



New South Wales

Crimes (Administration of Sentences) Regulation 2001

under the

Crimes (Administration of Sentences) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Administration of Sentences) Act 1999*.

JOHN WATKINS, M.P.,

Minister for Corrective Services

Explanatory note

The objects of this Regulation are to make provision with respect to the following matters:

- (a) full-time imprisonment (Chapter 2), including:
 - (i) admission procedures (Part 1), and
 - (ii) case management and classification (Part 2), and
 - (iii) correctional centre routine (Part 3), and
 - (iv) visits and communications (Part 4), and
 - (v) correctional centre discipline (Part 5), and
 - (vi) inmates' requests and complaints (Part 6), and
 - (vii) release procedures (Part 7), and
 - (viii) other miscellaneous matters (Part 8),
- (b) periodic detention (Chapter 3), including:
 - (i) admission procedures (Part 2), and
 - (ii) periodic detention routine (Part 3), and
 - (iii) work site routine (Part 4), and
 - (iv) leave of absence (Part 5), and

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- (v) other miscellaneous matters (Parts 1 and 6),
- (c) home detention (Chapter 4),
- (d) community service work (Chapter 5),
- (e) parole (Chapter 6),
- (f) revocation by the Parole Board of certain orders (Chapter 7),
- (g) administration (Chapter 8), including:
 - (i) correctional officers and Departmental officers (Part 1), and
 - (ii) Corrections Health Service matters (Part 2), and
 - (iii) use of firearms (Part 3), and
 - (iv) the giving of awards to correctional and Departmental officers (Part 4), and
 - (v) the Review Council (Part 5), and
 - (vi) other miscellaneous matters (Part 6).

This Regulation replaces, with variations, the provisions of:

- (a) the *Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995*, and
- (b) the *Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995*, and
- (c) the *Crimes (Administration of Sentences) (Periodic Detention, Home Detention, Community Service Work and Parole) Regulation 1995*.

Those Regulations will be repealed on 1 September 2001 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999* including section 271 (the general power to make regulations) and various other sections referred to in the Regulation.

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Chapter 1 Preliminary

1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

3 Definitions

- (1) Words and expressions that are defined in the Dictionary have the meanings set out in the Dictionary.
- (2) For the purposes of this Regulation:
 - (a) a person who has a thing in his or her custody or under his or her control is taken to have the thing in his or her possession, and
 - (b) a correctional officer who is temporarily relieving another correctional officer at a post is taken to be stationed at the post.
- (3) In this Regulation:
 - (a) a reference to a correctional centre includes a reference to a correctional complex, and
 - (b) a reference to a Form is a reference to a Form set out in Schedule 4.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 1	Admission procedures
Division 1	Recording and provision of information

Chapter 2 Full-time imprisonment

Part 1 Admission procedures

Division 1 Recording and provision of information

5 Information to be recorded in relation to inmates (cf clause 21 of *Correctional Centre Routine Regulation 1995*)

- (1) As soon as practicable after an inmate is received into a correctional centre, the governor must cause to be recorded in relation to the inmate:
 - (a) such of the information referred to in Schedule 1 as is relevant to the inmate, and
 - (b) such other information as the Commissioner considers appropriate to be recorded.
- (2) An inmate must not furnish any information for the purposes of this clause knowing it to be false or misleading in a material particular.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

6 Inmates to be notified of rights and obligations (cf clause 26 of *Correctional Centre Routine Regulation 1995*)

As soon as practicable after an inmate is first received into a correctional centre, the governor must cause the inmate to be informed of:

- (a) the correctional centre rules (that is, the terms of any general directions given under Part 2 of the Act or under this Chapter), and
- (b) the inmate's obligations as to discipline and conduct, and
- (c) the inmate's rights as to legal representation and appeal, and
- (d) the case management process, and
- (e) the authorised methods of seeking information and making complaints, and
- (f) the role of an Official Visitor, and

- (g) the functions of the Review Council in relation to the segregation and protective custody of inmates, and
- (h) any other matter necessary to enable the inmate to understand the inmate's rights and obligations and adapt to living in the centre.

7 Information for inmates who are nationals of other countries (cf clause 28 of *Correctional Centre Routine Regulation 1995*)

- (1) As soon as possible after an inmate who is a national of another country is received into a correctional centre, the governor must cause the inmate to be informed that, if the inmate makes a written application for that purpose, the diplomatic or consular representative of that country will be informed of the inmate's imprisonment.
- (2) If the inmate makes such an application, the governor must inform the consular representative without delay.

Division 2 Surrender of property

8 Surrender of property by inmate

On being received into a correctional centre, an inmate must surrender to an authorised officer all property that is then in the inmate's possession.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

9 Delivery of property by police and other persons (cf clause 31 (1) of *Correctional Centre Routine Regulation 1995*)

If, at the time of an inmate's reception into a correctional centre, any of the inmate's property is brought to the centre by:

- (a) a police officer or correctional officer, or
 - (b) any other person of a class specified by the Commissioner,
- that property is to be delivered to the governor.

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Clause 10	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 1	Admission procedures
Division 2	Surrender of property

10 **How property surrendered on reception to be dealt with** (cf clause 29 of *Correctional Centre Routine Regulation 1995*)

- (1) On receiving property surrendered or delivered in connection with an inmate's reception into a correctional centre, the governor must determine which items of property may, and which may not, be retained at the centre.
- (2) Property that the governor determines may be retained at a correctional centre:
 - (a) may be returned to the inmate for use in the centre unless to do so would, in the governor's opinion, constitute a security or safety risk, or
 - (b) may be retained by the governor for return to the inmate on the inmate's release from custody.
- (3) Property that the governor determines may not be retained at a correctional centre is to be made available for collection by such person as the inmate nominates, and the person so nominated is to be notified that the property is available for collection and should be collected within the next 30 days.
- (4) If the inmate fails to nominate a person to collect the property, or if the person so nominated fails to collect the property within 30 days after being notified of its availability for collection, the property may be disposed of in such manner as the governor considers appropriate, and, if sold, the proceeds of sale are to be held to the credit of the inmate.
- (5) Despite any other provision of this clause:
 - (a) any money surrendered by an inmate is to be held to the credit of the inmate, and
 - (b) any unhygienic or infectious clothing surrendered by an inmate is to be destroyed if the governor is satisfied that its value is less than the cost of getting it cleaned.

11 **Property records** (cf clause 30 of *Correctional Centre Routine Regulation 1995*)

- (1) The governor of a correctional centre must cause a record to be kept of all property surrendered or delivered in connection with an inmate's reception into the centre.
- (2) Such a record must contain the following information:
 - (a) a description of the property,
 - (b) the date on which the property was received,

- (c) whether the property was retained, collected or disposed of,
- (d) if the property was collected:
 - (i) the date on which it was collected, and
 - (ii) the name, address and signature of the person by whom it was collected,
- (e) if the property was disposed of:
 - (i) the date on which it was disposed of, and
 - (ii) the manner in which it was disposed of, and
 - (iii) if it was sold, the amount for which it was sold,
- (f) any other incidental particulars.

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Clause 12	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 2	Case management and classification
Division 1	Case management

Part 2 Case management and classification

Division 1 Case management

12 Case plans to be prepared for all inmates

- (1) A case plan is to be prepared and adopted for each inmate in a correctional centre.
- (2) The Commissioner must ensure that the first case plan is prepared and adopted as soon as practicable after the inmate is received into the correctional centre.
- (3) Subsequent case plans are to be prepared and adopted:
 - (a) not later than 6 months after the previous case plan was adopted, and
 - (b) if the sentencing court's comments in relation to an inmate are unavailable when the first case plan is prepared, as soon as practicable after any such comments become available, and
 - (c) if a report is sent to the Commissioner under clause 18, as soon as practicable after the report is received, and
 - (d) at such other times as the Commissioner may determine.
- (4) The procedure for preparing and adopting a case plan is as set out in this Division.

13 Contents of case plan

- (1) An inmate's case plan must indicate:
 - (a) the inmate's classification for the time being, and
 - (b) the correctional centre at which the inmate is to be held for the time being, and
 - (c) the services and programs in which the inmate should be encouraged to participate.
- (2) An inmate's case plan may deal with any matter relating to the management of the inmate, including:
 - (a) the provision of health care services to the inmate, and

-
- (b) in the case of an inmate who appears to be at risk of self-harm, the preparation of a strategy to minimise the likelihood of self-harm occurring, and
 - (c) in the case of an inmate who has a disability, the preparation of a strategy to minimise any disadvantage suffered by the inmate on account of the disability, particularly in relation to the inmate's suitability to carry out work, and
 - (d) in the case of an inmate who is an Aboriginal person, the implementation in relation to the inmate of the recommendations contained in the report of the Royal Commission into Aboriginal Deaths in Custody, and
 - (e) the provision of services and programs to the inmate under Division 5 of Part 3 of this Chapter, and
 - (f) the provision of pre-release and post-release assistance to the inmate (such as advice on the availability within the community of financial, accommodation and employment assistance and of medical and counselling services and alcohol and other drug treatment programs).
- (3) In preparing an inmate's case plan, regard is to be had to the following matters:
- (a) the sentencing court's comments in relation to the inmate,
 - (b) any assessment that has been made as to the inmate's physical or mental health,
 - (c) whether or not the inmate is likely to be deported from Australia,
 - (d) the inmate's criminal record and correctional centre history,
 - (e) any assessment that has been made (whether by officers of the Department or of any other government department or public authority) as to:
 - (i) the level of risk that the inmate poses to good order and security, and
 - (ii) the likelihood that the inmate may try to escape from custody, and
 - (iii) the underlying causes of the inmate's criminal behaviour, and
 - (iv) the likelihood of the inmate committing further offences, whether of the same or of a different kind,
 - (f) the need to protect the community,

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Clause 13	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 2	Case management and classification
Division 1	Case management

- (g) the resources available to the Department in relation to the implementation of the plan.

14 Case management team to prepare recommendations (cf clause 14 of *Correctional Centre Routine Regulation 1995*)

- (1) Recommendations with respect to an inmate's case plan are to be prepared by a case management team.
- (2) A case management team must take all reasonable steps to enable the inmate to participate in the development of its recommendations.
- (3) Having prepared its recommendations, the case management team must refer the recommendations to the governor of the correctional centre concerned for comment.
- (4) If inconsistent with the sentencing court's comments in relation to the inmate, the recommendations must draw attention to, and give reasons for, the inconsistency.
- (5) A case management team must take all reasonable steps to ensure that its recommendations with respect to an inmate are submitted to the relevant case management committee (together with any comments by the governor) within 21 days after it is called on to prepare them.
- (6) If the Commissioner so decides in particular circumstances or a particular class of circumstances, the functions of a case management team under this clause are to be exercised instead by a case management committee, in which case the committee's recommendations (together with any comments by the governor) are to be submitted directly to the Commissioner.

15 Consideration of recommendations by case management committee

- (1) The recommendations prepared by a case management team with respect to an inmate's case plan are to be reviewed by a case management committee, which is to prepare a report on those recommendations, having regard to any comments by the governor.
- (2) Such a report is to include copies of the recommendations and any comments by the governor.
- (3) A case management committee must take all reasonable steps to ensure that its report with respect to an inmate is submitted:
 - (a) to the Commissioner, and

- (b) in the case of a report that relates to a serious offender, or an inmate who has a high security or extreme high security designation, to the Review Council,

within 28 days after it receives the case management team's recommendations.

