

1995—No. 514

PRISONS ACT 1952—REGULATION

(Prisons (Administration) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prisons Act 1952, has been pleased to make the Regulation set forth hereunder.

Bob Debus
Minister for Corrective Services.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Prisons (Administration) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“**Department**” means the Department of Corrective Services;

“**Officer**” means an officer or temporary employee employed in the Department;

“**Security and Investigations Branch**” means the Security and Investigations Branch of the Department;

“**the Act**” means the Prisons Act 1952.

PART 2—PRISON GOVERNORS

Record of Commissioner's directions

4. (1) The governor of a prison is to keep a Departmental order book for the prison.

(2) The Departmental order book is to include particulars of all directions issued by the Commissioner in connection with the administration of the prison or of prisons generally.

Record of governor's directions

5. (1) The governor of a prison is to keep a local order book for the prison.

(2) The local order book is to include:

- (a) particulars of all orders and instructions given by the governor; and
- (b) a statement of duties for each person employed at the prison; and
- (c) such other information as the governor considers appropriate to include in the book in connection with the administration of the prison.

Keys

6. The governor of a prison is to ensure that the keys of the prison are duly issued, returned and accounted for.

Prisoners confined to cells

7. The governor of a prison must see daily any prisoner who is confined to a cell under the Act.

Segregated prisoners

8. The governor of a prison must record in the journal issued by the Department for the purpose of recording incidents or Occurrences at the prison the details of any determination by the Commissioner (under section 22 (3) of the Act) that a segregated prisoner is, or that segregated prisoners generally are, to be deprived of specified rights or privileges.

PART 3—PRISON MEDICAL OFFICERS AND MEDICAL PROVISIONS

Duties generally

9. (1) A prison medical officer is to attend the prison as regularly and frequently as is necessary to comply with the medical officer's statutory obligations.

(2) A prison medical officer is to keep such statistical records, and furnish to the Commissioner such returns, as the Commissioner may direct in relation to the medical treatment of prisoners.

Examination of prisoner

10. (1) A prison medical officer:

- (a) is to cause each prisoner to be examined as soon after reception as is practicable; and
- (b) is required, if requested by a prisoner and if the medical officer considers that the request is reasonable, to cause the prisoner to be tested for evidence of exposure to or infection by Human Immunodeficiency Virus at any time during the prisoner's period of imprisonment.

(2) The medical officer must immediately make a record of the results of an examination or test.

(3) Any record of the results of a test of a blood sample from a prisoner must not identify the prisoner if the sample was given voluntarily on the basis that it would not be identified as the prisoner's blood and would be used for statistical purposes only.

(4) This clause does not apply to a prisoner serving a sentence by way of periodic detention.

Prisoners at risk or a risk to others

11. (1) A prison medical officer (or, in the absence of the medical officer, any member of the prison medical staff) is to give immediate notice to the governor of the prison when the sickness (either mental or physical) of a prisoner appears to constitute a risk to the life of the prisoner or to the life, health or welfare of any other person.

(2) If a prison medical officer is of the opinion:

- (a) that the life of a prisoner will be at risk because of the continued detention of the prisoner in prison; or
- (b) that any sick prisoner will not survive sentence or is totally and permanently unfit for prison discipline,

the medical officer is to state the opinion and the grounds for it, in a report in writing, to the governor of the prison.

(3) On receiving such a report, the governor of the prison must immediately send it to the Commissioner.

Prisoners with special needs

12. (1) A prison medical officer is to report to the governor of the prison the case of any prisoner:

- (a) who should not, on medical grounds, be employed at work of a particular nature; or
 - (b) whose diet, exercise or other treatment should be varied or modified for reasons of health.
- (2) The governor must carry into effect any recommendation contained in such a report in so far as it is practicable to do so.
- (3) If it is impracticable to carry a recommendation into effect, the governor must report that fact to the Commissioner.

Medical history cards

13. (1) A prison medical officer is to regularly enter, on a separate medical history card for each sick prisoner, an account of

- (a) the state of health of the prisoner; and
 - (b) the diagnosis of the prisoner's sickness and a description of any treatment that has been prescribed.
- (2) A prisoner's medical history card is to be kept at the prison in which the prisoner is being held.
- (3) The prisoner's medical history card is to accompany the prisoner on transfer to another prison, together with (in the case of a sick prisoner) a statement signed by the medical officer of:
- (a) the diagnosis of the prisoner's sickness and a description of any treatment that has been prescribed; and
 - (b) the fitness of the prisoner to travel and the means of travel to be preferred or avoided when transporting the prisoner.

