rules and instructions from time to time made by the Director providing for the duties of the prison officers and management of the prison, and each such entry shall be read and intialled by the prison officers concerned.

7. So far as their respective duties extend, prison officers shall observe all rules and regulations, orders and instructions, and see that all rules, regulations, and orders are observed and carried out.

8. A prison officer entrusted with keys shall not take them out of the prison without authority, or leave them lying about, and shall, when leaving the prison on any occasion, unless authorised to do otherwise, deliver his keys to the officer authorised to receive them, and without such delivery, he shall not be permitted to leave the prison.

9. A prison officer shall not receive any visitors to him within the precincts of the prison or when on duty outside the prison, without the permission of the Superintendent.

10. A prison officer occupying quarters shall see that every care is taken to keep the quarters in good order and condition and in a thorough state of cleanliness both inside and in the yards and offices attached, and any damage over and above fair wear and tear will render the prison officer liable—

- (a) to be charged with the cost of repair or renovations;
- (b) to be deprived of quarters; or
- (c) to be so charged and deprived of quarters.

11. No address or testimonial shall be accepted by any officer in connection with his public duties without the permission of the Director.

12. (1) No prison officer shall make any unauthorized communication concerning the prison to any person.

(2) No officer, without the authority of the Superintendent, shall have or carry out any pecuniary or other business transaction with or on behalf of any prisoner.

13. (1) No prison officer or other person shall, without lawful authority, the proof of which shall be on him, bring or attempt to bring into, or take out or attempt to take out of any prison any intoxicating liquor, or drugs, or any prohibited article.

(2) For any breach of this regulation, an offender on summary conviction shall be liable, under the provisions of section 62 of the Act, to imprisonment for a term not exceeding six months, or to a penalty not exceeding (\$100) one hundred dollars, or to both of such punishments.

(3) If the offender is a prison officer, he shall, in addition to any other punishment, be liable under section 62 of the Act to forfeiture of his office and all arrears of pay due to him.

14. (1) All complaints by one officer against another must be made in writing, through his immediate superior, to the Superintendent.

(2) Such reports must be delivered within forty-eight hours of the occurrence complained of, otherwise they will not be received.

15. (1) Any officer having a grievance connected with his duty or office must state the grievance in writing, for the decision of the Superintendent, or, if necessary, for an appeal to a higher authority.

(2) Any other proceeding on the part of an officer in relation to a grievance will render him liable to be charged.

16. (1) Any officer who has exhausted his entitlement of sick leave as provided in the Prison Officers' Award, and is unable to perform his duties properly, may be examined by his medical practitioner and another medical practitioner to be appointed by the Principal Medical Officer of the Medical and Health Services, whose report shall be laid before the Director.

(2) The Director may, if he deems it necessary, discharge the officer reported on as medically unfit to perform his duties.

17. (1) A Superintendent or officer shall be entitled to receive free medical treatment, of the kind normally provided by a general practitioner, from the prison Medical Officer for himself, his spouse and his dependent children.

(2) A Superintendent or officer who receives from a medical practitioner other than the prison Medical Officer, any treatment of the kind normally provided by a general practitioner, for himself, his spouse, or his dependent children, is entitled to claim from the Department of Corrections in respect to that practitioner's charges, the difference between the amount paid and the amount which would be reclaimable by a member of a Medical Benefit Fund.

(3) No payment will be made by the Department in respect of amounts for hospitalisation, specialist treatment, X-ray, or other services not normally provided by a general practitioner.

(4) Where a registered pharmaceutical chemist supplies any item on prescription for a Superintendent or officer, his spouse, or his dependent children, the Superintendent or officer is entitled to claim from the Department a refund of the charge.

(5) Superintendents or officers stationed in isolated localities where normal medical and pharmaceutical facilities are not available, shall receive treatment from government agencies and shall be entitled to refunds in accordance with the other provisions of this regulation.

(6) Applications for refunds should be submitted to the Department accompanied by the receipt for the amount paid, a statement of the amount received in relation thereto from any medical benefits fund or other society of which the Superintendent or officer is a member, and any other evidence as to the entitlement or payment that the Department may require.

18. An officer who is suspended from duty, and afterwards restored to his office, shall be entitled to full pay for the time during which he was suspended, but should his suspension result in dismissal, he shall not be entitled to any pay for the period of suspension.

19. (1) All written communications on Departmental matters, shall be transmitted through the Superintendent.

(2) Nothing in these regulations shall preclude an officer from communicating to the members of his Union such information as is necessary to enable action to be taken on the part of that Union to obtain by lawful means the redress of any grievance under which the officer is suffering in connection with his official position, or the transaction of other Union business.

Duties of Officers.

20. For the purpose of these regulations, the Governor shall be deemed by this regulation to have delegated to the Director the appointment and dismissal of officers, under the provisions of subsection (3) of section 15 of the Act.

21. The appointment of every officer is to the prison service generally, and not to any particular prison.

22. The classification of officers will be as prescribed from time to time by the Minister.

23. (1) Before appointment as an officer, an applicant shall be required to satisfy such conditions of selection as are prescribed by the Director.

(2) A selected applicant shall serve a probationary period of nine months, during which time his services may be terminated if he is considered unsuitable for permanent appointment.

(3) Before appointment to the permanent staff, a probationary officer shall pass such examinations or other criteria as are set by the Director.

(4) An officer shall be eligible for promotion to higher rank after he has satisfactorily passed any examinations applicable to that rank, as prescribed by the Director.

24. (1) A prison officer shall not allow any unauthorized person to interfere in any way with the working parties under his control, or to hold communication with, or give, or pass anything to a prisoner.