- (4) This clause does not apply to a case plan that has been prepared by a case management committee in the circumstances referred to in clause 14 (6).

16 Consideration of certain case plans by Review Council

- (1) The Review Council is to review any report prepared by a case management committee in relation to a serious offender, or an inmate who has a high security or extreme high security designation.
- (2) The Review Council may furnish to the Commissioner such submissions with respect to any such report as it considers appropriate.

17 Adoption of case plan by Commissioner

- (1) After considering:
- (a) the case management committee's report with respect to an inmate's case plan, and
- (b) any advice by the Review Council in relation to the report, the Commissioner must adopt a case plan for the inmate.
- (2) The Commissioner is not bound to follow the recommendations in the report or the advice of the Review Council.

18 Governor's report as to inmate's placement (cf clause 19 of *Correctional Centre Routine Regulation 1995*)

If the governor of a correctional centre considers that an inmate in the centre, or an inmate transferred, or proposed to be transferred, to the centre, is unsuitable for placement or for continued placement in the centre, the governor must cause a report to be sent:

- (a) to the Commissioner, and

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Clause 18	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 2	Case management and classification
Division 1	Case management

- (b) in the case of a report that relates to a serious offender, or an inmate who has a high security or extreme high security designation, to the Review Council,

setting out the reasons why the inmate should not be placed, or continue to be placed, in the centre.

19 Consideration of certain reports by Review Council

- (1) The Review Council is to review any report prepared by the governor of a correctional centre with respect to the placement, or continued placement, in the centre of an inmate who is a serious offender, or an inmate who has a high security or extreme high security designation.
- (2) The Review Council may furnish to the Commissioner such submissions with respect to any such report as it considers appropriate.

20 Decision by Commissioner as to inmate's placement

- (1) After considering:
 - (a) any report prepared by the governor of a correctional centre with respect to the placement, or continued placement, in the centre of an inmate who is a serious offender, or an inmate who has a high security or extreme high security designation, and
 - (b) any submissions by the Review Council in relation to the report,the Commissioner must make a decision with respect to the inmate's placement, or continued placement, in the centre.
- (2) The Commissioner is not bound to follow the recommendations in the report.

21 Linguistic and cultural factors to be considered (cf clause 20 of *Correctional Centre Routine Regulation 1995*)

- (1) On becoming aware that an inmate who is being interviewed for the purposes of this Part may be disadvantaged by linguistic or cultural factors, an interviewer must take all reasonable steps to ensure that the inmate has the assistance of a person who can act as an appropriate interpreter or cultural representative.
- (2) Such a person need not be present at the interview so long as he or she is available to the inmate by telephone during the interview.

- (3) If the interviewer makes a report that assesses an inmate for the purposes of this Part, the interviewer:
- (a) must take into consideration any linguistic or cultural factors that may disadvantage the inmate, and
 - (b) must refer in the report to the extent to which, in the interviewer's opinion, those factors are significant in relation to the assessment.

Division 2 Classification and designation of inmates

22 Classification of male inmates (cf clause 10 of *Correctional Centre Routine Regulation 1995*)

- (1) Each male inmate is to be classified in one of the following categories for the purposes of security and the provision of appropriate development programs:

Category A1, being the category of inmates who, in the opinion of the Commissioner, represent a special risk to good order and security and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.

Category A2, being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier that includes towers, other highly secure perimeter structures or electronic surveillance equipment.

Category B, being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier.

Category C1, being the category of inmates who, in the opinion of the Commissioner, should be confined by a physical barrier unless in the company of a correctional officer or some other person authorised by the Commissioner.

Category C2, being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times but who need some level of supervision by a correctional officer or some other person authorised by the Commissioner.

Category C3, being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised.

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- (2) Subject to clause 27, the Commissioner may at any time vary or revoke a classification under this clause.

23 **Classification of female inmates** (cf clause 10 of *Correctional Centre Routine Regulation 1995*)

- (1) Each female inmate is to be classified in one of the following categories for the purposes of security and the provision of appropriate development programs:

Category 4, being the category of inmates who, in the opinion of the Commissioner, should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.

Category 3, being the category of inmates who, in the opinion of the Commissioner, should be confined by a physical barrier unless in the company of a correctional officer or some other person authorised by the Commissioner.

Category 2, being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times but who need some level of supervision by a correctional officer or some other person authorised by the Commissioner.

Category 1, being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised.

- (2) Subject to clause 27, the Commissioner may at any time vary or revoke a classification under this clause.

24 **Escape-risk classifications** (cf clause 11 of *Correctional Centre Routine Regulation 1995*)

- (1) Each inmate (male or female) who commits an escape offence in New South Wales or elsewhere (whether or not he or she is prosecuted or convicted in respect of the offence) is, for the first case plan following the commission of the offence, to be classified in one of the following categories:

Category E1, being the category of inmates who, in the opinion of the Commissioner, represent a special risk to security and should at all times be confined:

- (a) in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment, or

- (b) by a secure physical barrier that includes towers, other highly secure perimeter structures or electronic surveillance equipment.

Category E2, being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier.

- (2) An inmate's classification under this clause overrides the inmate's classification under clause 22 or 23.
- (3) Despite subclause (2), the Commissioner may determine that an inmate not be classified under this clause if the inmate was under the age of 18 years when the escape offence was committed.
- (4) Subject to clause 27, the Commissioner may at any time vary or revoke a classification under this clause.
- (5) In this clause, **escape offence** means an offence of escaping from lawful custody or an offence of attempting or conspiring to escape from lawful custody.

25 Designation of high security and extreme high security inmates
 (cf clause 20B of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may designate an inmate as a high security inmate if of the opinion that the inmate constitutes:
- (a) a danger to other people, or
- (b) a threat to good order and security.
- (2) The Commissioner may designate an inmate as an extreme high security inmate if of the opinion that the inmate constitutes:
- (a) an extreme danger to other people, or
- (b) an extreme threat to good order and security.
- (3) Subject to clause 27, the Commissioner may at any time vary or revoke a designation under this clause.

26 Management of high security and extreme high security inmates
 (cf clause 20C of *Correctional Centre Routine Regulation 1995*)

The Commissioner may make determinations with respect to the following:

- (a) the placement in correctional centres of high security and extreme high security inmates,

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- (b) the movement of high security and extreme high security inmates for any purpose,
- (c) any additional security arrangements to be imposed in respect of high security and extreme high security inmates,
- (d) case plans for high security and extreme high security inmates,
- (e) any other matter that is relevant to the management of high security and extreme high security inmates.

27 Variation of classification and designation of certain inmates

- (1) The Commissioner:
 - (a) must not cause an inmate who has an escape-risk classification to cease to have such a classification, and
 - (b) must not cause an inmate who has a high security or extreme high security designation:
 - (i) to have that designation varied to another such designation, or
 - (ii) to cease to have such a designation, and
 - (c) must not cause a serious offender to have his or her classification changed,without seeking and considering the recommendations of the Review Council in that regard.
- (2) In the case of an inmate who has an escape-risk classification, the Review Council:
 - (a) is not to make a recommendation for the purposes of subclause (1) (a) unless it is satisfied that there are special circumstances that, in the opinion of the Review Council, justify the reclassification, and
 - (b) need not entertain any application made to it by an inmate for the purposes of subclause (1) (a) if, on the face of the application and any document submitted in support of it, it appears to the Council that the application:
 - (i) is not substantially different from a previous application, made by or on behalf of the same inmate, that the Council has rejected, or
 - (ii) is frivolous or vexatious.

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- (3) If the Commissioner varies the classification or designation of an inmate under this clause in a manner that is contrary to the recommendations of the Review Council, the Commissioner must cause notice of that fact to be given to the Review Council.

28 High security classification of inmates for purposes of interstate leave permits (cf clause 11A of *Correctional Centre Routine Regulation 1995*)

Male inmates classified as A1, A2, E1 or E2, and female inmates classified as Category 4, E1 or E2, are taken to have high security classifications for the purposes of section 29 of the Act.

Division 3 Case management teams and committees

29 Case management teams (cf clause 12 of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may appoint case management teams comprising:
- (a) a case manager, who is to be the presiding member at meetings of the team, and
 - (b) such other persons (either correctional officers or Departmental officers) as the Commissioner determines.
- (2) A case management team is to consist of such number of members as the Commissioner determines.
- (3) A case management team is to function in accordance with procedures determined by the Commissioner.

30 Case management committees (cf clause 12 of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may appoint case management committees comprising:
- (a) a classification manager, who is to be the presiding member at meetings of the committee, and
 - (b) such other persons (either correctional officers or Departmental officers) as the Commissioner determines.
- (2) The quorum for a meeting of a committee is 3 members, of whom one must be the presiding member.

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- (3) A decision supported by a majority of the votes cast at a meeting of a committee at which a quorum is present (including the vote of the presiding member) is the decision of the committee.
- (4) A member of a committee who dissents from a decision of the committee is entitled to have the reasons for his or her dissent annexed to the record of the committee's decision.

31 Persons may not be members of case management teams and case management committees

A person may not be simultaneously a member of a case management team and a member of a case management committee.

Part 3 Correctional centre routine

Division 1 Separation and accommodation

32 Separation of different classes of inmates (cf clause 8 of *Correctional Centre Routine Regulation 1995*)

- (1) For the purposes of this clause, each inmate is to be included in one of the following classes:
 - (a) convicted inmate,
 - (b) unconvicted inmate,
 - (c) civil inmate.
- (2) As far as practicable inmates of any class are to be kept separate from inmates of any other class.
- (3) Within each class, the Commissioner may direct that the following inmates be kept separate from other inmates:
 - (a) those inmates who have not previously been imprisoned,
 - (b) those inmates who would be at risk if not separated from other inmates,
 - (c) those inmates who are forensic patients within the meaning of the *Mental Health Act 1990*,
 - (d) those inmates who are imprisoned:
 - (i) pursuant to a warrant issued by the State Debt Recovery Office under section 87 of the *Fines Act 1996*, or
 - (ii) as fine defaulters under the laws of the Commonwealth or the Australian Capital Territory.

33 Separation of sexes (cf clause 7 of *Correctional Centre Routine Regulation 1995*)

Female inmates must be kept separate from male inmates except in such circumstances and under such supervision as the Commissioner determines.

34 Separation for health reasons (cf clause 9 of *Correctional Centre Routine Regulation 1995*)

Inmates found or suspected to be in an infectious or verminous condition may be kept separate from other inmates.

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Division 1	Separation and accommodation

35 Information concerning review of extension directions (cf clause 27 of *Correctional Centre Routine Regulation 1995*)

As soon as practicable after an inmate is directed:

- (a) to be held in segregated custody under section 10 of the Act, or
- (b) to be held in protective custody under section 11 of the Act (otherwise than at the inmate's request),

the inmate is to be provided with information concerning the inmate's rights under the Act to a review of any direction by the Commissioner to extend that period of custody.