Disclosure of HIV test results

14. (1) A person who, in the course of the administration of the Act or the Sentencing Act 1989 or any regulations under those Acts, learns of the results of a test of a prisoner for evidence of exposure to or infection by Human Immunodeficiency Virus must not disclose the results to any person other than the following persons:

- (a) the Commissioner;
- (b) the Deputy Commissioner;
- (c) the Assistant Commissioner, Operations;
- (d) the Assistant Commissioner, Personnel and Education;
- (e) the Chief Executive Officer, Corrections Health Service;
- (f) the Director, Legal Services, and any person representing the Department in legal proceedings involving the prisoner;
- (g) the Regional Commander of the Region in which the prisoner is being held;

- (h) the governor of the prison in which the prisoner is being held;
- (i) the prison medical officer;
- (j) the Director, Inmate Classification and Placement;
- (k) the Manager, Inmate Classification and Placement;
- (l) the Manager, Prison AIDS Project;
- (m) if the Serious Offenders Review Council exercises functions in relation to the prisoner, the Chairperson of the Council;
- (n) if the Offenders Review Board exercises functions in relation to the prisoner, the Chairperson of the Board.

Maximum penalty: 20 penalty units.

(2) The holder of an office specified in subclause (1) to whom the results of such a test are disclosed must not disclose them to any person except for the purpose of exercising the functions of that office.

Maximum penalty: 20 penalty units.

(3) The Assistant Commissioner, Operations, or the Chief Executive Officer, Corrections Health Service, may disclose the results of such a test to a person who the Assistant Commissioner or Chief Executive Officer considers requires the information to provide for the welfare of the prisoner concerned or the good management of the prison in which the prisoner is being held.

(4) This clause does not prevent disclosure to or by, or with the written consent of, a prisoner of the results of an examination of or test carried out on the prisoner.

Mental illness

15. A prison medical officer who has reason to suspect that the mental state of a prisoner is severely disturbed must place the prisoner under special observation.

Reports to governor

16. (1) A prison medical officer is to report promptly, when required by the governor of the prison:

- (a) on the health of any prisoner at the prison; and
- (b) on any other matter that is likely to affect the health of prisoners at the prison.

(2) If:

- (a) the Commissioner determines a prison of an appropriate classification for a prisoner; and
- (b) the prisoner claims he or she is unable to travel to that prison on account of ill health,

the prison medical officer is to state in writing to the governor whether, in the opinion of the medical officer, the prisoner is unfit to so travel.

Infectious or contagious diseases

17. (1) A prison medical officer who is of the opinion that a prisoner who is suffering, or is suspected to be suffering, from an infectious or contagious disease should be separated from other prisoners must so advise the governor of the prison in writing.

(2) The medical officer is to take such steps as are reasonably practicable to prevent the spread of the disease.

Inspection of food and clothing

18. (1) When required by the governor of a prison, a prison medical officer is to inspect the food to be served to prisoners and report as to its quality.

(2) A prison medical officer is, on the officer's own initiative or on the request of the governor of the prison, to report also as to:

- (a) the sufficiency of the prisoners' clothing and bedding; and
- (b) the quantity and quality of the prison water supply.

Inspection of prisoners specially confined

19. (1) A prison medical officer must on each normal visit to the prison see any prisoner who is confined to a cell under the Act.

(2) A prison medical officer must, if any medical consideration so requires, closely observe and frequently examine any prisoner who is placed in an observation cell or ward or segregated at the prisoner's own request.

Death of prisoners

20. A prison medical officer must, on the death of a prisoner, enter in a journal kept by the medical officer:

- (a) the time at which death occurred; and
- (b) if the prisoner died of an illness, the time at which the deceased was taken ill; and
- (c) if a post-mortem examination is made, a description of the appearance of the deceased after death; and
- (d) any other relevant details required by the Commissioner to be noted,

and report those matters to the governor of the prison.

Consent for serious operations

21. Except as provided by section 16 of the Act, a major operation must not be performed by a prison medical officer on a prisoner except with the consent of the prisoner.