(2) A prison officer shall promptly order away any person apparently loitering about the prison or working parties for such purpose.

(3) In case of necessity, a prison officer shall take action in accordance with section 63 of the Act.

25. A prison officer shall carefully observe the prisoners under his charge, and shall submit such reports as are required by the Superintendent.

26. All prisoners shall be under the control of prison officers whose duty it shall be to ensure that orders and regulations are carried out.

27. (1) A prison officer on taking charge of any party shall count the number of prisoners in the party, and report to the officer appointed for the purpose of receiving such reports.

(2) The prison officer shall also properly search the prisoners, both on leaving and returning to the prison, to ascertain that they have no prohibited articles in their possession.

(3) The prison officer in charge of any party working outside the prison shall not, in the event of any escape, leave his party, but shall at once muster the remaining prisoners under him, and escort them back to the prison, unless relieved of his duty by order of a superior officer.

28. (1) An officer whose services are dispensed with for reasons other than misconduct, shall be entitled, if permanently engaged, to a month's notice or to a month's pay.

(2) An officer permanently engaged who leaves of his own accord, shall give a month's notice in writing or forfeit a month's pay, unless the Director shall otherwise authorize.

(3) An officer on probation shall give two weeks notice of his intention to leave or forfeit two weeks pay.

(4) If the services of a probationary officer are dispensed with, for reasons other than misconduct, he shall be given a fortnight's notice or pay in lieu.

(5) A prison officer on leaving the service shall vacate the quarters he has occupied.

Armed Officers.

29. (1) When on duty under arms, a prison officer shall be responsible that the arms are properly loaded, and shall be careful in handling the arms so that no accident occurs.

(2) Upon a prisoner leaving his allotted place, or making movements indicative of any attempt to escape, or to commit an assault on any prison officer, or upon another prisoner, or any other person, with any instrument or weapon, the armed prison officer shall at once sound an alarm with his whistle, and, if necessary, discharge his firearm to attract attention.

(3) Any person lawfully charged with the custody of any prisoner under sentence of death or imprisonment for any term, or for life, or under an indeterminate sentence, or on remand or awaiting trial, may fire upon any such prisoner while attempting to escape from any prison or other place, or while attempting to assault any person, but only if that firing appears to be necessary to prevent the escape of the prisoner, or the assault committed or attempted by the prisoner was of a character apparently dangerous to life, or likely to cause bodily harm to the person assaulted or threatened.

(4) An armed prison officer shall not permit any prisoner to approach nearer to him than ten paces, nor shall he allow any prisoner to go beyond the prescribed limits of his work or party, without permission having been granted.

(5) Upon any prisoner making a movement indicative of an attempt to escape, it is the duty of the armed prison officer to challenge him by at once calling aloud "Halt!" on this challenge being repeated twice and the prisoner neglecting or refusing to halt, the prison officer shall immediately give the alarm with his whistle, and it shall be lawful for him to use his firearms in case of inability to prevent the prisoner's escape by any other means.

(6) An officer on armed duty must at all times be alert and vigilant, he may sit down for five minutes at intervals of thirty minutes, and he shall report any irregularities he observes.

Female Prison Officers.

30. (1) There shall be appointed female prison officers for the supervision of female prisoners.

(2) Males shall not be permitted to enter the female prison or division, or associate with the female prisoners unless—

- (a) accompanied by a female prison officer; or
- (b) with the authority of the Superintendent.

31. In regional prisons and prison institutions (other than the main Female Prison) where females are detained, the female officers shall rank the same as the officers in the main Female Prison, and the senior amongst them shall take charge of the female section unless directed otherwise by the Director, but they shall be under the supervision of the Superintendent of the institution to which the female section is attached.

Uniforms.

32. Officers shall, when on duty, wear uniforms according to rank, unless otherwise authorized.

33. (1) Probationary officers may be issued with part worn uniforms, pending the availability of new issues.

(2) All uniforms are the property of the Department, and when any officer leaves, he shall return his uniform unless two-thirds of the period it has to last has expired from the date of issue.

(3) Should an officer who is required to deliver up his uniform on leaving the service neglect or refuse to do so its value, calculated on the then unexpired term of service, may be deducted by the Superintendent from any pay due to the officer.

(4) The Director may, for sufficient reasons, remit any portion of the service for which the article was issued.

Detached Parties.

34. (1) Every detached party shall be placed under the charge of an experienced officer, who shall be responsible for the good order and conduct of the party.

(2) In the event of any prisoner absconding, the officer in charge of the party will report the occurrence immediately to the nearest Police Station, and as rapidly as possible to the Superintendent of the prison from which the party is detached.

(3) Officers must exert themselves to the best of their ability in recapturing absconders, but must take precautions not to leave the remainder of the party unsupervised.

Offences by Officers.

35. If any officer is guilty—

(a) of a breach of the provisions of the Act, or these regulations;

(b) of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order;

(c) of being negligent or careless in the discharge of his duties;

(d) of being inefficient or incompetent, where such inefficiency or incompetency appears to arise from causes within his own control; or

(e) of any disgraceful or improper conduct,

then such officer shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of the Act or the regulations, but subject to regulation 36 no officer shall be punished without proper enquiry being held, in accordance with these regulations.

36. For the purpose of enquiries into charges made against officers pursuant to the provision of regulation 35, the following rules shall apply:—

(1) Charges against an officer may be made by a Superintendent or any other officer having authority or control over the officer.

(2) Charges shall be made on an officer's charge sheet and shall clearly indicate the offence with which the officer is charged, and shall be forwarded to the Superintendent, within forty-eight hours of the alleged offence being detected.