36 Accommodation (cf clause 5 of *Correctional Centre Routine Regulation 1995*)

- (1) Each inmate must be housed in and occupy a cell by himself or herself, unless for medical or other sufficient reason it is necessary for inmates to be associated.
- (2) If it is necessary for inmates to be associated, the inmates required to be associated (whether in a cell or in dormitory accommodation) must be carefully selected.
- (3) Each inmate must be provided with a separate bed and sufficient clean bedding to suit the climatic conditions.

Division 2 Correctional centre routine

37 Hours of work and general routine (cf clause 38 of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner is to determine the hours of work and general routine for each correctional centre.
- (2) The Commissioner may determine different hours of work and different general routines for different parts of a correctional centre.

38 Restriction on work that civil inmates and unconvicted inmates may be required to perform (cf clause 56 of *Correctional Centre Routine Regulation 1995*)

- (1) Civil inmates and unconvicted inmates are not to be required to work otherwise than as provided by this clause.
- (2) The governor of a correctional centre may require a civil inmate or unconvicted inmate to ensure that any yard or other section of the correctional centre that he or she uses is kept clean.

- (3) A civil inmate or unconvicted inmate must comply with any requirement under this clause.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

39 Inmates to comply with correctional centre routine (cf clause 39 of *Correctional Centre Routine Regulation 1995*)

An inmate must comply with the hours of work and general routine for the correctional centre or part of the correctional centre in which the inmate is detained.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

40 Inmates not to enter other cells (cf clause 6 of *Correctional Centre Routine Regulation 1995*)

An inmate must not enter a cell that has not been allocated for use by the inmate otherwise than:

- (a) with the permission of the governor or a correctional officer, or
- (b) in compliance with a direction given by the governor or a correctional officer.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

41 Calls to muster (cf clause 40 (1) of *Correctional Centre Routine Regulation 1995*)

An inmate must immediately attend at any place designated by the governor, either generally or in a particular case, as a place for mustering inmates:

- (a) when required orally to do so by the governor or a correctional officer, or
- (b) when summoned by a bell, hooter, siren or whistle used for that purpose.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

42 Misuse of bells, hooters, sirens and whistles (cf clause 40 (2) of *Correctional Centre Routine Regulation 1995*)

An inmate must not operate a bell, hooter, siren or whistle used:

- (a) for calling to muster, or

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- (b) for giving notice of a fire or other emergency, or of a fire or other emergency drill, or
 - (c) for giving notice of any other correctional centre routine,
- unless the inmate is authorised to do so by the governor or a correctional officer or does so with other reasonable excuse.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

43 **Avoidance of correctional centre routine** (cf clause 41 of *Correctional Centre Routine Regulation 1995*)

An inmate must not pretend to be ill or injured for the purpose of avoiding the inmate's obligations under the Act and this Regulation.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

44 **Delivery of articles to and from inmates** (cf clause 106 of *Correctional Centre Routine Regulation 1995*)

- (1) Except as otherwise provided by this Part, an inmate must not deliver anything to or receive anything from any other inmate.
- (2) With the approval of an authorised officer, an inmate may deliver an article to another inmate.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

45 **Possession or creation of prohibited goods**

- (1) An inmate must not have in his or her possession:
 - (a) any money, or
 - (b) any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or
 - (c) any offensive, indecent or obscene article.
- (2) An inmate must not create:
 - (a) any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or
 - (b) any offensive, indecent or obscene article.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

46 Searching of inmates (cf clause 24 of *Correctional Centre Routine Regulation 1995*)

- (1) A correctional officer may search an inmate at such times as the governor directs and at such other times as the correctional officer considers appropriate.
- (2) Except in the case of an emergency, an inmate must not be searched by or in the presence of a person of the opposite sex.
- (3) The searching of an inmate must be conducted with due regard to dignity and self-respect and in as seemly a manner as is consistent with the conduct of an effective search.
- (4) An inmate must not resist or impede the conduct of such a search.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

47 Property to be kept in a tidy and orderly manner (cf clause 33 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must keep his or her property in a tidy and orderly manner and so as not to impede a search of the inmate's cell.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

- (2) The quantity of property that an inmate keeps in his or her cell is not to exceed such quantity as the governor may determine and, if it does, the governor may confiscate such of the property as is necessary to reduce the excess.
- (3) Anything confiscated under this clause:
 - (a) is to be dealt with as if it had been surrendered on reception into a correctional centre, or
 - (b) is to be disposed of by the governor in such a manner as is reasonable in the circumstances (taking into account the nature of the material).

48 Books and other material (cf clauses 60 and 61 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate may purchase:
 - (a) any book, newspaper or magazine, and
 - (b) any record, cassette or compact disk.

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- (2) Despite subclause (1), the governor may refuse to allow an inmate to purchase, and may confiscate, any such book, newspaper, magazine, record, cassette or compact disk if of the opinion that it contains:
 - (a) anything that, in the opinion of a nominated officer, is likely to prejudice the good order and security of the correctional centre, or
 - (b) any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or
 - (c) any offensive, indecent or obscene article.
- (3) Anything confiscated under this clause:
 - (a) is to be dealt with as if it had been surrendered on reception into a correctional centre, or
 - (b) is to be disposed of by the governor in such a manner as is reasonable in the circumstances (taking into account the nature of the material).

49 Transfer of property (cf clause 37 (1) of *Correctional Centre Routine Regulation 1995*)

The property of an inmate who is transferred from one correctional centre to another is to be delivered to the governor of the new correctional centre, together with a copy of any record kept by the governor of the former correctional centre in relation to the property.

Division 3 Food

50 Diet (cf clause 43 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must be supplied each day with food in accordance with a diet designed to provide a dietary intake generally in accordance with the dietary intakes recommended for the time being, and published, by the National Health and Medical Research Council.
- (2) The diet:
 - (a) must be varied, and
 - (b) must provide adequate amounts of each essential nutrient from basic foods, and
 - (c) must be planned to ensure optimal nutritional health.

- (3) The diet of an inmate having special dietary needs is to be planned having regard to those needs.

51 Complaints about correctional centre food (cf clause 46 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate wishing to complain about the quantity or quality of the food supplied by a correctional centre must do so promptly.
- (2) The inmate is responsible for substantiating the complaint.

52 Purchase of food by inmates (cf clauses 44, 45, 47 and 48 of *Correctional Centre Routine Regulation 1995*)

- (1) The governor of a correctional centre may permit an inmate:
- (a) to purchase food available for purchase at the centre or outside the centre, or
- (b) to arrange for the supply of food from outside the centre.
- (2) An inmate must not purchase food, or arrange for the supply of food from outside a correctional centre, unless permitted to do so as referred to in subclause (1).
- (3) An inmate must not receive or have in his or her possession any food other than food supplied by a correctional centre or food that he or she is permitted to purchase or be supplied with under this clause.
- (4) An inmate supplied with food from outside a correctional centre must ensure that none of it is received by another inmate.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

Division 4 Health and cleanliness

53 Daily exercise (cf clause 53 of *Correctional Centre Routine Regulation 1995*)

- (1) Each inmate (other than one who is confined to cell under section 53 or 56 of the Act) is to be allowed at least 2 hours each day for exercise in the open air.
- (2) Each inmate who is confined to cell under section 53 or 56 of the Act is to be allowed at least 1 hour each day for exercise in the open air.

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Clause 53	Crimes (Administration of Sentences) Regulation 2001
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- (3) An inmate's entitlement to exercise under this clause is subject to such practical limitations as may from time to time arise in connection with the administration of the correctional centre concerned.

54 Dental and optical treatment and artificial medical appliances (cf clause 52 of *Correctional Centre Routine Regulation 1995*)

Dental treatment, optical treatment and hearing aids and other artificial medical appliances are to be supplied to inmates in such manner and to such extent as the Chief Executive Officer, Corrections Health Service, from time to time determines.

55 Destruction of unhygienic property (cf clause 51 of *Correctional Centre Routine Regulation 1995*)

- (1) Any food, personal effects or articles of clothing belonging to an inmate at a correctional centre may be destroyed if the governor considers it necessary for the maintenance of hygiene.
- (2) Before any such property is destroyed, the governor must, if practicable, cause the inmate to be informed of the proposed destruction and the reason.

56 Personal cleanliness (cf clause 49 of *Correctional Centre Routine Regulation 1995*)

An inmate must obey directions given by or with the authority of the governor, either generally or individually, in regard to washing, showering, bathing, shaving and hair cutting.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

57 Wearing of correctional centre clothing (cf clause 54 of *Correctional Centre Routine Regulation 1995*)

- (1) Unless otherwise authorised by the governor, an inmate must at all times wear the uniform clothing and footwear issued to the inmate, and must not at any time wear any other clothing.
- (2) This clause does not apply to an inmate while attending court.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

58 Cleanliness of cells and their contents (cf clause 50 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must keep the inmate's cell, utensils, clothing, bedding and any other issued articles clean, tidy and in good order and in accordance with any directions given by a correctional officer.
- (2) An inmate must not wilfully damage, destroy or deface the inmate's cell.
- (3) An inmate must not dispose of, or wilfully alter, damage or destroy, any clothing, bedding or other article issued to the inmate.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

59 Condoms and dental dams (cf clause 56A–56D of *Correctional Centre Routine Regulation 1995*)

- (1) Condoms (together with plastic disposal bags) are to be made available free of charge in each correctional centre in which there are male inmates, and disposal units are to be installed in each such correctional centre for their disposal.
- (2) Dental dams (together with plastic disposal bags) are to be made available free of charge in each correctional centre in which there are female inmates, and disposal units are to be installed in each such correctional centre for their disposal.
- (3) An inmate must not obtain possession of any condom or dental dam otherwise than:
 - (a) from a dispensing machine installed in the correctional centre for use by inmates, or
 - (b) in accordance with such other arrangements as are approved by the governor of that correctional centre.
- (4) An inmate must not use a condom or dental dam otherwise than for the purpose of sexual activity.
- (5) As soon as practicable after using a condom or dental dam, an inmate must dispose of it:
 - (a) by placing it in a plastic disposal bag, and
 - (b) by placing the plastic disposal bag in a disposal unit.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

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Clause 60	Crimes (Administration of Sentences) Regulation 2001
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Division 5	Inmate services and programs

Division 5 Inmate services and programs

60 Inmate services and programs (cf clauses 57 and 58 of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may provide an inmate with services and programs that offer the inmate an opportunity to develop skills, behaviours and attitudes that lessen the likelihood of the inmate re-offending.
- (2) Without limiting subclause (1), such services and programs may include:
 - (a) welfare services,
 - (b) services for inmates who have disabilities,
 - (c) alcohol and other drug counselling services,
 - (d) psychological counselling services,
 - (e) literacy and numeracy programs,
 - (f) educational and vocational training programs, including the provision of libraries,
 - (g) pre-release and post-release programs to enable inmates to adapt to normal lawful community life.
- (3) In the exercise of a function under this clause, the Commissioner must give special attention to the needs of inmates who are illiterate or who have a disability.
- (4) Services and programs may be provided by correctional officers or by other persons approved by the Commissioner.
- (5) A person employed or otherwise engaged in the provision of a service or program:
 - (a) is subject to the directions of the Commissioner in respect of the nature and scope of the service or program and its method of delivery, and
 - (b) is subject to the directions of the governor in respect of any matter affecting the good order and security of the correctional centre.