PART 4—PRISON AND OTHER OFFICERS**Orders and instructions to be obeyed**

22. (1) A prison officer must obey all lawful orders and instructions given by the governor of the prison.

Maximum penalty: 20 penalty units.

(2) A prison officer is to be presumed to be aware of the officer's statement of duties.

Declaration about associations with prisoners

23. (1) Before a prison officer takes up the officer's first appointment to a prison, and at such other times as requested to do so by a more senior prison officer, the officer must declare in writing the name of any prisoner:

- (a) related to the officer by blood or marriage; or
- (b) known to the officer, whether as a neighbour, friend or acquaintance or through business, sporting or social contact.

(2) The prison officer must also show in the declaration the nature and duration of the officer's association with any such prisoner.

(3) A prison officer must not make a declaration under this clause that the officer knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

Suspected offences by prisoners

24. (1) A prison officer or any other officer who suspects that a prisoner has committed, or is about to commit, an offence must report that fact to the governor of the prison immediately.

Maximum penalty: 20 penalty units.

(2) A prison officer may confine any such prisoner to the prisoner's cell, or in some other appropriate place of confinement, pending instructions as to how the prisoner should be dealt with.

Uniform

25. (1) A prison officer (unless exempted by the Commissioner) must wear the uniform appropriate to the officer's rank at all times while on duty.

(2) A prison officer, on ceasing to be a prison officer, must return his or her uniform to the Department or must satisfactorily account to the Commissioner for its disposition.

Maximum penalty: 10 penalty units.

Keys

26. (1) A prison officer or any other officer to whom a key is issued must keep it on his or her person at all times until it is returned.

(2) The officer must not leave the prison while such a key is in his or her possession.

Maximum penalty: 10 penalty units.

Personal searches

27. The governor of a prison or an officer of the Security and Investigations Branch may require an officer to submit to a head-to-foot search by means of a hand-held scanning device.

Visitors

28. A prison officer is not to receive visitors at any time while on duty.

Personal possessions

29. Personal belongings that are brought into a prison by a prison officer or any other officer:

- (a) must be deposited in the officer's locker before starting duty; and
- (b) must be removed from the prison on ceasing duty; and
- (c) are subject to inspection and search by the governor of the prison and by an officer of the Security and Investigations Branch.

Officers to be fit for duty

30. (1) A prison officer or any other officer must report for duty in a sober condition and must not while on duty be, to any degree, under the influence of alcohol.

Maximum penalty: 20 penalty units.

(2) A Superintendent or Deputy Superintendent who has reasonable cause to believe that an officer is under the influence of alcohol may require the officer to undergo a breath test in accordance with the directions of the person administering the test.

(3) An officer must not refuse or fail to comply with a reasonable requirement or direction made or given under subclause (2).

Maximum penalty: 20 penalty units.

(4) If the reading obtained from the device used in carrying out a breath test under this clause indicates that there is present in 100 millilitres of the officer's blood a concentration of alcohol of 0.05 grams or more:

- (a) the officer is to be relieved of duty and is not to carry out any duty until authorised to do so by the Commissioner or the Superintendent or Deputy Superintendent concerned; and
- (b) the Superintendent or Deputy Superintendent is to make a written report to the Commissioner on the matter.

Certain prison work prohibited

31. A prison officer or any other officer must not cause or permit a prisoner to perform any work that benefits, or that could be seen to benefit, a person employed in the Department.

Maximum penalty: 10 penalty units.

Insulting or abusive language

32. (1) A prison officer or any other officer must not use insulting or abusive language to any other officer, to any prisoner or to any person visiting the prison.

(2) A prison officer or any other officer must not say or do anything that is calculated to undermine discipline at the prison or to prejudice the efficiency of, or to bring discredit on, the Department.

Maximum penalty: 10 penalty units.

Honesty

33. (1) A prison officer or any other officer must at all times be honest and truthful.

(2) A prison officer or any other officer:

- (a) must not make any statement that the officer knows, or ought reasonably to know, to be false or misleading in a material particular; and
- (b) must not destroy or mutilate, or alter or erase any entry in, an official document.

Maximum penalty: 20 penalty units.

Vigilance

34. (1) A prison officer on duty must at all times devote the whole of his or her attention to the performance of his or her duties.

(2) A prison officer must not do anything that is calculated to distract another prison officer from the performance of the officer's duties.