(3) (a) An officer charged with an offence shall be furnished with a statement in writing of the charge made against him, signed and dated by the person making the charge, on the first occasion the officer charged is on duty after the statement of the charge is received by the Superintendent.

(b) Upon receipt of the statement of the charge made against him, the officer charged shall state in writing to the Director, Superintendent, or other officer having authority or control over him, as the case may be, whether he admits or denies the truth of the charge, and he may, with that statement or at any time thereafter before an enquiry is held, give any written explanation relating to the offence.

(c) An officer shall not be compelled to give a written explanation either before or after he is charged, until an enquiry is held.

(4) If the charge is admitted, no enquiry is necessary, and the Director or Superintendent, as the case may be, shall deal with the matter and may impose such penalty as a person holding an enquiry in accordance with these regulations may do at the conclusion of an enquiry held by him, and in any such case it shall be necessary only to record sufficient evidence to show the nature and gravity of the offence and the statement (if any) by the officer charged.

(5) If the offence with which the officer is charged is so serious, or of such nature, as in the opinion of the Superintendent of the prison where the offence occurs, to render it inadvisable that the officer continue to carry out his duties pending the dealing with the charge where the charge is admitted, or the enquiry into the charge where the charge is denied, the Superintendent may suspend the officer from duty, but he shall report the suspension forthwith to the Director who may upon receipt of that report either confirm the suspension or direct the removal of the suspension.

(6) If the charge is not admitted, an enquiry shall be held by the Superintendent of the prison where the officer is employed, or any other person appointed by the Director for the purpose, but if the officer charged is an officer in charge of a prison, the enquiry shall be held by the Director or a person authorized by the Director.

(7) Enquiries shall be held as soon as practicable, but not less than three days' notice in writing of the date, time and place appointed for the holding of an enquiry shall be given to the officer charged who shall attend personally at the enquiry, but if he fails to attend the enquiry, then upon proof being given that he has received such notice, the enquiry may be held in his absence or may be adjourned, as the person holding the enquiry thinks fit.

(8) Witnesses may attend the enquiry and may be examined, cross-examined, and re-examined on oath by the person conducting the case in support of the charge, and by the officer charged in answer thereto, or by any member of the Prison Officers' Union nominated by the officer to represent him.

(9) An enquiry shall be held in accordance with the practice in courts of law on the trial of an action, save that any unintentional informality shall not invalidate the finding.

(10) The person holding an enquiry shall admit such evidence, whether oral or otherwise as may in his opinion be material and relevant.

(11) The person holding an enquiry shall have any oral evidence admitted by him recorded in writing, and shall read the same over to the witness giving the evidence, correct any errors therein, and then obtain the signature of the witness upon the record of his evidence.

(12) When the cases against and for the officer charged have been concluded, the person holding the enquiry shall, as soon as practicable, consider the evidence and, subject to rule 14 hereof, make his decision thereon and fix the penalty (if any) imposed by him, and when the decision has been made and the penalty (if any) imposed, he shall forthwith record the same, and personally communicate that decision and penalty to the officer charged.

(13) If the person holding the enquiry is the Superintendent, or some other person appointed by the Director for that purpose, and he finds the charge to be proved, but is of the opinion that the offence committed is of such a nature, or was committed in such circumstances as to be sufficiently dealt with by a caution, reprimand, or fine, he may caution, reprimand, or impose a fine not exceeding (\$10) ten dollars for each offence, but shall report forthwith in writing to the Director, what he has done in the matter.

(14) If the person holding the enquiry is the Superintendent or some other person appointed by the Director for that purpose, and he finds the charge to have been proved, and is of the opinion that the offence is so serious, or of such an aggravated nature as to justify a greater penalty than he can impose under rule 13 of this regulation, he shall suspend or continue the suspension from duty of the officer charged, and forthwith forward to the Director the full and original notes of the enquiry, and the Director may deal with the matter in accordance with these regulations as he thinks fit.

(15) In all cases referred to the Director for decision, or where he conducts the enquiry himself, he shall consider the evidence, and decide whether or not the charge has been proved, and if he decides that the charge has not been proved, he shall dismiss the charge, and thereupon any suspension from duty

shall be removed and the officer shall receive his salary in full for the period of his suspension, but if he decides that the charge has been proved, then he may—

- (a) reprimand the offender;
 - (b) fine the offender;
 - (c) reduce the offender to a lower rank;
 - (d) dismiss the offender from his employment,
- or he may impose any two or more of those penalties.

37. If an officer is dismissed by the Director in accordance with these regulations, then, subject to such dismissal being set aside on appeal in accordance with these regulations, the officer shall not be entitled to any salary in respect to any period during which he may be suspended.

38. Fines may be deducted from pay due to the officer fined, subject to his consent.

Right of Appeal.

39. (1) All officers have the right of appeal to the Director against decisions imposed under rule 13 of regulation 36.

(2) All officers have the right of appeal to the Appeal Board against decisions imposed under rule 14 of regulation 36 and the decision of that Board shall be final.

40. (1) The Appeal Board shall consist of the following persons—

- (a) one person, to be appointed by the Governor, who shall be the Chairman of the Board;
- (b) one person to be appointed by the Director; and
- (c) one person to be elected by ballot from among their own members by the members of the Prison Officers' Union, the ballot to be conducted by the Chief Electoral Officer, or some person acting under his authority.

(2) The persons appointed or elected to the Appeal Board shall hold office for three years, subject to sub-regulation (3) of this regulation, and provision shall be made in each case for the appointment or election of a deputy for each member.