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Inmate services and programs

Clause 61
Chapter 2
Part 3
Division 5

61 Behaviour of inmates participating in services and programs
(cf clause 59 of *Correctional Centre Routine Regulation 1995*)

While participating in a service or program provided under this Part, an inmate must comply with any lawful and reasonable direction of the person employed or otherwise engaged in the provision of the service or program.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

Division 6 Spiritual welfare

62 Accreditation of spiritual advisors (cf clause 68 of *Correctional Centre Routine Regulation 1995*)

- (1) On the recommendation of the appropriate spiritual authority, the Commissioner may, by instrument in writing, accredit a spiritual advisor of that authority's denomination to be a full-time or part-time spiritual advisor to inmates and correctional officers at a correctional centre.
- (2) The Commissioner may, at any time, by instrument in writing, revoke any such accreditation.

63 Privileges of accredited spiritual advisors (cf clause 69 of *Correctional Centre Routine Regulation 1995*)

- (1) With the approval of the governor, an accredited spiritual advisor:
 - (a) may, when visiting a correctional centre, be accompanied by assistants, whether spiritual advisors or lay persons who are wholly or partly engaged in duties of a spiritual nature, and
 - (b) may arrange for inmates to be visited by persons suitably qualified in counselling, vocational guidance or other services, and
 - (c) may authorise, in writing, another spiritual advisor to act in his or her place during his or her absence.
- (2) A person who is authorised to act for an accredited spiritual advisor is taken to be an accredited spiritual advisor for the purposes of this Division.
- (3) An accredited spiritual advisor is answerable to the Commissioner for the conduct of any assistant who accompanies the accredited spiritual advisor when visiting a correctional centre.

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Clause 64	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 3	Correctional centre routine
Division 6	Spiritual welfare

64 Responsibilities of accredited spiritual advisors (cf clause 70 of *Correctional Centre Routine Regulation 1995*)

- (1) An accredited spiritual advisor is responsible for the spiritual care of inmates at the correctional centre to which he or she is accredited.
- (2) An accredited spiritual advisor's responsibilities include:
 - (a) visiting inmates who are sick, confined to cell or segregated from other inmates, and
 - (b) visiting inmates (or arranging for them to be visited by another spiritual advisor of the same denomination) in circumstances in which they are suffering from a potentially fatal illness or injury.

65 Powers of accredited spiritual advisors (cf clause 71 of *Correctional Centre Routine Regulation 1995*)

- (1) On Sundays or other recognised days of spiritual observance, and on such other days as the governor may permit, an accredited spiritual advisor:
 - (a) may hold or conduct such rites, services or assemblies as pertain to the accredited spiritual advisor's denomination, or
 - (b) with the permission of the governor, may hold or conduct combined services in association with spiritual advisors of other denominations.
- (2) An accredited spiritual advisor may minister to an inmate who is not of the accredited spiritual advisor's denomination, but only with the consent of the inmate and, if an accredited spiritual advisor of the inmate's denomination has been appointed to the correctional centre, that accredited spiritual advisor.
- (3) With the approval of the governor, an accredited spiritual advisor may pursue such matters as the accredited spiritual advisor considers to be in the interests of the welfare of inmates at the correctional centre to which he or she is accredited.

66 Access to inmates (cf clauses 72 and 73 of *Correctional Centre Routine Regulation 1995*)

- (1) An accredited spiritual advisor is entitled:
 - (a) to visit the correctional centre to which he or she is accredited at all reasonable times, but not so as to disturb the ordinary routine of the centre, and

- (b) to have access to inmates of the accredited spiritual advisor's denomination for the purpose of private and confidential spiritual ministrations.
- (2) With the approval of the governor, a spiritual advisor of a particular denomination who is not accredited in relation to a particular correctional centre:
 - (a) may visit the centre, and
 - (b) may have access to inmates of that denomination,if no other spiritual advisor of that denomination has been accredited for the centre.
- (3) On request by an inmate of a denomination for which no spiritual advisor has been accredited, the governor may arrange for the inmate to be visited by a spiritual advisor of that denomination.
- (4) A spiritual advisor is entitled to have access to an inmate under this clause beyond the hearing (but within the sight) of a correctional officer.
- (5) An inmate's objection to being visited by a spiritual advisor is to be fully respected.

67 Participation of inmates in spiritual observances (cf clause 75 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate may attend the following rites, services and assemblies conducted at the correctional centre:
 - (a) rites, services or assemblies of the inmate's denomination,
 - (b) combined rites, services or assemblies conducted by spiritual advisors of the inmate's denomination in association with spiritual advisors of other denominations,
 - (c) with the approval of the governor, rites, services or assemblies of other denominations.
- (2) Spiritual books, recognised objects of spiritual devotion and similar items belonging to an inmate are to be treated as approved personal property acquired with the permission of the governor.

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Clause 68	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 3	Correctional centre routine
Division 6	Spiritual welfare

68 Use of sacred spaces (cf clause 76 of *Correctional Centre Routine Regulation 1995*)

- (1) A sacred space or a part of a sacred space that is used for the conduct of rites, services or assemblies may be used for such other purposes as may be determined by the governor after consultation with the relevant accredited spiritual advisors.
- (2) On request by an accredited spiritual advisor, the governor of a correctional centre must make available:
 - (a) a suitable part of the centre as a sacred space for the conduct of rites, services or assemblies, and
 - (b) suitable facilities for the safekeeping of books and other objects used in connection with the conduct of rites, services or assemblies,if no such sacred space or facilities currently exist.
- (3) An inmate must not desecrate or abuse any books or other objects used in connection with the rites, services or assemblies of a spiritual denomination.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

69 Accredited spiritual advisors may advise committees (cf clause 77 of *Correctional Centre Routine Regulation 1995*)

- (1) With the approval of the governor, an accredited spiritual advisor:
 - (a) may attend meetings of any committee concerned with the management of the correctional centre to which he or she is accredited, and
 - (b) at any such meeting, may offer advice in relation to the welfare of inmates.
- (2) An accredited spiritual advisor is not entitled to vote on any motion or proposal put before such a committee or otherwise to participate in its decisions.

70 Accredited spiritual advisory services generally (cf clause 78 of *Correctional Centre Routine Regulation 1995*)

- (1) The accredited spiritual advisors, in collaboration with the Commissioner and the appropriate spiritual authorities, may assist in:
 - (a) the development of community support for corrective services, and

- (b) the development and extension of accredited spiritual advisory services in correctional centres.
- (2) In consultation with the accredited spiritual advisors and appropriate spiritual authorities, the Commissioner must from time to time review the effectiveness of the accredited spiritual advisory services in correctional centres.

71 Exclusion of spiritual advisors on grounds of security (cf clause 79 of *Correctional Centre Routine Regulation 1995*)

The Commissioner may prohibit:

- (a) a particular spiritual advisor, or
- (b) a spiritual advisor of a particular denomination,

from visiting a correctional centre if of the opinion that it would be prejudicial to the good order and security of the centre to allow such a visit.

72 Inmates' religious affiliation (cf clause 74 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate who wishes to become a member of a religious denomination, or who wishes to change his or her religious denomination, is to cause written notice of those wishes to be given to the governor of the correctional centre:
 - (a) setting out the inmate's reasons for wishing to become a member of that denomination, and
 - (b) requesting any relevant records kept at the centre to be amended accordingly.
- (2) If satisfied (after consultation with the relevant accredited spiritual advisor) that the request is made in good faith, the governor is to cause the relevant records to be amended in accordance with the request.
- (3) For the purposes of this Part, an inmate is to be treated as belonging to the religious denomination (if any) that is for the time being shown in the relevant records in relation to the inmate.
- (4) If asked to do so by an accredited spiritual advisor, the governor must inform the advisor of the names of all inmates at the correctional centre who are for the time being shown in the relevant records as belonging to the advisor's denomination.

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Clause 73	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 4	Visits and communications
Division 1	Visits to inmates

Part 4 Visits and communications

Division 1 Visits to inmates

73 Visits generally (cf clause 80 of *Correctional Centre Routine Regulation 1995*)

The governor of a correctional centre may permit a person to visit the centre, either generally or for the purpose of seeing a particular inmate at the centre.

74 Visiting hours (cf clauses 81 and 82 of *Correctional Centre Routine Regulation 1995*)

- (1) The periods during which a person may visit a correctional centre are to be as determined by the Commissioner.
- (2) The governor of a correctional centre is to ensure that the visiting hours are clearly displayed on a notice outside the centre.
- (3) If it is not practicable for a person to visit during visiting hours, the governor may permit a visit outside those hours, subject to the convenience of the routine of the correctional centre.
- (4) A visit is to be permitted to continue for at least 30 minutes, unless it is terminated or unless it would otherwise extend beyond visiting hours.

75 Number of visits (cf clauses 83 and 84 of *Correctional Centre Routine Regulation 1995*)

- (1) An unconvicted inmate may be visited once as soon as practicable after reception into a correctional centre and afterwards twice weekly.
- (2) A convicted inmate may be visited once as soon as practicable after conviction and afterwards at such intervals as the governor determines.
- (3) A civil inmate may be visited daily, as often and for so long as the governor determines.
- (4) The governor of a correctional centre may permit additional visits to an inmate, particularly in the case of an inmate who is dangerously ill.

76 Maximum number of visitors (cf clause 85 of *Correctional Centre Routine Regulation 1995*)

- (1) Up to 4 visitors may be present with an inmate at the same time.
- (2) The governor of a correctional centre may permit additional visitors to be present with an inmate at the same time, particularly in the case of an inmate who is dangerously ill.

77 Visits by Commissioner and other officials (cf clauses 87 and 88 of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may visit and must be admitted to a correctional centre at any time.
- (2) No other person may be admitted to a correctional centre without the prior authority of the Commissioner, except for the following persons:
 - (a) a correctional officer or Departmental officer employed at the centre,
 - (b) the Minister, the Inspector-General or an Official Visitor for the centre,
 - (c) a member of the Review Council or of any committee of the Review Council,
 - (d) a Judge of the Supreme Court or District Court, a Magistrate or a coroner,
 - (e) a government official engaged on official duties,
 - (f) any person in the exercise of a power conferred by or under an Act (including a Commonwealth Act).

78 Inmate may refuse visits (cf clause 89 of *Correctional Centre Routine Regulation 1995*)

An inmate may refuse to receive a visitor, other than a government official engaged on official duties.

79 Inmate confined to cell not entitled to visits (cf clause 90 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate who is confined to cell is not entitled to be visited except in the case of:
 - (a) a visit to discuss or transact legal business, or
 - (b) a visit by a diplomatic or consular representative, or

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Clause 79	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 4	Visits and communications
Division 1	Visits to inmates

- (c) a visit by a field officer of the Aboriginal Legal Service or a similar organisation approved by the Commissioner, or
 - (d) a visit by a government official on official duties, or
 - (e) a visit by an Official Visitor.
- (2) Despite subclause (1), the governor of a correctional centre may permit an inmate who is confined to cell to receive visits from the inmate's family and friends if, in the governor's opinion, it is appropriate to do so to avoid hardship (such as where family or friends have travelled a long way to make the visit).