(3) A prison officer must not cease duty until permitted to do so by the governor of the prison or relieved by another prison officer.

Maximum penalty: 20 penalty units.

Reporting of misconduct by prison officers

35. (1) If:

(a) an allegation is made to a prison officer that another prison officer has, while carrying out his or her duties as a prison officer, engaged in conduct which, in the opinion of the officer to whom the allegation is made, constitutes a criminal offence or other misconduct; or

(b) a prison officer sincerely believes that another prison officer has engaged in conduct of that kind,

the prison officer must report the conduct (or alleged conduct) to a prison officer who is more senior in rank than the officer making the report.

(2) The senior prison officer must report the conduct (or alleged conduct) promptly to the Commissioner if the senior prison officer believes that it:

(a) constitutes (or would constitute) a criminal offence by the prison officer; or

(b) would provide sufficient grounds for preferring a departmental charge against the prison officer.

(3) Subclause (1) does not apply to conduct or alleged conduct:

(a) that has been made the subject of a departmental charge; or

(b) that has been the subject of evidence or other material given, or submissions made, in the course of criminal proceedings; or

(c) that has already been reported under this clause to a more senior prison officer.

(4) A prison officer must not, in relation to any other prison officer:

(a) fail to approve or recommend the promotion of the other officer; or

(b) take, approve or recommend disciplinary action against the other officer; or

(c) direct, approve or recommend the transfer of the other officer to another position in the Department; or

- (d) make, approve or recommend a decision which detrimentally affects the benefits or awards of the other officer; or
- (e) fail to approve or recommend that the other officer receive education or training which could reasonably be expected to improve the officer's opportunities for promotion or to confer some other advantage on the officer; or
- (f) change the duties of the other officer so that they are not appropriate to the officer's salary or position or approve or recommend such a change; or
- (g) otherwise act to the detriment of the other officer,

in retaliation against the other officer because he or she has acted in accordance with this clause or has disclosed information relating to conduct contrary to law to any other prison officer.

(5) A prison officer who contravenes a provision of this clause (including failing to report misconduct that has been reported to the officer) is not guilty of an offence. However, the prison officer may be dealt with for a breach of discipline under Part 5 of the Public Sector Management Act 1988.

(6) In this clause, "departmental charge" means a charge relating to a breach of discipline under Part 5 of the Public Sector Management Act 1988 committed or alleged to have been committed by the prison officer to whom the charge relates.

PART 5—USE OF FIREARMS

Definitions

36. (1) In this Part:

"approved" means approved for the time being by the Commissioner;

"armed post" means an area, within the precincts of a prison, at which an armed prison officer is regularly stationed;

"senior officer" means a prison officer:

- (a) who is of or above the rank of Senior Prison Officer; or
- (b) who is acting in any such rank.

(2) For the purposes of this Part, a prison officer who is temporarily relieving another prison officer at a post is stationed at the post.

Authority to carry firearms

37. (1) A prison officer must not carry firearms while on duty except as authorised by or under this Part.

Maximum penalty: 20 penalty units.

(2) A prison officer to whom firearms have been issued under this Part is authorised to carry them for the purpose only for which they were issued.

(3) A prison officer is authorised to carry firearms:

- (a) while handling firearms in the course of duties carried out in a prison armoury; or
- (b) while taking part in, or in an activity necessarily carried out in Connection with, an approved training course.

Armed posts

38. (1) There are to be such armed posts at a prison as may be approved in respect of the prison.

(2) A prison officer, while stationed at an armed post, may carry such firearms as the governor of the prison directs.

Issue of firearms to prison officers not at armed posts

39. (1) The governor of a prison or the Superintendent, Security and Investigations Branch, may (by a direction given generally or in any particular case) authorise the issue of firearms to prison officers who are not stationed at armed posts for use in connection with:

- (a) the escorting of prisoners; or
- (b) the maintenance of a guard outside a prison.

(2) The Commissioner may (by a direction given in a particular case) authorise the issue of firearms to prison officers for use in connection with patrols of the perimeter of a prison.

(3) The governor of a prison may (by a direction given in a particular case) authorise the issue of firearms to prison officers who are not stationed at armed posts:

- (a) for use in connection with the quelling or control of a prison disturbance or riot; or
- (b) for any other purpose for which the governor considers it necessary that firearms be issued.

