

1993—No. 108

JUSTICES ACT 1902—REGULATION

(Periodic Detention of Prisoners (Short Description of Offences)
Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

WAYNE MERTON. M.P.,
Minister for Justice

Citation

1. This Regulation may be cited as the Periodic Detention of Prisoners (Short Description of Offences) Regulation 1993.

Commencement

2. This Regulation commences on 22 March 1993

Short description of offences

3. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out opposite it in Column 2 of that Schedule.

(2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) In this Regulation, a reference to a provision in Schedule I in relation to an offence is a reference to that provision as in force at the time the offence is alleged to have occurred.

SCHEDULE 1

(Cl. 3)

COLUMN 1	COLUMN 2
OFFENCES UNDER PERIODIC DETENTION OF PRISONERS ACT 1981	PRESCRIBED EXPRESSION
Section 33 (1) (b) (i)—fail to comply with an order in force under section 10 (1) (b) directing the person to perform work outside a prison	fail to comply with section 10 (1) (b) order
Section 33 (1) (b) (ii)—fail to comply with an order under section 13	fail to comply with section 13 order
Section 33 (1) (e)—disobey a rule, an instruction given to the detainee under section 10 (4) or a direction given under section 22 that applies to the detainee	disobey rule, instruction or direction
OFFENCES UNDER PERIODIC DETENTION OF PRISONERS REGULATION 1988	
Clause 47 (1) (a)—fail, without reasonable excuse, to cause notice of any change of the detainee's residential address to be given to the governor of the relevant prison	fail notify change of address
Clause 47 (1) (b)—conceal, or attempt to conceal, any personal property brought by the detainee to a prison	conceal personal property brought to a prison
Clause 47 (1) (c)—conceal, or attempt to conceal, any medication brought by the detainee to a prison	conceal medication brought to a prison
Clause 47 (1) (d)—fail to keep his or her person clean, as far as circumstances permit	fail to keep person clean

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Clause 47 (1) (e)—fail to keep the accommodation provided for him or her, his or her clothes and other personal property and the bedding and other articles issued to him or her clean, tidy and in good order	fail to keep accommodation/ property clean, tidy and in good order
Clause 47 (1) (f)—leave a prison or work site during a detention period without permission of the Commissioner, the governor of the prison concerned or the detainee's supervisor	leave prison or work site without permission
Clause 47 (1) (g)—receive visitors at a prison or work site otherwise than in accordance with the requirements of this Regulation	receive visitors without approval
Clause 47 (1) (h)—make any telephone call from a prison or a work site otherwise than in accordance with the requirements of this Regulation	make telephone call without approval
Clause 47 (1) (i)—fail to conform to the standards of dress, cleanliness and conduct required of the detainee by the detainee's supervisor	fail to maintain proper dress, cleanliness and conduct
Clause 47 (1) (j)—fail to keep in good order and condition such clothing or tools as may be issued to the detainee for the purpose of his or her performing work at a work site	fail to keep clothing/tools in good order and condition
Clause 47 (1) (k)—damage or deface any property otherwise than in the course of performing work at a work site in accordance with the directions of the detainee's supervisor	damage or deface property

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Clause 47 (1) (I)—fail, without reasonable excuse, to sign any instrument which the detainee is required by or under this Regulation to sign	fail to sign instrument required to be signed
Clause 47 (1) (m)—fail to produce for inspection any document which the detainee is required by this Regulation to so produce	fail to produce document for inspection
Clause 47 (1) (n)—make, in any application, notice, statement, request or complaint under this Regulation, any statement that is false or misleading in a material particular	make false or misleading statement
Clause 47 (1) (o)—take part in any gambling or betting during a detention period	gamble or bet
Clause 47 (1) (p)—be, at any time during a detention period, under the influence of a drug, alcohol or any other intoxicating substance	be under the influence of drug/ alcohol/other intoxicant
Clause 47 (1) (p)—have in his or her possession, or consume, at any time during a detention period any alcohol or other intoxicating substance or any substance reasonably capable of becoming (by fermentation) an intoxicating substance	possess alcohol or intoxicating substance
Clause 47 (1) (p)—have any drug in his or her possession, or administer any drug to himself or herself or to any other person, during a detention period	possess or administer drug
Clause 47 (1) (p)—fail to comply with a reasonable requirement or direction to undergo a breath test in accordance with the directions of the governor or prison officer	fail to undergo breath test