80 Record of visits (cf clause 91 of *Correctional Centre Routine Regulation 1995*)

- (1) The governor of a correctional centre must cause a record to be kept of all visits to inmates at the centre.
- (2) The record must contain the following particulars in relation to each visit:
- (a) the date of the visit,
 - (b) the name of the inmate,
 - (c) the name, address and date of birth of each visitor,
 - (d) the form of identification used by each visitor as evidence of his or her name and address,
 - (e) the relationship between each visitor and the inmate,
 - (f) the purpose of (and, where appropriate, the authority for) the visit,
 - (g) the form (contact or non-contact) in which the visit is permitted,
 - (h) the name of the correctional officer who supervised the visit,
 - (i) if the visit was terminated by a correctional officer, the fact that the visit was so terminated and the reason for its termination.
- (3) The record must also contain the following particulars as to each visit that has been refused:
- (a) the date on which the visit was refused,
 - (b) the name, address and date of birth (if known) of the visitor,
 - (c) the reason for the visit being refused.
- (4) Copies of the record are to be kept in such manner and for such period as the Commissioner determines.

Crimes (Administration of Sentences) Regulation 2001	Clause 81
Full-time imprisonment	Chapter 2
Visits and communications	Part 4
Special visits: legal business, foreign nationals, Aboriginal persons	Division 2

Division 2 **Special visits: legal business, foreign nationals, Aboriginal persons**

81 Visits to transact legal business (cf clause 92 of *Correctional Centre Routine Regulation 1995*)

In addition to any other visit authorised by this Regulation, an inmate is entitled to be visited by the inmate's legal practitioner.

82 Visits to foreign nationals (cf clause 93 of *Correctional Centre Routine Regulation 1995*)

In addition to any other visit authorised by this Regulation, an inmate who is a national of a foreign country may be visited by:

- (a) a diplomatic or consular representative in Australia or New South Wales of the foreign country, or
- (b) a diplomatic or consular representative in Australia or New South Wales of another foreign country that assumes responsibility for the inmate's interests, or
- (c) if the inmate is a refugee or stateless person, a representative of a national or international organisation (such as Amnesty International) that is recognised by the Commonwealth Government as having as an object the protection of the interests of such an inmate.

83 Visits to Aboriginal persons (cf clause 94 of *Correctional Centre Routine Regulation 1995*)

(1) In addition to other visits authorised by this Regulation, an inmate who is an Aboriginal person may be visited by:

- (a) a field officer of the Aboriginal Legal Service, or
- (b) a field officer of any other organisation that provides legal or other assistance to Aboriginal persons and that is approved by the Commissioner.

(2) In this clause, *Aboriginal person* has the same meaning as *Aboriginal* has in the *Aboriginal Land Rights Act 1983*.

84 Prior appointment necessary (cf clause 95 of *Correctional Centre Routine Regulation 1995*)

A prior appointment for a visit under this Division must be made with the governor.

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Clause 85	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 4	Visits and communications
Division 2	Special visits: legal business, foreign nationals, Aboriginal persons

85 Time, duration and number of visits (cf clause 96 of *Correctional Centre Routine Regulation 1995*)

- (1) Visits to an inmate under this Division are not to be restricted in duration or number but must be made during normal visiting hours.
- (2) The governor of a correctional centre may extend normal visiting hours to permit such a visit if, in the governor's opinion:
 - (a) it is convenient and practicable to do so, and
 - (b) the governor is able to make satisfactory security arrangements.

Division 3 Permits to visit correctional centres

86 Permit for visits (cf clause 97 of *Correctional Centre Routine Regulation 1995*)

- (1) A visitor's permit may be issued authorising a person to visit a specified correctional centre for any official, scientific, spiritual, educational, sociological or other purpose approved by the Commissioner.
- (2) A visitor's permit:
 - (a) may be issued by the Commissioner, and
 - (b) may be issued unconditionally or subject to conditions specified in the permit.
- (3) An application for a visitor's permit is to be made in writing to the Commissioner, and the Commissioner's decision as to whether or not to grant the permit is final.

87 Cancellation of permits (cf clause 98 of *Correctional Centre Routine Regulation 1995*)

The Commissioner may cancel a visitor's permit at any time.

88 Return of expired or cancelled permits (cf clause 99 of *Correctional Centre Routine Regulation 1995*)

A person to whom a visitor's permit is issued must return it to the Commissioner as soon as the permit expires or is cancelled.

Maximum penalty: 5 penalty units.

89 Preliminary requirements for visits (cf clause 100 of *Correctional Centre Routine Regulation 1995*)

A person to whom a visitor's permit is issued:

- (a) is not entitled to visit a correctional centre without the prior approval of an authorised officer, and
- (b) must, before the visit takes place, inform an authorised officer of the purpose of the visit.

90 Restrictions on holders of visitors' permits (cf clauses 101 and 102 of *Correctional Centre Routine Regulation 1995*)

(1) A person to whom a visitor's permit is issued:

- (a) must not enter any part of a correctional centre to which entry is forbidden by the correctional officer supervising the visit, and
- (b) must comply with any reasonable direction given by the correctional officer supervising the visit.

(2) While visiting a correctional centre pursuant to a visitor's permit, a person must not communicate with an inmate, or come into physical contact with an inmate, unless authorised to do so:

- (a) by the conditions of the permit, or
- (b) by an authorised officer.

Maximum penalty: 5 penalty units.

Division 4 Control of visits to correctional centres and inmates

91 Application of Division

This Division applies to all visits under Division 1, 2 or 3.

92 Proof of identity of visitor and purpose of visit may be required (cf clause 103 of *Correctional Centre Routine Regulation 1995*)

(1) An authorised officer may require a visitor:

- (a) to produce evidence, satisfactory to the authorised officer, of the person's name and address, and
- (b) to state the purpose of the visit.

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Clause 92	Crimes (Administration of Sentences) Regulation 2001
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- (2) A visitor must not produce evidence, or make a statement, in response to a requirement under subclause (1) knowing the evidence or statement to be false or misleading in a material particular.

Maximum penalty: 10 penalty units.

- (3) An authorised officer may refuse to allow a person to visit a correctional centre if the person fails to comply with a requirement under subclause (1).

93 Searching of visitors (cf clauses 103A and 104 of *Correctional Centre Routine Regulation 1995*)

- (1) An authorised officer or the principal security officer may require a visitor:

- (a) to submit to an inspection and search of personal possessions, to scanning by means of an electronic scanning device and to being sniffed by a drug detector dog, and
- (b) to empty the pockets of the visitor's clothing, and
- (c) to make available for inspection and search any vehicle under the visitor's control that is on the premises of a correctional centre.

- (2) Except as otherwise provided by this Regulation or as permitted by an authorised officer, a visitor must, while the visit is taking place, leave anything that the visitor has brought into a correctional centre in storage facilities provided for the purpose at the centre.

Maximum penalty: 5 penalty units.

- (3) An authorised officer or the principal security officer may confiscate, for the duration of the visit, anything that a visitor has brought into the correctional centre but not left in storage facilities as required by subclause (2).
- (4) Subclause (3) does not limit any other power that an authorised officer or principal security officer may have apart from this clause to seize or detain anything of the kind referred to in that subclause, such as a power to seize any such thing from a person following the person's lawful arrest.

94 Hindering or obstructing dogs

A visitor must not hinder or obstruct a dog being used to assist in maintaining the good order and security of a correctional centre.

Maximum penalty: 5 penalty units.

95 Smoking by visitors in non-smoking areas prohibited (cf clause 104A of *Correctional Centre Routine Regulation 1995*)

A visitor must not:

- (a) smoke in a non-smoking area, or
- (b) alter, damage or remove any sign or notice relating to a non-smoking area.

Maximum penalty: 1 penalty unit.

96 Unauthorised use of cameras or recording equipment (cf clause 105 of *Correctional Centre Routine Regulation 1995*)

- (1) A visitor must not take photographs of, or operate video or audio recording equipment at, a correctional centre without the prior approval of the governor.

Maximum penalty: 20 penalty units.

- (2) The governor may confiscate any photograph, film, tape or other recording taken or made by a person in contravention of this clause.
- (3) The governor may destroy any part of a confiscated photograph, film, tape or recording which the governor is satisfied is likely to prejudice the security of a correctional centre or place anyone's personal safety at risk.
- (4) Any part of the photograph, film, tape or recording that the governor is satisfied is not likely to prejudice the security of a correctional centre or place anyone's personal safety at risk must be returned to the person from whom it was taken.
- (5) Before returning any photograph, film, tape or recording, the governor may charge the person for payment of any costs incurred in processing or developing it.

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Clause 97	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 4	Visits and communications
Division 4	Control of visits to correctional centres and inmates

97 Delivery of articles to and from visitors (cf clause 106 of *Correctional Centre Routine Regulation 1995*)

(1) Except as otherwise provided by this Part:

- (a) a visitor must not deliver anything to or receive anything from an inmate at a correctional centre, and
- (b) an inmate at a correctional centre must not deliver anything to or receive anything from a visitor.

Note. Failure by an inmate to comply with the requirements of subclause (1) (b) is a correctional centre offence.

(2) With the approval of an authorised officer:

- (a) a visitor may deliver an article to a correctional officer at a correctional centre for delivery to an inmate, and
- (b) an inmate may deliver an article to a correctional officer for delivery to a visitor.

98 Prevention of physical contact with inmates (cf clause 107 of *Correctional Centre Routine Regulation 1995*)

(1) Visits to inmates may be either “contact” visits, in which the inmate and the visitor are permitted physical contact with each other, or “non-contact” visits, in which the visit takes place in an environment in which physical contact is prevented.

(2) The governor of a correctional centre may, either before or during a visit, direct that the visit is to be or to continue as a non-contact visit if of the opinion that the visitor is likely:

- (a) to introduce into the centre prohibited goods or any other property that an inmate is not authorised by this Regulation to possess, or
- (b) to act in a threatening, offensive, indecent, obscene, abusive or improper manner.

99 Visits to be within sight of correctional officer (cf clause 108 of *Correctional Centre Routine Regulation 1995*)

(1) A visit must take place within sight of a correctional officer unless the governor permits otherwise.

(2) Subclause (1) does not apply to the holder of a visitor’s permit under Division 3 who is authorised by the conditions of the permit to interview or examine an inmate out of sight of a correctional officer.

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Clause 100
Chapter 2
Part 4
Division 4

100 Special arrangements for legal documents (cf clause 110 of *Correctional Centre Routine Regulation 1995*)

- (1) An authorised officer may inspect or examine, but not read, documents or other recorded material taken into a correctional centre by an inmate's legal practitioner for the purpose of discussing or transacting legal business.
- (2) The governor of a correctional centre must ensure that arrangements are made for an inmate and the inmate's legal practitioner to have joint access to documents or other recorded material taken into the centre for the purpose of discussing or transacting legal business.