(4) The following persons may (by a direction given in a particular case) authorise the issue of firearms to prison officers who are not stationed at armed posts for use in connection with the conveyance of money or other property within the prison or between the prison and other places:

- (a) the Commissioner;
- (b) the governor of the prison;
- (c) the Superintendent, Security and Investigations Branch.

Officers handling firearms to undergo training courses

40. (1) A prison officer must not:

(a) authorise or direct the issue of a firearm to another prison officer;
or

(b) issue a firearm to another prison officer,

for use by the other officer unless the other officer has undergone an approved training course in the use of that firearm.

Maximum penalty: 20 penalty units.

(2) A prison officer must ensure that a prison officer under his or her control does not perform any duty involving the carrying or use of a firearm unless the officer has undergone an approved training course in the use of the firearm.

Maximum penalty: 20 penalty units.

(3) This clause does not prevent the performance by a prison officer of a duty in connection with an approved training course or the issue to the officer of a firearm for that purpose.

Safety procedures on issue or receipt of firearms

41. (1) A prison officer must, on commencing a duty which involves the carrying of a firearm, examine the firearm and any accompanying ammunition in the presence of the person from whom the officer receives them.

Maximum penalty: 20 penalty units.

(2) An examination must include such procedures as are approved.

(3) A prison officer who, on an examination, discovers:

(a) a defect in any firearm or ammunition; or

(b) an incorrect number of rounds of ammunition,

must report the fact to the officer in charge of the armoury from which the firearm was drawn.

Maximum penalty: 20 penalty units.

(4) The officer in charge of the armoury must substitute another firearm or new ammunition, or supplement the number of rounds, as the case requires.

Safety procedures on return of firearms

42. (1) A prison officer must, on ceasing a duty involving the carrying of a firearm, deliver the firearm and any accompanying ammunition to the officer in charge of the armoury from which the firearm was drawn (unless the prison officer has delivered it to another prison officer by whom he or she has been relieved).

(2) An officer to whom a firearm is delivered must examine it, and any accompanying ammunition, in the presence of the person from whom they are received.

(3) The examination must include such procedures as are approved.

Maximum penalty: 20 penalty units.

Duties of prison officers generally

43. A prison officer, while carrying a firearm on duty:

- (a) must at all times be alert; and
- (b) must maintain the firearm and its ammunition in such a condition, and with such safety precautions regarding its carriage, use and readiness to fire, as are approved; and
- (c) must not deface the firearm or any of its accessories or ammunition; and
- (d) must not make modifications to the firearm or to its ammunition.

Maximum penalty: 20 penalty units.

Maintenance of safe distances

44. (1) A prison officer who is stationed at an armed post must take all reasonable precautions to prevent any prisoner from approaching within 10 metres of the officer or any firearm or ammunition that is in the officer's custody or at the post.

(2) A prison officer who is carrying a firearm on duty, in so far as the nature of that duty admits, must not:

- (a) place himself or herself in a position where he or she is liable to be attacked; or
- (b) except when outside a prison or where the governor of the prison otherwise directs, approach to within reach of a prisoner or allow a prisoner to approach to within reach of him or her.

Maximum penalty: 20 penalty units.

Transfer of firearms

45. (1) A prison officer who parts with possession of a firearm issued to the officer must:

- (a) deliver it to another prison officer or some other suitable person; or
- (b) if the officer cannot so deliver it, deposit it in the most secure place available in the circumstances.

Maximum penalty: 20 penalty units.

(2) Subclause (1) does not apply to an officer on duty at an armed post or to an officer returning or transferring a firearm on ceasing duty.

Use of armed posts

46. (1) A prison officer, while stationed at an armed post, must:

- (a) keep a lookout over the prison generally; and
- (b) if the officer observes any irregularity likely to affect the security of the prison, notify such other prison officers as may be appropriate in the circumstances; and
- (c) assist other prison officers in the performance of their duties, but (unless the officer is, or is ordered to do otherwise by, a senior officer) without leaving the post.

(2) A prison officer stationed at a prison tower who is temporarily unable to keep a lookout must indicate that fact to:

- (a) any prison officers stationed at adjacent towers; and
- (b) any prison officers stationed at ground posts within range of observation.

(3) A prison officer approaching an armed post must give warning of that approach to any prison officer stationed at the post.