(3) If any member of the Board—

- (a) dies;
- (b) by notice in writing to the Director resigns his office; or

(c) being the elective member of the Board ceases to be a member of the Union, his office shall become vacant, and a successor shall be appointed, or elected, as the case may require, who shall hold office for the residue of the period during which his predecessor would have held office had he remained a member of the Board, save that where the seat of the elective member of the Board becomes vacant within three months before the date of an ordinary election, the member elected to fill the vacancy shall continue in office until the end of the next succeeding three years.

(4) Every appeal to the Board shall be commenced by a notice in writing signed by the appellant.

(5) The appellant shall endorse on the notice of appeal an undertaking to pay any costs that may be awarded against him by the Board, and that in default of payment, those costs may be deducted from any salary that may be or become payable to him.

(6) If the appeal is against dismissal, the applicant shall deposit with his notice of appeal the sum of (\$10) ten dollars as security for payment of the costs.

(7) Every notice of appeal shall be lodged with the Director within fourteen days of the decision appealed against.

(8) The Director shall forthwith upon receipt transmit the notice of appeal, if apparently in good order, to the Board and the Board shall hear and determine the appeal within thirty days from the date upon which the notice of appeal was lodged.

(9) The Board may confirm, modify, or reverse any decision appealed against, or make such other order thereon as it thinks fit.

(10) The Board may fix the costs of any appeal, and direct by whom, and in what proportion the costs shall be payable.

41. The decision of the majority of the Board shall be the decision of the Board.

42. When hearing appeals, the Director or the Appeal Board, as the case may be, may take any evidence which they may deem advisable.

43. (1) No legal practitioner will be permitted at any appeal, but the appellant shall appear in person, and may act on his own behalf or may be represented by the Secretary of the Prison Officers' Union, or by any member of the Union selected by the appellant.

(2) The Department shall be represented by the Director, or by an employee of the Department appointed by the Director, or by an officer of the Public Service Board.

Indictable Offences.

44. The Director shall have the power to dismiss any officer convicted of an indictable offence, and that officer shall thereupon be deemed to have forfeited his office, and shall thereupon cease to perform his duties or receive his salary.

Medical Officers.

45. (1) The Medical Officer appointed to any prison shall attend the prison at such times and from time to time, as the Director may prescribe.

(2) Every Medical Officer shall attend outside the prescribed hours whenever called upon by the Superintendent.

(3) A Medical Officer shall—

- (a) examine all prisoners who may wish to see him;
- (b) prescribe such regimen and medicine as he may think necessary in each case;
- (c) provide free of cost proper and sufficient medical treatment to all Superintendents and officers in his district and such members of their families as shall be entitled to such treatment, on application;
- (d) examine every prisoner upon reception and record his state of health and other circumstances connected therewith as may be necessary;
- (e) from time to time examine such prisoners as required by the Director or Superintendent, and report on the health of them, and the effects (if any) of the mode of discipline or labour to which they are subjected;
- (f) examine the prisoner before corporal punishment is inflicted, and certify whether or not he is fit to receive such punishment;
- (g) be present at every infliction of corporal punishment which may take place within the prison;
- (h) give every prisoner undergoing punishment by solitary confinement close medical observation;
- (i) without charge, examine and report to the Director as to the state of health of persons selected for appointment as officers;
- (j) make periodical inspections of the prison at least once in every three months, in company with the Superintendent and, if possible, with the Visiting Justice;
- (k) report to the Superintendent any matters connected with the health and hygiene of the prison that he thinks worthy of notice.
- (l) keep a journal in which he shall enter day by day an account of the state of each patient under his care, the nature of his illness, and the diet and medicine prescribed;
- (m) upon the death of any prisoner, record in his journal details of the nature of the illness, time of death, and the progression of the illness from the time it was brought to his notice, and, in cases where a postmortem is held, an account of the appearance after death, and any special remarks which he considers may be required.

Chaplains.

46. (1) The Chaplains appointed to the prison shall have the spiritual charge of all prisoners described as being members of their respective denominations.

(2) Other recognised ministers of religion may hold services for prisoners of their faith at times approved and authorized by the Director, and under such conditions as he may consider necessary.

Prison Visitors.

47. (1) It is the duty of a Prison Visitor appointed by the Governor under Part III of the Act to visit the prison to which he is appointed, not less frequently than once in every three months, and carry out a thorough inspection.

(2) It is the duty of a Prison Visitor to make such reports to the Minister as the Prison Visitor may think fit, or as the Minister may require.

(3) A Prison Visitor may, if he thinks fit, hear and enquire into any complaint by a prisoner, and if he deems it advisable, may report thereon to the Director.

(4) A Prison Visitor shall not directly interfere in, or give instructions with regard to, the management or discipline of the prison, or deal with any case affecting the conduct of officers, but may report, from time to time, on these matters to the Director as he thinks necessary.

Rehabilitation Farming Properties.

48. (1) Staff living in quarters at farming properties shall not keep horses, cattle, pigs, poultry, or other livestock at their quarters, without the approval of the Superintendent.

(2) Produce of farming properties is not to be sold or given away by any prison officer without the approval of the Director or Superintendent.

(3) Produce of farming properties sold to staff shall be at rates fixed from time to time by the Director.

Division 2.—Prisoners.

Treatment of Prisoners.

Admission, Discharge, Removal.

49. (1) Every prisoner shall be searched on admission, and at such times subsequently as may be directed, and all unauthorized articles shall be taken from him.

(2) The searching of a prisoner shall be conducted with due regard to decency and self-respect, and no prisoner shall be stripped and searched in sight of another prisoner or a person of the opposite sex.