101 Termination of visits (cf clause 111 (2)–(4) of *Correctional Centre Routine Regulation 1995*)

- (1) An authorised officer may terminate any visit (whether or not the visitor is entitled to make the visit) if of the opinion:
 - (a) that the visitor has contravened any provision of the Act or this Regulation, or
 - (b) that the visitor (or inmate being visited by the visitor) is or has been acting in a threatening, offensive, indecent, obscene or abusive or improper manner, or
 - (c) that the continuation of the visit would prejudice the good order and security of the correctional centre.
- (2) If a visit is terminated under this clause, the authorised officer must cause notice of that fact to be given to the governor.
- (3) The governor must cause a copy of the notice to be sent to the Commissioner.
- (4) A person whose visit is terminated under this clause may be removed from the correctional centre if he or she fails to leave when requested.

Division 5 General restrictions on persons who may visit

102 Application of Division

This Division applies to all visits under Division 1, 2 or 3.

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Clause 103	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 4	Visits and communications
Division 5	General restrictions on persons who may visit

103 General power of governor or correctional officer to prevent visits
(cf clause 111 (1) of *Correctional Centre Routine Regulation 1995*)

The governor of a correctional centre may refuse to allow a person to visit the centre or an inmate if of the opinion that such a visit would prejudice the good order and security of the centre.

104 Visitors under the influence of alcohol or drugs (cf clause 112 of *Correctional Centre Routine Regulation 1995*)

An authorised officer may refuse to allow a person to visit a correctional centre or an inmate if of the opinion that the person is under the influence of alcohol or a drug.

105 Commissioner may bar persons from visiting correctional centres
(cf clause 114 of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may direct that a particular person be prevented from entering any correctional centre, or from visiting an inmate at any such centre, if of the opinion:
 - (a) that such a visit would prejudice the good order and security of any such correctional centre, or
 - (b) that the visitor has, during the current visit or during a previous visit, acted in a threatening, offensive, indecent, obscene, abusive or improper manner.
- (2) A direction under this clause has effect for such period as it may specify or, if no such period is specified, until it is revoked by a further direction.
- (3) Despite the direction, the Commissioner may permit the person to whom the direction applies to visit a particular correctional centre or particular inmate.

106 Unauthorised persons not to be admitted to correctional centres
(cf clause 113 of *Correctional Centre Routine Regulation 1995*)

A person who is not otherwise authorised by this Regulation to be admitted to a correctional centre must not be admitted to the centre without the prior authority of the Commissioner.

Division 6 Written communications with inmates

107 **Correspondence generally** (cf clause 116 of *Correctional Centre Routine Regulation 1995*)

- (1) Subject to this Division:
- (a) an inmate may send letters or parcels to, and receive letters or parcels from, any other person, and
 - (b) a letter or parcel sent to or by an inmate is not to be censored.
- (2) An inmate must not send or receive any letter or parcel otherwise than through the hands of an authorised officer.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

108 **Certain articles prohibited** (cf clause 117 of *Correctional Centre Routine Regulation 1995*)

An inmate must not send from a correctional centre:

- (a) any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or
- (b) any offensive, indecent or obscene article.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

109 **Opening of letters and parcels generally** (cf clauses 119 and 120 of *Correctional Centre Routine Regulation 1995*)

- (1) The governor of a correctional centre or a nominated officer may open, inspect and read a letter or parcel sent to or by an inmate and, if it contains prohibited goods, may confiscate the letter or parcel and its contents and deal with them in accordance with the directions of the Commissioner.
- (2) The inmate is to be informed of the confiscation of any letter, parcel or prohibited goods.
- (3) A nominated officer may direct that any written or pictorial matter contained in a letter or parcel opened, inspected or read under this clause be copied before the letter or parcel containing the matter is delivered to the addressee.

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Division 6	Written communications with inmates

- (4) Such a direction may be given only if the nominated officer is of the opinion that the written or pictorial matter to be copied:
 - (a) contains anything likely to prejudice the good order and security of any correctional centre, or
 - (b) is threatening, offensive, indecent, obscene or abusive.
- (5) This clause does not apply to a letter or parcel addressed to, or received from, an exempt body or exempt person.

110 **Certain letters and parcels privileged** (cf clause 118 of *Correctional Centre Routine Regulation 1995*)

- (1) As soon as practicable after receiving from an inmate any letter or parcel addressed to an exempt body or exempt person, an authorised correctional officer must post the letter or parcel to the addressee, without opening, inspecting or reading it.
- (2) As soon as practicable after receiving from an exempt body or exempt person any letter or parcel addressed to an inmate, an authorised officer must deliver the letter or parcel to the inmate, without opening, inspecting or reading it.
- (3) Subclause (2) applies only to a letter or parcel that is contained in an envelope or package that is addressed to the governor together with a note to the effect that the letter or parcel is to be delivered to the inmate without being opened, inspected or read by any person other than the inmate.
- (4) In the case of a letter or parcel from an exempt person, a nominated officer may require the letter or parcel to be opened by the inmate in his or her presence if of the opinion that it may contain prohibited goods and, if it does so, may confiscate the letter or parcel and its contents and deal with them in accordance with the directions of the Commissioner.

111 **Correspondence with legal practitioner** (cf clause 121 of *Correctional Centre Routine Regulation 1995*)

This Regulation is not to be construed so as to limit correspondence between an inmate and the inmate's legal practitioner in respect of matters affecting the inmate's trial, conviction or imprisonment.

Division 7 Use of telephones and facsimile machines by inmates

112 Permission required (cf clauses 122, 123, 124 and 127 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not make a telephone call or send a facsimile message without the permission of an authorised officer.
- (2) An inmate must not make more telephone calls or send more facsimile messages in any week than the maximum number fixed by the Commissioner for the inmate or the class of inmates to which the inmate belongs.
- (3) An inmate must not have telephone or facsimile communication with an inmate of another correctional centre without the permission of the governors of both correctional centres.
- (4) A correctional officer may terminate an inmate's telephone call or facsimile communication if of the opinion that the continuation of the call or communication will prejudice good order and security of any correctional centre.
- (5) As soon as practicable after terminating an inmate's telephone call or facsimile communication, a correctional officer must cause details of the reason for the termination to be recorded and reported to the governor.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

113 Cost of telephone calls and facsimile messages (cf clause 125 of *Correctional Centre Routine Regulation 1995*)

- (1) The cost of a telephone call made by an inmate (including the telephone component of the cost of sending a facsimile message) is to be met by the inmate.
- (2) Subclause (1) does not apply to:
 - (a) the first local call made in any week by a convicted inmate, or
 - (b) the first 3 local calls made in any week by an unconvicted inmate or civil inmate, or
 - (c) any call made to the Office of the Ombudsman, the Independent Commission Against Corruption, the Legal Aid Commission or the Inspector-General, or

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- (d) any call of a kind that the Commissioner directs is to be met by the Department, or
 - (e) any call whose cost is met by the receiver.
- (3) An inmate must pay an amount per page, to be determined by the Commissioner, for any facsimile message sent to, and accepted by, the inmate.
- (4) In this clause, **local call** means a telephone call that is charged for at local call rates.

Division 8 General

114 **Supply of information concerning offences to police** (cf clause 131 of *Correctional Centre Routine Regulation 1995*)

- (1) A nominated officer who finds that a letter, parcel or other article contains information or any other thing that the officer has reasonable grounds to believe:
- (a) is likely to prejudice the good order and security of a correctional centre, or
 - (b) relates to a criminal offence which has been or may be committed,
- must as soon as practicable report the circumstances to the governor.
- (2) If of the opinion that a letter, parcel or other article the subject of such a report contains information that may be required for the purpose of the administration of justice, the governor:
- (a) may furnish particulars of the information to a police officer, and
 - (b) may deliver the letter, parcel or article to a police officer.

115 **Property brought to correctional centre by other persons** (cf clause 31 (2) of *Correctional Centre Routine Regulation 1995*)

Any property sent to an inmate, or delivered to the governor of a correctional centre to be given to an inmate, is to be dealt with by the governor in accordance with clause 10 as if the property had been surrendered by the inmate on being received into the centre.

Part 5 Correctional centre discipline

Division 1 Preliminary

116 Definition of “correctional centre offence” (cf clause 145 of *Correctional Centre Routine Regulation 1995*)

A contravention by an inmate (whether by act or omission) of a provision of this Regulation specified in Part 1 or 2 of Schedule 2 is declared to be a correctional centre offence for the purposes of Division 6 of Part 2 of the Act.

117 Definition of “major offence” (cf clause 146 of *Correctional Centre Routine Regulation 1995*)

A contravention by an inmate (whether by act or omission) of a provision of this Regulation specified in Part 1 of Schedule 2 is declared to be a major offence for the purposes of Division 6 of Part 2 of the Act.

Note. Correctional centre offences specified in Part 2 of Schedule 2 are minor offences for the purposes of Division 6 of Part 2 of the Act.

118 Attempts

An attempt by an inmate to commit a correctional centre offence is to be dealt with in the same way as that offence and, for that purpose, is itself declared to be a correctional centre offence and (if appropriate) a major offence for the purposes of Division 6 of Part 2 of the Act.

Division 2 Maintenance of order and discipline

119 Maintenance of order and discipline generally (cf clause 147 of *Correctional Centre Routine Regulation 1995*)

- (1) Order and discipline in a correctional centre are to be maintained with firmness, but with no more restriction or force than is required for safe custody and well-ordered community life within the centre.
- (2) A correctional officer must endeavour to control inmates by showing them example and leadership and by enlisting their willing co-operation.

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Clause 119	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 2	Maintenance of order and discipline

- (3) At all times the treatment of inmates is to be such as to encourage self-respect and a sense of personal responsibility.

120 **Directions relating to order or discipline** (cf clause 148 of *Correctional Centre Routine Regulation 1995*)

- (1) Directions for the purpose of maintaining good order and discipline:
- (a) may be given to inmates by the Commissioner, by the governor of a correctional centre or by a correctional officer, and
 - (b) may be given orally or in writing.
- (2) An inmate must not refuse or fail to comply with a direction under this clause.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

121 **Use of force in dealing with inmates** (cf clause 149 of *Correctional Centre Routine Regulation 1995*)

- (1) In dealing with an inmate, a correctional officer may use no more force than is reasonably necessary in the circumstances, and the infliction of injury on the inmate is to be avoided if at all possible.
- (2) The nature and extent of the force that may be used in relation to an inmate are to be dictated by circumstances, but must not exceed such force as is necessary for control and protection, having due regard to the personal safety of correctional officers and others.
- (3) If an inmate is satisfactorily restrained, the only force that may be used against the inmate is such as is necessary to maintain that restraint.
- (4) Subject to subclauses (1), (2) and (3), a correctional officer may have recourse to force for the following purposes:
- (a) to search, where necessary, an inmate or to seize a dangerous or harmful article,
 - (b) to prevent the escape of an inmate,
 - (c) to prevent an unlawful attempt to enter a correctional centre by force or to free an inmate,
 - (d) to defend himself or herself if attacked or threatened with attack, but only if the officer cannot otherwise protect himself or herself from harm,

- (e) to protect other persons (including correctional officers, Departmental officers, inmates and members of the public) from attack or harm, but only if there are no other immediate or apparent means available for their protection,
 - (f) to avoid an imminent attack on the correctional officer or some other person, but only if there is a reasonable apprehension of such an attack,
 - (g) to prevent an inmate from injuring himself or herself,
 - (h) to ensure compliance with a proper order, or maintenance of discipline, but only if an inmate is failing to co-operate with a lawful correctional centre requirement in a manner that cannot otherwise be adequately controlled,
 - (i) to move inmates who decline or refuse to move from one location to another in accordance with a lawful order,
 - (j) to achieve the control of inmates acting in a defiant manner,
 - (k) to avoid imminent violent or destructive behaviour by inmates,
 - (l) to restrain violence directed towards the correctional officer or other persons by an uncontrollable or disturbed inmate,
 - (m) to prevent or quell a riot or other disturbance,
 - (n) to deal with any other situation that has a degree of seriousness comparable to that of the situations referred to in paragraphs (a)–(m).
- (5) Subclause (4) does not limit the operation of any law with respect to the force that may be used to effect an arrest.