Maximum penalty: 20 penalty units.

Discharge of firearms

47. A prison officer must not discharge a firearm while on duty except in the performance of that duty.

Maximum penalty: 20 penalty units.

Authority to discharge firearms

48. (1) A prison officer may discharge a firearm:

- (a) to protect the officer or any other person if the officer believes on reasonable grounds that there is a substantial probability that the officer or other person will be killed or seriously injured if the officer does not discharge the firearm; or
- (b) if the officer believes on reasonable grounds that it is necessary to do so in order:
 - (i) to prevent the escape of a prisoner; or
 - (ii) to prevent an unlawful attempt to enter a prison or to free a prisoner; or
 - (iii) to attract the immediate attention of prison officers or other persons to a serious breach of prison security that has arisen or is likely to arise; or
- (c) to give a warning in accordance with this Regulation.

(2) Despite subclause (1), a prison officer must not discharge a firearm at a person if the officer has reasonable grounds to believe that the shot may hit a person other than the person at whom it is directed.

Maximum penalty: 20 penalty units.

Warnings

49. (1) A prison officer must not discharge a firearm in the direction of a person unless the officer has first given a warning to that person of the intention to fire.

Maximum penalty: 20 penalty units.

(2) For the purposes of subclause (1), and without prejudice to any other manner in which a warning may be given, a warning shot is a warning.

(3) A warning shot must be fired in such a direction that no one is likely to be hit by it.

Maximum penalty: 20 penalty units.

(4) If a prison officer believes on reasonable grounds that:

- (a) there is a substantial probability that, if the officer does not discharge a firearm, the officer or another person will be killed or seriously injured; and
- (b) a warning required to be given by subclause (1) would increase that probability,

the officer may, without giving a warning, discharge the firearm in order to protect the officer or other person.

Notice of discharge

50. (1) A prison officer who discharges a firearm while on duty at a prison, otherwise than while taking part in:

- (a) an approved training course; or
- (b) a firearms practice exercise authorised by the governor of the prison; or
- (c) an activity connected with such a training course or practice exercise,

must notify the governor of the prison of the circumstances in which it was discharged.

Maximum penalty: 10 penalty units.

(2) A prison officer who discharges a firearm while on escort duty must notify a police officer and:

- (a) the governor of the prison at which the prison officer is usually on duty; or

(b) if the prison officer is a member of a Security Unit, the officer in charge of that Unit,
of the circumstances in which it was discharged.

Maximum penalty: 10 penalty units.

(3) On being so notified, the governor of the prison or the officer in charge of the Security Unit is to report to the Commissioner the circumstances of the discharge.

(4) On receipt of such a report the Commissioner may hold an inquiry into the discharge.

(5) The Commissioner must submit to the Minister a full report of the findings of any inquiry.

PART 6—GENERAL

Gaol delivery

51. For the purposes of section 40A of the Act, the times at which the Commissioner is to make returns in writing to the Supreme Court as to persons detained in each prison (otherwise than in pursuance of a sentence) for more than 3 months are the 15 February, 15 May, 15 August and 15 November in each year.

Order of ranking of prison officers

52. The order of ranking of prison officers, in descending order, is as follows:

Assistant Commissioner, Operations
 Superintendent (Grade 1)
 Superintendent (Grade 2)
 Superintendent (Grade 3)
 Deputy Superintendent (Grade 1)
 Deputy Superintendent (Grade 2)
 Deputy Superintendent (Grade 3)
 Senior Assistant Superintendent
 Assistant Superintendent
 Assistant Superintendent of Industries
 Senior Prison Officer
 Senior Overseer
 Prison Officer First Class
 Overseer

Prison Officer

Probationary Prison Officer

Awards

53. (1) The medals, ribbons and bars specified in Schedule 1 may be awarded to officers by the Commissioner in the circumstances specified in the Schedule in relation to the medals, ribbons and bars.

(2) Awards may be made posthumously.

(3) A Bravery Medal takes precedence over all other awards.

Cancellation of awards

54. (1) The Commissioner may cancel an award or restore a cancelled award.

(2) A person who is notified that an award has been cancelled must return the medal, and any ribbons or bars relating to it, to the Commissioner.

Register of awards

55. The Commissioner is to maintain a register of awards.

Wearing of decorations

56. (1) Medals, ribbons and bars may be worn on ceremonial occasions.