50. (1) Every convicted prisoner shall, upon admission, give up his clothing, money, and other property in his possession, which shall be dealt with in accordance with these regulations.

(2) He shall then be bathed or given a shower, and, unless otherwise provided by these regulations, shall be supplied with prison clothing, which he shall not in any way alter or destroy, and he shall be responsible for its proper care.

51. The Superintendent shall cause to be kept an inventory of all money, clothing, and other effects belonging to a prisoner, and that inventory shall be signed by the prisoner.

52. (1) Clothing belonging to a convicted prisoner which is infected with vermin, or otherwise unfit, may be destroyed, but shall be replaced with clean clothing on the prisoner's release.

(2) Prisoners who have served at least twelve months of their sentence at the time of discharge, including any period spent on leave of absence, shall be supplied with clothing to a value not exceeding that set from time to time by the Director.

(3) A prisoner, when commencing leave of absence for employment, may be supplied with clothing although the qualifying period has not yet been completed.

53. (1) Unless otherwise provided, the property of a prisoner shall be returned to him on his release, and shall, during the term of his sentence, be in the care and custody of the Superintendent, who may at his discretion issue the items to the prisoner.

(2) Spirituous liquor, medicines, narcotic or other habit forming drugs, unless prescribed by a physician, which are in a prisoner's property on admission may be confiscated by the Superintendent and destroyed.

54. Every prisoner shall, where practicable, be separately examined by the Medical Officer as soon as possible after his admission, who shall record the state of health of the prisoner, and such other particulars as may be required.

55. (1) Every prisoner shall submit himself to be photographed and have the prints of his fingers, measurements, and other particulars taken and recorded on reception, and also at any other time ordered by the Director.

(2) Any photograph or fingerprint taken of any person on remand or committed for trial, who shall not ultimately be convicted and imprisoned, shall, with the plates, be destroyed and not recorded.

(3) No copy of any photograph taken under these regulations shall be shown, given or sold to any person or persons other than those whose public duty shall require it.

56. Prisoners being forwarded or returned to any prison from another prison, institution, or detached party shall be escorted by a prison officer, police officer, or other person appointed to such duty.

57. Discharge of prisoners on completion of sentences, shall be governed by the following rules:—

(1) When the time expires on Sunday, Christmas Day, or Good Friday, the discharge shall be made the previous day.

(2) The day of discharge counts as one day, and the day of commitment or arrest on warrant of commitment in summary cases, and in indictable cases, the day of sentencing, each counts as a whole day.

(3) If the prison authorities are not notified before 3 p.m. in case of remission of sentences, fines paid, or sureties entered into, the discharge may not take place until after 8 a.m. on the following day, and where that day is a Sunday, Christmas Day or Good Friday, the discharge will take place on the next following day.

Prohibited Articles.

58. (1) No prisoner shall have in his possession, whether on his person or in any place, any articles whatsoever which have not lawfully been issued to him.

(2) No spirituous liquor, medicines, narcotic or habit forming drugs will be received on behalf of a prisoner after his admission to any prison, without the approval of the Superintendent.

Clothing and Bedding.

59. Every prisoner shall be provided with clothing and bedding adequate for warmth and health in accordance with a scale approved by the Director, and special clothing or additional bedding may be authorized by the Superintendent.

60. No prisoner shall dispose of, alter, or destroy any clothing, bedding or other article whatsoever, without the consent of the Superintendent.

Food.

61. (1) The Director shall formulate a minimum dietary scale for prisoners, which shall provide for a sufficient quantity of food for them having regard to seasonal, climatic, and employment conditions.

(2) Subject to subregulation (4) of this regulation, the diet of prisoners shall be no less than the dietary scale formulated pursuant to subregulation (1) of this regulation.

(3) The Medical Officer may, on medical grounds, authorize the variation of the diet of any prisoner.

(4) Food, the subject of the dietary scale formulated pursuant to subregulation (1) of this regulation, shall not be supplied to persons who maintain themselves in custody in accordance with regulation 88, or to prisoners undergoing a sentence of bread and water in accordance with sections 34 or 36 of the Act.

62. (1) Any prisoner desiring to complain about the quantity of his rations shall do so immediately after issue, to the officer supervising the issue.

(2) Any prisoner desiring to complain about the quality of his rations shall do so to the officer supervising the issue before any appreciable portion is consumed.

14

Health and Cleanliness.

63. (1) Every prisoner may be required by the Superintendent, upon admission, and from time to time, to have his hair cut and face shaved.

(2) Every prisoner shall keep his person, clothing and quarters in the highest state of cleanliness.

Employment and Daily Routine.

64. The Superintendent of each institution shall prepare a daily timetable prescribing the routine to be observed, and, except as otherwise provided, every prisoner shall perform such tasks as may be allotted to him.

Visits and Communications.

65. (1) A convicted prisoner shall be permitted to receive visits from relatives or friends as prescribed from time to time by the Director.

(2) A Solicitor or authorized clerk of a solicitor may, with the approval of the Superintendent, be permitted to interview a prisoner at any reasonable time on legal business in which the prisoner is involved, but where the interview takes place on a Saturday, Sunday, or Public Holiday, a fee equivalent to overtime incurred under the Prison Officers' Award shall be paid by the Solicitor.

(3) It shall be optional on the part of the prisoner to see a visitor.

(4) No prisoner shall hold or attempt to hold any unauthorized communication with any person inside or outside the prison.

66. Prisoners shall be permitted to communicate with other persons on the scale and in such manner as is approved from time to time by the Director and such communications shall be subject to censorship.

Prison Discipline.