122 Use of equipment for restraining inmates (cf clause 150 of *Correctional Centre Routine Regulation 1995*)

- (1) With the concurrence of the governor, a correctional officer may use handcuffs for the purpose of restraining inmates.
- (2) With the concurrence of the Commissioner, a correctional officer may also use the following equipment for the purpose of restraining inmates:
 - (a) anklecuffs, security belts, batons, chemical aids and firearms,
 - (b) such other articles (other than chains or irons) as may be approved by the Commissioner for use for that purpose.

2001 No 666

Clause 123	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 2	Maintenance of order and discipline

123 Report on use of force (cf clause 151 of *Correctional Centre Routine Regulation 1995*)

- (1) Any correctional officer who uses force on an inmate must immediately furnish a report about the use of force to the governor.
- (2) The report:
 - (a) must be in writing, and
 - (b) must specify the name or names of the inmate or inmates and the name or names of the correctional officer or correctional officers involved in the use of force, and
 - (c) must specify the location where the use of force occurred, and
 - (d) must describe the nature of the force used and the circumstances requiring its use, and
 - (e) must be signed by the correctional officer involved in the use of force.
- (3) This clause does not require a correctional officer to furnish information in a report if it is impossible or impracticable for the officer to obtain the information.

Division 3 Particular offences

124 Contravention of conditions of leave

An inmate the subject of a local leave order, local leave permit or interstate leave permit must not contravene any condition to which the order or permit is subject.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

125 Concealment for escape (cf clauses 152 and 153 of *Correctional Centre Routine Regulation 1995*)

An inmate must not conceal himself or herself for the purpose of effecting an escape or enabling any other inmate to effect an escape.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

126 Concealment of certain items

An inmate must not make, conceal or have in possession anything for use for the purpose of effecting an escape or committing an offence, or enabling any other inmate to effect an escape or commit an offence.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

127 Intimidation (cf clause 154 (1), (4) and (5) of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not use insulting, abusive or threatening language to or in the presence of another person.
- (2) An inmate must not threaten to damage or destroy any property of another person.
- (3) An inmate must not otherwise behave in a threatening manner towards another person.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

128 Indecency (cf clause 154 (2) and (3) of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not act indecently, or behave in an obscene manner, in the presence of or towards any other person.
- (2) An inmate must not engage in unwelcome conduct of a sexual nature in relation to any other person in circumstances that are likely to cause the other person to feel humiliated, intimidated or offended.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

129 Riots (cf clause 158 of *Correctional Centre Routine Regulation 1995*)

An inmate must not participate in a riot or incite any other inmate to participate in a riot.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

130 Physical aggression (cf clauses 156, 157 and 161 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not assault any other person or incite any other inmate to assault any other person.

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Clause 130	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 3	Particular offences

- (2) An inmate must not engage in wrestling, sparring, fighting or other physical combat with any other inmate.
- (3) An inmate must not throw an article, or operate a device from which an article is projected, so as to cause a risk of injury to any person or of damage to any property.
- (4) Subclauses (2) and (3) do not prevent an inmate from engaging in any activity as a necessary incident of taking part in training or a contest or other sporting event organised for inmates by an authorised officer.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

131 **General property offences** (cf clauses 160, 163 and 164 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not steal the property of any other person.
- (2) An inmate must not damage or destroy any property (other than property of the inmate).
- (3) An inmate must not introduce into food or drink intended for human consumption anything liable to render it unpalatable or unwholesome.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

132 **Hindering or obstructing dogs**

An inmate must not hinder or obstruct a dog being used to assist in maintaining the good order and security of a correctional centre.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

133 **Causing harm to animal, bird or reptile** (cf clause 159 of *Correctional Centre Routine Regulation 1995*)

An inmate must not cause harm to any animal, bird or reptile.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

134 Correctional centre property offences (cf clause 162 of *Correctional Centre Routine Regulation 1995*)

Unless authorised to do so by the Commissioner, the governor of the correctional centre or a correctional officer, an inmate must not alter, remove or otherwise interfere with or be in possession of:

- (a) any lock, key, bolt, bar, ventilator or other correctional centre fixture or fitting, or
- (b) any fire extinguisher, firehose, restraining equipment, electrical installation or any other appliance, equipment or property in or used in the correctional centre or the structure of the correctional centre, or
- (c) any notice exhibited at the correctional centre, or
- (d) any inmate's cell card, or
- (e) any other document or thing used by the governor or a correctional officer for the purpose of administration of the centre,

except in so far as it is reasonably necessary to do so in observing the normal routine of the centre.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

135 Tattooing (cf clause 165 of *Correctional Centre Routine Regulation 1995*)

An inmate must not:

- (a) make a tattoo on himself or herself or any other inmate, or
- (b) consent to being tattooed by any other inmate.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

136 Gambling (cf clause 166 of *Correctional Centre Routine Regulation 1995*)

An inmate must not organise or participate in any form of gambling.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

137 Alcohol (cf clause 167 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not consume, or have in his or her possession, any alcohol or other intoxicating substance or any substance reasonably capable of becoming (by fermentation or distillation) an intoxicating substance.

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Clause 137	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 3	Particular offences

- (2) An inmate must not prepare or manufacture alcohol or any other intoxicating substance.
- (3) An inmate is not to be regarded as contravening subclause (1):
 - (a) if the inmate has the alcohol or other substance in his or her possession for consumption or use on the advice of a registered medical practitioner, registered dentist or registered nurse given for medical, dental or nursing reasons, or
 - (b) if the inmate consumes the alcohol or other substance:
 - (i) in accordance with the instructions of the medical practitioner, dentist or nurse, or
 - (ii) as an ordinary incident of participating in a spiritual service conducted at a correctional centre with the consent of the governor.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

138 Possession of drugs (cf clause 168 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not have any drug in his or her possession.
- (2) An inmate is not to be regarded as having contravened this clause if the inmate has the drug in his or her possession for use on the advice of a registered medical practitioner, registered dentist or registered nurse given for medical, dental or nursing reasons.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

139 Administration of drugs (cf clause 168 (1) and (4) of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not:
 - (a) administer any drug to himself or herself or any other person, or
 - (b) consent to being administered any drug by any other person.
- (2) An inmate is not to be regarded as having contravened this clause if the drug has been administered by or in accordance with the instructions of a registered medical practitioner, registered dentist or registered nurse given for medical, dental or nursing reasons.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

140 Possession of drug implements (cf clause 168 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not have in his or her possession any needle, syringe, smoking accessory or other implement intended for use in the administration of a drug.
- (2) An inmate is not to be regarded as having contravened this clause if the implement has been in the possession of the inmate for the purposes of:
 - (a) the administration of a drug in accordance with the instructions of a registered medical practitioner or registered dentist given for medical or dental reasons, or
 - (b) taking a drug lawfully supplied by a registered medical practitioner, registered dentist or registered nurse for medical, dental or nursing reasons.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

141 Self-intoxication (cf clause 168 (4) of *Correctional Centre Routine Regulation 1995*)

An inmate must not deliberately consume or inhale any intoxicating substance.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

142 Failing prescribed urine tests (cf clause 168 (1) of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate contravenes this clause if the result of a prescribed urine test:
 - (a) shows the presence of a drug in the inmate's urine, and
 - (b) indicates that the drug has been administered to the inmate (whether by the inmate or by another person) while the inmate has been an inmate.
- (2) An inmate is not to be regarded as having contravened this clause if the drug has been administered by or in accordance with the instructions of a registered medical practitioner, registered dentist or registered nurse given for medical, dental or nursing reasons.

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Clause 142	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 3	Particular offences

- (3) In this clause, *prescribed urine test* means a urine test carried out in accordance with directions given by the governor of a correctional centre or a correctional officer holding office or acting in a rank that is of or above the rank of Assistant Superintendent.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

143 Smoking (cf clause 168A of *Correctional Centre Routine Regulation 1995*)

An inmate must not:

- (a) smoke in a non-smoking area, or
- (b) alter, damage or remove any sign or notice relating to a non-smoking area or to an authorised smoking area.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

144 Bribery (cf clause 169 of *Correctional Centre Routine Regulation 1995*)

An inmate must not:

- (a) offer, make or give to a correctional officer or Departmental officer any payment, gratuity or present, or
- (b) offer to provide or provide a service to a correctional officer or Departmental officer,

in consideration or for the purpose that the officer will neglect his or her duty, give preferred treatment or act in any other way that is inconsistent with the proper discharge of the person's duties.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

145 Obstruction (cf clause 155 of *Correctional Centre Routine Regulation 1995*)

An inmate must not wilfully hinder or obstruct a correctional officer in the performance of the officer's duties.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

Division 4 Testing for alcohol or drugs

146 **Breath testing** (cf clause 172 of *Correctional Centre Routine Regulation 1995*)

- (1) On forming a suspicion that an inmate has recently consumed or is under the influence of alcohol or any other intoxicating substance, a correctional officer or other person having supervision of the inmate may require the inmate to undergo a breath test.
- (2) An inmate must not refuse or fail to comply with a requirement under this clause.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.

147 **Evidence as to presence of alcohol or intoxicating substance** (cf clause 173 of *Correctional Centre Routine Regulation 1995*)

- (1) In any proceedings for a correctional centre offence that are being dealt with under the Act by the governor or a Visiting Justice, being proceedings in which it is alleged that an inmate has consumed alcohol or any other intoxicating substance, a certificate signed by an authorised officer to the effect that:
 - (a) an inmate named in the certificate submitted to a breath test, and
 - (b) the breath test was given on the day and completed at the time stated in the certificate, and
 - (c) there was a measurable quantity of alcohol or any other intoxicating substance present in the inmate's blood, as determined by the breath test, on the date and at the time stated in the certificate,is admissible in evidence of the facts so certified.
- (2) In any such proceedings, evidence of:
 - (a) the condition of the device by means of which the breath test was carried out, or
 - (b) the manner in which the breath test was carried out,

is not required unless evidence that the device was not in proper condition or that the test was not properly carried out has been adduced.