(2) Ribbons:

(a) may be worn on duty; and

(b) must be worn on the left breast of an officer's uniform.

(3) An officer must not wear a decoration which the officer is not entitled to wear.

Maximum penalty: 10 penalty units.

Repeal

57. (1) The Prisons (Administration) Regulation 1989 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Prisons (Administration) Regulation 1989, had effect under that Regulation is taken to have effect under this Regulation.

SCHEDULE 1—AWARDS

(Cl. 53)

Bravery Medal

A Bravery Medal of gold plated sterling silver with dark blue and red striped ribbon may be awarded to an officer for conduct of conspicuous merit involving an act of exceptional bravery.

In the event of any further such conduct a plain gold plated bar may be awarded to the officer. The bar is to be attached to the ribbon.

Exemplary Conduct Cross

An Exemplary Conduct Cross of sterling silver with blue ribbon having a central yellow stripe may be awarded to an officer for conduct or service characterised by bravery, initiative, leadership or distinctive devotion to duty.

Meritorious Service Medal

A Meritorious Service Medal of bronze with red ribbon having a central yellow stripe may be awarded to an officer for 20 years of meritorious service to the Department.

For the completion of each additional 10 years of service a bronze bar lettered with the total number of years of meritorious service may be awarded to the officer.

Service Medal

A Service Medal of bronze with ribbon having equal stripes of dark blue and white (with blue being the outer and central stripes) may be awarded to an officer for 15 years of satisfactory service to the Department.

NOTES**TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions

PART 2—PRISON GOVERNORS

4. Record of Commissioner's directions
5. Record of governor's directions
6. Keys
7. Prisoners confined to cells
8. Segregated prisoners

PART 3—PRISON MEDICAL OFFICERS AND MEDICAL PROVISIONS

9. Duties generally
10. Examination of prisoners
11. Prisoners at risk or a risk to others
12. Prisoners with special needs
13. Medical history cards
14. Disclosure of HIV test results
15. Mental illness
16. Reports to governor
17. Infectious or contagious diseases
18. Inspection of food and clothing
19. Inspection of prisoners specially confined
20. Death of prisoners
21. Consent for serious operations

PART 4—PRISON AND OTHER OFFICERS

22. Orders and instructions to be obeyed
23. Declaration about associations with prisoners
24. Suspected offences by prisoners
25. Uniform
26. Keys
27. Personal searches
28. Visitors
29. Personal possessions
30. Officers to be fit for duty
31. Certain prison work prohibited
32. Insulting or abusive language
33. Honesty
34. Vigilance
35. Reporting of misconduct by prison officers

PART 5—USE OF FIREARMS

36. Definitions
37. Authority to carry firearms
38. Armed posts
39. Issue of firearms to prison officers not at armed posts
40. Officers handling firearms to undergo training courses
41. Safety procedures on issue or receipt of firearms
42. Safety procedures on return of firearms
43. Duties of prison officers generally
44. Maintenance of safe distances
45. Transfer of firearms
46. Use of armed posts
47. Discharge of firearms
48. Authority to discharge firearms
49. Warnings
50. Notice of discharge

PART 6—GENERAL

51. Gaol delivery
52. Order of ranking of prison officers
53. Awards
54. Cancellation of awards
55. Register of awards
56. Wearing of decorations
57. Repeal

SCHEDULE 1—AWARDS

EXPLANATORY NOTE

The object of this Regulation is to repeal the Prisons (Administration) Regulation 1989 and to remake, without any major changes in substance, the provisions of that Regulation. The new Regulation deals with the following matters:

- (a) the functions of prison governors (Part 2);
- (b) the duties of prison medical officers and other medical matters (including a prohibition on the disclosure of HIV test results except in specified circumstances) (Part 3);
- (c) the obligations and duties of prison officers and other officers of the Department of Corrective Services (including the prescribing of offences and penalties in relation to the conduct of officers and the reporting by prison officers of the misconduct of other prison officers) (Part 4);
- (d) the use of firearms by prison officers (Part 5);
- (e) the granting of awards to prison officers (clauses 53–56, Part 6);
- (f) other minor, consequential or ancillary matters (Part 1 and clauses 51, 52 and 57, Part 6).

This Regulation is made under the Prisons Act 1952, including section 50 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