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Clause 47 (1) (p)—fail to comply with a reasonable requirement or direction to supply for testing or analysis a specimen of urine	fail to supply urine specimen
Clause 47 (1) (q)—tamper with any lock, bolt, bar, ventilator, fire extinguisher, tire hose or electrical installation or any other appliance, equipment or property or any structure or building, or remove any tool from a workshop or place of storage otherwise than in accordance with a direction given by a prison officer or supervisor	tamper with appliance, equipment or property/remove tool
Clause 47 (1) (r)—fail to answer promptly any call to muster	fail to report for muster
Clause 47 (1) (s)—use abusive or threatening language to or in the presence of a prison officer or supervisor or behave in a threatening manner towards a prison officer or supervisor	use abusive/threatening language/ behave in threatening manner
Clause 47 (1) (t)—fail to be careful, or be negligent, in the performance of work or in the use of any tool, equipment or machinery	perform work/use tool/ equipment/ machinery carelessly or negligently
Clause 47 (1) (u)—report late to serve a detention period	report late for detention period
Clause 47 (1) (v)—report to serve a detention period at a prison or place outside a prison other than the prison or place of work outside a prison at which the detainee is required to report	report at wrong prison or place of work outside prison

OFFENCES UNDER PRISONS
 (GENERAL) REGULATION
 1989 ADOPTED FOR
 PURPOSES OF PERIODIC
 DETENTION OF
 PRISONERS REGULATION
 1988 (Clause 47 (2))

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| <p>Clause 27—have in possession any money or article (other than prescribed property) at any time after the prisoner has been admitted to a prison</p> | <p>possess non-prescribed property</p> |
| <p>Clause 43—injure himself or herself for the purpose of avoiding an obligation imposed or to be imposed on the prisoner by or under the Act or this Regulation</p> | <p>injure self</p> |
| <p>Clause 161 (2)—wilfully and obscenely expose his or her person to the governor of a prison, a prison officer or any person visiting a prison or a prisoner</p> | <p>expose self obscenely</p> |
| <p>Clause 161 (3)—otherwise behave in an obscene manner in the presence of or towards the governor of a prison, a prison officer or any person visiting a prison or a prisoner</p> | <p>behave in an obscene manner</p> |
| <p>Clause 162—wilfully hinder or obstruct a prison officer in the performance of his or her duties as a prison officer</p> | <p>obstruct prison officer in performance of duties</p> |

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<p>Clause 164—engage in wrestling, sparring, fighting or other physical combat with another prisoner except where the prisoner engages in the activity only as a necessary incident of taking part in training or a contest or other sporting event, in each case organised for the prisoners by the governor or a prison officer</p>	<p>wrestle, spar or fight another prisoner</p>
<p>Clause 165—assault any other person</p>	<p>assault other person</p>
<p>Clause 166 (1)—incite any other prisoner to participate in a riot</p>	<p>incite to participate in a riot</p>
<p>Clause 166 (2)—participate in a riot</p>	<p>participate in a riot</p>
<p>Clause 167—maim, wound or cruelly ill-treat any animal</p>	<p>maim, wound or ill-treat an animal</p>
<p>Clause 169—throw any article, or operate any device from which an article is projected, so as to cause risk:</p> <p>(a) of injury to any person; or</p> <p>(b) of damage to any property</p>	<p>throw an article or cause an article to be projected</p>
<p>Clause 171—steal any property of another person</p>	<p>steal property</p>
<p>Clause 172—introduce into food or drink intended for human consumption anything liable to render it unpalatable or unwholesome</p>	<p>render food unpalatable or unwholesome</p>
<p>Clause 173—</p> <p>(a) make a tattoo upon himself or herself or any other prisoner; or</p> <p>(b) consent to being tattooed by another prisoner</p>	<p>tattoo or be tattooed</p>

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| <p>Clause 182—</p> <p>(a) offer, make or give to any person who is an officer or a temporary employee in the Department of Corrective Services any payment, gratuity or present; or</p> <p>(b) offer to provide or provide a service to any such person,</p> <p>in consideration or for the purpose that the person will neglect his or her duty, give preferred treatment or act in any other way otherwise than in accordance with the proper discharge of the person's duties.</p> | <p>bribe or attempt to bribe</p> |
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NOTE

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Short description of offences

SCHEDULE 1

EXPLANATORY NOTE

The purpose of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences which may be dealt with by penalty notices under section 33B of the Periodic Detention of Prisoners Act 1981. The Regulation comprises matters of a machinery nature.