67. (1) A prisoner reported for any breach of the regulations, or of orders, shall be brought before the Superintendent, who, if he deems the offence sufficiently serious, shall direct the offender to be taken before a Visiting Justice, and may order the offender to be kept in close confinement, or under restraint, until his arrival.

(2) In cases of urgent necessity, a prisoner may be placed in close confinement or under restraint by the Superintendent, who shall report the case to the Director, and to a Visiting Justice.

68. (1) Punishment cells shall be those cells which have been classed as such by order of the Director.

(2) A prisoner who has been ordered by a Visiting Justice to be so confined, shall be placed in a punishment cell.

(3) A prisoner confined in a punishment cell shall be permitted a minimum of one hour's outdoor exercise during each day of confinement.

(4) A sentence of confinement in a punishment cell shall commence from 1 p.m. on the day of that sentence until the corresponding time on the day it expires.

Interviews, Petitions by Prisoners.

69. (1) A prisoner who desires to interview the Director, a Prison Visitor, the Superintendent, or any person responsible for his physical or mental health or welfare needs, shall apply to the officer immediately in charge of him.

(2) The officer must enter the prisoner's name in a book kept for the purpose, and shall, whenever possible, state the reason for the interview, which shall be granted as soon as practicable.

(3) The Superintendent shall permit the prisoner to write to the Director if such an action will obviate delay.

70. A prisoner shall first receive approval from the Director before being permitted to petition the Governor.

Classification, Remission, Privileges.

71. Prisoners shall, as far as practicable, be classified in the following manner, and shall be treated in accordance with the special rules applicable to the respective classes—

- 1st—Prisoners awaiting trial or on remand.
- 2nd—Prisoners imprisoned under any civil process or for non-compliance with an order of the Court, other than a fine or penalty for an offence.
- 3rd—Reformatory Class.
- 4th—All other prisoners.

72. (1) Subject to good conduct and industry, every prisoner sentenced to a finite term of imprisonment of four days or more, shall be entitled to remission of sentence, amounting to one quarter of the sentence, except where otherwise provided in the Act and these regulations, and except where limited by section 39 of the Offenders Probation and Parole Act, 1963.

(2) In calculating remission, the term of the sentence shall be reduced to days and divided by four, and any fractional parts of days shall be disregarded.

(3) The period during which a prisoner is absent from custody without leave, and any term directed by the Court as not to count as part of his sentence in respect to a prisoner on appeal, shall not be included in calculating the amount of remission due.

(4) If a prisoner who, in accordance with regulation 67, is reported for any breach of the regulations, or of orders, pleads guilty, or is found guilty, before the Superintendent and the Superintendent deems the offence not sufficiently serious for the offender to be taken before a Visiting Justice, he may, as a lesser penalty, award the offender, in respect to each offence, from one to four demerit points, as he thinks fit, but shall report having done so, in writing, to the Director.

(5) A prisoner shall have the right of appeal against the award of demerit points, to a Visiting Justice, who may confirm, modify or remit the penalty or make such other order as he may think fit, in accordance with section 34 of the Act and in all such cases the Visiting Justice's decision shall be final.

(6) The imposition of demerit points shall be recorded on the prisoner's remission and gratuity card, which shall be kept for the purpose, and the accumulation of each four demerit points during the prisoner's sentence shall result in the reduction of his remission by one day.

(7) The prisoner's remission and gratuity card shall be maintained by the Superintendent, or a person detailed by him to do so, and the information thereon shall be available to be seen by the prisoner at any time convenient to the person keeping the record.

73. (1) For the purpose of this regulation, sentenced prisoners shall be placed in one of the following classes:—

- (a) First Class Workers;
- (b) Second Class Workers;
- (c) Third Class Workers;
- (d) Fourth Class Workers.

(2) The classification of sentenced prisoners as workers shall be made from time to time by the Superintendent, and generally, but not entirely, may be based on the proficiency of the prisoner in the class of work in which from time to time he is employed.

(3) Subject to subregulation (4) of this regulation the gratuities to be credited to prisoners shall be on a daily basis in accordance with the following scale:—

- (i) First Class Workers—60 cents per day;
- (ii) Second Class Workers—50 cents per day;
- (iii) Third Class Workers—45 cents per day;
- (iv) Fourth Class Workers—35 cents per day.

(4) The Superintendent may reduce the daily amount to be credited to any prisoner by such amount as he shall think fit if the prisoner is performing his work in a dilatory or improper manner, or is under punishment, but any reduction shall not be to a rate lower than that of a Fourth Class Worker.

74. (1) Where the Superintendent approves of the amount to be spent, a prisoner may purchase approved luxuries out of his gratuities up to an amount weekly not exceeding two-thirds of the weekly amount of gratuities credited.

(2) When a prisoner is charged and found guilty of an offence in any week, the right to purchase luxuries under subregulation (1) of this regulation may be suspended or cancelled during that week, or the quantity of luxuries which may be purchased may be reduced, by the Superintendent.

Offences under Sections 62 and 63 of the Act.

75. (1) The provisions of regulation 13 relating to offences under section 62 of the Act, apply, as therein stated, to persons other than prison officers.

(2) A person who, without lawful authority the proof of which shall be upon him—

- (a) enters or attempts to enter any prison;
- (b) communicates or attempts to communicate with any prisoner;
- (c) conveys or delivers, or attempts to convey or deliver, any article to any prison or prisoner, or from any prison or prisoner;
- (d) loiters near any prison or place where prisoners are employed; or
- (e) secretes or leaves anything for the purpose of being found by any prisoner,

is liable to be apprehended by any police or prison officer or other person as prescribed by section 63 of the Act, and on summary conviction for any such offence, shall be liable to a fine or imprisonment as enacted by section 63 of the Act.

Special Rules as to Particular Classes of Prisoners.

Female Prisoners.

76. (1) In every prison containing male and female prisoners, the females shall be confined separately from the males, and shall, except in special circumstances be attended by female prison officers.

(2) In so far as they can be applied, the regulations covering prisons in general shall apply to any prison establishment set aside for female prisoners.

Offenders of the First Division.

77. The regulations applicable to trial and remand prisoners shall apply to misdemeanants of the First Division but where any such person makes written application to the Superintendent to be dealt with according to the regulations relating to prisoners generally, he shall, on the approval of the Superintendent, be put to employment and may earn remission of sentence.

78. The regulations applicable to trial and remand prisoners shall apply to prisoners under sentence of imprisonment only, but where any such person makes written application to the Superintendent to be dealt with according to the regulations relating to prisoners generally, he shall, on the approval of the Superintendent, be set to some labour, provided the labour is not severe, and may earn remission of sentence.

Prisoners Under Sentence of Death.

79. (1) Except as otherwise provided in this regulation, prisoners under sentence of death shall be subject to the regulations applying to sentenced prisoners.

(2) Each such prisoner shall be confined separately and shall be under the supervision of an officer at all times.

(3) Where deemed necessary by the Director, a prisoner under sentence of death may be kept under restraint.

(4) A minimum of one hour's outdoor exercise shall be allowed to such prisoners daily.

(5) Visits by friends, relatives, the prisoner's *bona fide* legal advisor, and the clergyman of the prisoner's religious persuasion, shall be permitted at all reasonable hours by the Superintendent, or as otherwise authorized by the Director, but it shall be optional for the prisoner to see any visitor.

(6) As far as practicable, nothing is to be said by any person in the hearing of a condemned prisoner which would lead him to believe that his sentence might be varied in any way.

Prisoners Unconvicted of Crime Detained for Safe Custody.

80. Prisoners detained for safe custody only pursuant to an order made either by the Court or Governor, under the provisions of section 653 of the Criminal Code, shall be treated as if they are sentenced prisoners, and the regulations governing sentenced prisoners shall apply and have effect save that—

- (a) if the Superintendent is of the opinion that it is in the best interests of the prisoner, and the prison generally, the prisoner may be segregated; and
- (b) the Medical Officer shall examine the prisoner periodically and record his physical and mental state, and may recommend any alteration to the location of the prisoner, or work placement.

Prisoners Awaiting Trial or Under Remand.

81. Regulations 82 to 94 shall apply to the following classes of persons (in those regulations referred to as "prisoners awaiting trial") committed to prison for safe custody only—

- (a) persons on commitment for trial for an indictable offence and awaiting trial, or on remand;
- (b) persons held pending the preliminary hearing before a Magistrate or a Justice of the Peace on a charge of an indictable offence, or pending the hearing of any information or complaint; and
- (c) persons on commitment to await extradition, or any other commitment.

82. (1) On the admission of a prisoner awaiting trial, his clothing shall be searched, and every article except necessary clothing may be taken from him, and an inventory made of all money and other valuable effects taken.

(2) Such property and any other which shall from time to time be sent to the prison for him shall be entered on records kept for the purpose, and each entry duly signed by the prisoner.

(3) Such property shall be returned to the prisoner on his discharge except where it is ascertained to belong to some other person or is ordered to be forfeited to the Crown.

(4) In the event of the removal of the prisoner to some other place of confinement, such money or other property shall be forwarded to that other place.

83. Every prisoner awaiting trial shall be required to keep his person clean, and shall submit to examination by the Medical Officer as required.

84. Prisoners awaiting trial shall, as far as practicable, be kept separate from convicted prisoners.

85. (1) Consistent with safe custody, prisoners awaiting trial shall be allowed as much exercise as is practicable.

(2) Prisoners awaiting trial shall be required to wear prison dress if their own clothing is unsuitable or insufficient for the purpose of warmth, cleanliness, and for wearing at their trial.

86. Prisoners awaiting trial shall shave regularly but shall not be compelled to remove beards or moustaches or have hair cut, unless directed by the Medical Officer for the purpose of health and cleanliness.

87. (1) Prisoners awaiting trial may be required to clean the cells, wards, and yards occupied by them, and every such prisoner shall keep his furniture and clothing clean and tidy.

(2) Such prisoners shall not be required to be employed in the service or industries of the prison, but may make application to the Superintendent to be so employed, and paid gratuities accordingly.

88. A prisoner awaiting trial shall not be permitted to maintain himself, unless he can do so properly and entirely.

89. No part of the food or clothing or other necessaries of a prisoner who maintains himself shall be sold or transferred to any other prisoner.

90. No money shall be stopped from the funds belonging to any prisoner awaiting trial for maintenance by the State, unless by order of the Director acting with legal authority.

91. A prisoner awaiting trial shall be allowed all reasonable facilities for communicating with his relatives and friends, but all such communications shall be subject to censorship, save that any confidential written communication prepared as instructions for his solicitor may be delivered to the solicitor or his authorised clerk without being examined by any prison officer unless the Superintendent believes it contains matter not relating to those instructions.

92. The relatives or friends of a prisoner awaiting trial may visit him at reasonable hours during weekdays, or as otherwise authorized by the Superintendent.

93. A prisoner awaiting trial shall be allowed to see his legal adviser, and, if necessary for the purpose of his defence any other authorized person at any reasonable hour, in the sight, but not the hearing, of a prison officer, but when such interview takes place on a Saturday, Sunday, or Public Holiday, a fee equivalent to overtime incurred under the Prison Officers' Award shall be paid by the Solicitor or authorized person.

94. Subject to regulations 81 to 93 inclusive the regulations in this Division, except in so far as they are applicable only to convicted prisoners, may be applied to prisoners awaiting trial.

Debtors.

95. Any person imprisoned for default of payment of a debt, or to satisfy a sum of money adjudged to be paid by the order of a Court, or for default in the performance of any obligation, or for contempt of Court, shall be treated in conformity with the regulations governing prisoners awaiting trial, save that, if any such person makes written application to the Superintendent to be dealt with according to the regulations governing sentenced prisoners generally, he shall, on the approval of the Superintendent, be put to employment, and may earn remission of sentence.

PART III.—REFORMATORY PRISONS.

96. In so far as they can be applied the regulations which apply to prisoners generally shall apply to all prisoners ordered to be detained in a reformatory prison.

PART IV.—INSTITUTIONS FOR THE RECEPTION OF CONVICTED INEBRIATES.

97. In so far as they can be applied these regulations shall apply to institutions for the reception of convicted inebriates and to the persons detained therein as if such persons were under sentence of imprisonment, subject to the provisions of the Convicted Inebriates Rehabilitation Act, 1963, and the regulations made thereunder.

PART V.—LEAVE OF ABSENCE FOR CERTAIN PRISONERS.

98. (1) Subject to this Part of the regulations, the Director may, with the approval of the Minister, grant leave of absence to a prisoner for any of the following purposes:—

- (a) to engage in employment outside the prison during the period of his detention;
- (b) to attend hospital for medical treatment;
- (c) to seek employment;
- (d) to be in attendance on his family on occasions of family illness or bereavement; or
- (e) for his welfare or the welfare of his family,

but the Director shall not grant leave of absence under paragraphs (d) or (e) for a period in excess of seven days at any one time.

(2) A grant of leave of absence, which shall be on a form approved by the Director shall be in force for the period of time and subject to the conditions set forth therein and to such further or other conditions to be expressed thereon as the Director may determine.

(3) A copy of the grant of leave of absence shall be given to the prisoner in respect of whom the grant is made.

(4) Any period during which a prisoner is lawfully on leave is deemed to be part of the sentence which the prisoner was serving at the time of the grant of leave, and he shall be deemed to be in lawful custody of his gaoler.

(5) The Director may appoint a person to supervise the conduct of a prisoner on leave of absence.

99. Before granting leave of absence to a prisoner, the Director—

(a) shall, in the case of leave under paragraph (a) of subregulation (1) of regulation 98, satisfy himself that the prisoner is a suitable subject for leave for the purpose of employment, and that employment suitable to him is available; and

(b) shall, in all other cases, satisfy himself of the merits of the application on which the leave is sought.

100. The Director, at any time during the leave of absence of a prisoner, may, if he considers it necessary or desirable to do so, revoke or otherwise vary the grant made in respect of that leave.

101. During leave of absence, the prisoner shall comply in every respect with each condition subject to which the grant of the leave has been made, including any variation of the grant.

102. (1) Where a prisoner fails to comply with any condition of the grant of his leave of absence, including any variation of the grant the Director may, if he considers it necessary or desirable to do so, issue a warrant of apprehension, and may direct the warrant either to any police officer or officers by name or generally to all police officers within the State, without naming them, or to both.

(2) The warrant referred to in subregulation (1) of this regulation shall name or otherwise describe the prisoner and shall order the person or persons to whom it is directed to apprehend the prisoner and deliver him to the gaoler of the prison named in the warrant.

(3) Where the warrant referred to in subregulation (1) of this regulation is directed to all police officers, any police officer may execute the warrant as if it were directed specially to him by name.

(4) Upon his apprehension under a warrant issued under this regulation, the prisoner shall be returned to the prison from which he was granted leave, or to such other prison or place of confinement as the Director directs, and shall, subject to subregulation (4) of regulation 98 be detained thereafter in all respects as if the leave had never been granted.

103. (1) Where a prisoner is in employment during his leave of absence and there is not an award or agreement in force under the Industrial Arbitration Act that applies to the employment the terms and conditions, including the amount payable, in respect of the employment are those that are agreed upon by the employer and the Director.

(2) The gaoler shall receive all wages, allowances, and other moneys due to the prisoner.

(3) The Director or the gaoler may advance to a prisoner on leave of absence such sums of money as the Director or the gaoler, as the case may be, considers sufficient to cover the cost of fares, meals, or other necessary expenses to be incurred by the prisoner during, and in connection with, his period of leave.

(4) A prisoner who is in employment during his leave of absence, shall, during the period of employment, pay to the Director towards the costs and expenses of his detention the sum of two dollars per day from the moneys paid by his employer to his gaoler.

(5) All moneys received by the gaoler on behalf of a prisoner who is on leave of absence and is in employment shall be credited to the prisoner, after deducting—

- (a) such sums of money as are paid to the prisoner to cover the cost of meals, fares, and other necessary expenses;
- (b) the sum of two dollars per day during the period of his employment, towards the cost of his detention; and
- (c) the amounts of any assistance paid to the family of the prisoner by Commonwealth or State Governments in the form of maintenance, during his employment on leave of absence.

(6) The gaoler of a prisoner who is in employment during his leave of absence shall maintain accounts of all moneys received on behalf of the prisoner separate from all other accounts relating to the prison or that prisoner, and shall maintain them in such a manner as to disclose the true position in regard to them and to enable the accounts to be conveniently and properly audited at regular intervals pursuant to the Audit Act, 1904, by the Auditor General.