2001 No 666

Clause 148	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 4	Testing for alcohol or drugs

148 **Urine sample where drug use suspected** (cf clause 174 of *Correctional Centre Routine Regulation 1995*)

- (1) On forming a suspicion that an inmate:
 - (a) has been administered (whether by himself or herself or otherwise) with a drug, or
 - (b) is under the influence of a drug,a correctional officer of or above the rank of Assistant Superintendent may require the inmate to supply a sample of urine for testing or analysis.
- (2) The directions may require the inmate to comply with directions given by a correctional officer as to how the sample is to be supplied.
- (3) An inmate must not refuse or fail to comply with a direction under this clause.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.
- (4) In any proceedings for a correctional centre offence that are being dealt with under the Act by the governor or a Visiting Justice, being proceedings in which it is alleged that a requirement was made under subclause (1), a certificate signed by an authorised officer to the effect that such a requirement was made:
 - (a) for a specified inmate, or
 - (b) for all inmates of a specified class,is admissible in evidence of the facts so certified.

149 **Urine sample whether or not drug use suspected** (cf clause 175 of *Correctional Centre Routine Regulation 1995*)

- (1) A correctional officer of or above the rank of Assistant Superintendent may require an inmate to supply for testing or analysis a sample of urine and give directions as to how the sample is to be supplied.
- (2) The directions may require the inmate to comply with directions given by a correctional officer as to how the sample is to be supplied.
- (3) An inmate must not refuse or fail to comply with a direction under this clause.

Note. Failure by an inmate to comply with the requirements of this subclause is a correctional centre offence.
- (4) A urine test must be carried out by a government analyst.

- (5) A sample may be required under this clause and tested for the presence of a drug even though the inmate concerned may not be reasonably suspected of having administered a drug to himself or herself or of being under the influence of a drug.

150 Evidence as to use of drugs (cf clause 176 of *Correctional Centre Routine Regulation 1995*)

- (1) In any proceedings for a correctional centre offence that are being dealt with under the Act by the governor or a Visiting Justice, being proceedings in which it is alleged that an inmate has been under the influence of a drug or that a drug has been present in the inmate's urine, a certificate signed by an authorised officer to the effect that:
- (a) the correctional officer received a sample of urine obtained in a specified manner, or
 - (b) the correctional officer arranged for the sample to be submitted for analysis by a government analyst to determine the presence of any drugs in the inmate's body or urine, or
 - (c) the container was sealed, and marked or labelled, in a specified manner,
- is admissible in evidence of the facts so certified.
- (2) In any such proceedings, a certificate signed by a government analyst to the effect that, on a specified day:
- (a) the analyst received for analysis a container holding a sample of urine, or
 - (b) the container, when received, was sealed with an unbroken seal, and was marked or labelled in a specified manner, or
 - (c) the analyst carried out an analysis of the sample to determine the presence of drugs in the urine, or
 - (d) the analyst determined that a specified drug was present or was present to a specified extent in the urine, or
 - (e) the analyst was, at the time of the analysis, a government analyst,
- is admissible in evidence of the facts so certified.

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Clause 150	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 5	Correctional centre discipline
Division 4	Testing for alcohol or drugs

(3) In any such proceedings:

- (a) evidence that a government analyst received a container holding a sample of urine, being a container that was marked or labelled to indicate that it held a sample of urine obtained from a specified inmate on a specified day, is evidence that the sample was a sample of urine obtained from that inmate on that day, and
- (b) evidence that the container, when received, was sealed with an unbroken seal is evidence that the sample had not been tampered with before it was received by the government analyst.

151 **Supply of test results to Corrections Health Service** (cf clause 177 of *Correctional Centre Routine Regulation 1995*)

The Commissioner may provide results of positive urine tests to:

- (a) the Chief Executive Officer, Corrections Health Service, and
- (b) in the case of tests on serious offenders, the Review Council.

Division 5 **Punishments**

152 **Definition of “withdrawable privilege”** (cf clause 170 of *Correctional Centre Routine Regulation 1995*)

The following privileges or amenities are declared to be withdrawable privileges for the purposes of Division 6 of Part 2 of the Act:

- (a) attendance at the showing of films or videos or at concerts or other performances,
- (b) participation in or attendance at any other organised leisure time activity,
- (c) use of, or access to, films, video tapes, records, cassettes or compact disks,
- (d) use of, or access to, television, radio or video, cassette or compact disk players, whether for personal use or for use as a member of a group,
- (e) use of, or access to, a musical instrument, whether for personal use or for use as a member of a group,
- (f) use of library facilities,

- (g) use of swimming pool facilities,
- (h) ability to purchase goods,
- (i) keeping of approved personal property,
- (j) pursuit of a hobby,
- (k) use of telephone, except for calls to legal practitioners,
- (l) participation in contact visits,
- (m) permission to be absent from a correctional centre under a local leave permit or interstate leave permit.

153 Prohibited punishments (cf clause 171 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not:
 - (a) be put in a dark cell, or under mechanical restraint, as a punishment, or
 - (b) be subjected to:
 - (i) solitary confinement, or
 - (ii) corporal punishment, or
 - (iii) torture, or
 - (iv) cruel, inhuman or degrading treatment, or
 - (c) be subjected to any other punishment or treatment that may reasonably be expected to adversely affect the inmate's physical or mental health.
- (2) For the purposes of subclause (1) (b) (i):
 - (a) segregating an inmate from other inmates under section 10 of the Act, and
 - (b) confining an inmate to cell in accordance with an order under section 53 or 56 of the Act, and
 - (c) keeping an inmate separate from other inmates under this Regulation, and
 - (d) keeping an inmate alone in a cell, where a nursing officer considers that it is desirable in the interest of the inmate's health to do so,are not solitary confinement.

2001 No 666

Clause 154	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 6	Inmates' requests and complaints
Division 1	Official Visitors

Part 6 Inmates' requests and complaints

Division 1 Official Visitors

154 Notice of availability of Official Visitors (cf clause 132 of *Correctional Centre Routine Regulation 1995*)

- (1) The governor of a correctional centre must notify:
 - (a) all correctional centre officers and Departmental officers at the centre, and
 - (b) all inmates at the centre,of the date and time when the Official Visitor to the centre will be at the centre and available for interviews.
- (2) If aware that an inmate considers a complaint or inquiry made by the inmate has not been dealt with satisfactorily by a correctional centre officer or Departmental officer, the governor must advise the inmate that the inmate may request an Official Visitor to deal with it.

155 Complaints and inquiries (cf clause 133 of *Correctional Centre Routine Regulation 1995*)

- (1) An Official Visitor who receives a complaint or inquiry:
 - (a) may clarify details of the complaint or inquiry:
 - (i) with a correctional officer, Departmental officer, medical officer or nursing officer, or
 - (ii) with the inmate concerned, and
 - (b) must record details of the complaint or inquiry in the Official Visitor's official diary, and
 - (c) must ascertain:
 - (i) from a correctional officer, Departmental officer, medical officer or nursing officer, or
 - (ii) from the inmate concerned,what action has been taken or information provided in response to the complaint or inquiry, and
 - (d) must complete and send to the Commissioner an Official Visitor's record form (containing particulars of action taken in relation to the complaint or inquiry) for statistical purposes.

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- (2) An Official Visitor must deal with a complaint or inquiry as follows:
- (a) if of the opinion that the complaint or inquiry can be resolved quickly by bringing it to the attention of the governor, the Official Visitor may inform the governor of that fact and attempt to have it resolved at that level, or
 - (b) the Official Visitor may advise:
 - (i) a correctional officer, Departmental officer, medical officer or nursing officer, or
 - (ii) the inmate concerned,
 of any other action that the Official Visitor thinks could be taken in relation to the complaint or inquiry, or
 - (c) with the consent of the officer or inmate concerned, the Official Visitor may refer the complaint or inquiry on behalf of the officer or inmate to such person as the Official Visitor considers appropriate.
- (3) In dealing with a complaint or inquiry at any level, an Official Visitor:
- (a) must not interfere with the management or discipline of a correctional centre, and
 - (b) must not give any instructions to any correctional officer, Departmental officer, medical officer, nursing officer or inmate.
- (4) If more than one Official Visitor is appointed to a correctional centre, each Official Visitor must inform the other Official Visitors of the persons they have interviewed at the centre and of the nature and substance of any complaints or inquiries received.

156 Reports by Official Visitors (cf clause 134 of *Correctional Centre Routine Regulation 1995*)

- (1) An Official Visitor's periodic report to the Minister under section 228 (4) (d) of the Act must be in writing.
- (2) An Official Visitor may report to the Minister at any time if of the opinion that a complaint or inquiry received by the Official Visitor requires the immediate attention of the Minister.

2001 No 666

Clause 157	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 6	Inmates' requests and complaints
Division 2	General

Division 2 General

157 **Requests to governor** (cf clause 135 of *Correctional Centre Routine Regulation 1995*)

- (1) A correctional officer to whom an oral or written request by an inmate for permission to speak with the governor is addressed or delivered must, without unreasonable delay, convey it to the governor.
- (2) The governor of a correctional centre:
 - (a) to whom such a request is conveyed, or
 - (b) to whom an oral or written request by an inmate for permission to speak with the governor is addressed or delivered directly,must give the inmate an opportunity to speak with the governor on the day on which the request is conveyed or made or as soon as is practicable after that day.
- (3) The governor must consider what the inmate has to say and, having done so, must orally inform the inmate of any action that the governor has taken or proposes to take or that the governor does not propose to take any action, as the case may be.

158 **Requests to Minister, Commissioner or Official Visitors** (cf clause 136 of *Correctional Centre Routine Regulation 1995*)

- (1) On receiving an oral or written request by an inmate for permission to speak with the Minister, the Commissioner or the Official Visitor about a specific matter, a correctional officer must refer the request to the governor without unnecessary delay.
- (2) On receiving an oral or written request by an inmate for permission to speak with the Minister, the Commissioner or the Official Visitor about a specific matter, whether directly from the inmate or referred by a correctional officer, the governor must make a written record of the fact that the request has been made.
- (3) If the request relates to a matter that the governor can dispose of personally, the governor:
 - (a) must dispose of the matter, as soon as practicable, by taking such action as the governor considers appropriate (which action may consist of or include making a recommendation to the Commissioner), and

- (b) must make a written record of the action taken (which record must include particulars of any such recommendation), and
 - (c) must cause the record to be made available for inspection by the person with whom the inmate wished to speak when that person next attends the correctional centre (if that person so requires).
- (4) If the request relates to a matter which the governor cannot dispose of personally, the governor must cause the person with whom the inmate wished to speak to be informed of the request when that person next attends the correctional centre.

159 Complaints to Minister or Commissioner (cf clause 137 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate at a correctional centre may make a written complaint to the Minister or the Commissioner about:
- (a) the inmate's treatment in the centre, or
 - (b) the administration or management of the centre.
- (2) An inmate who wishes to complain about a matter that the governor can dispose of personally must first make a request for permission to speak with the governor regarding the matter.
- (3) An inmate may place a complaint in a sealed envelope addressed to the Minister or the Commissioner and deliver it to a correctional officer or the governor.
- (4) The person to whom an inmate delivers such an envelope must, without opening it, send it to the addressee.

160 Mischievous complaints (cf clause 138 of *Correctional Centre Routine Regulation 1995*)

An inmate must not:

- (a) make a complaint knowing that the complaint is baseless, or
- (b) in or in connection with such a complaint, make any statement (whether orally or in writing) that the inmate knows to be false or misleading in a material particular.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

2001 No 666

Clause 161	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 7	Release procedures

Part 7 Release procedures

161 Inmate to check personal property and records (cf clauses 141 and 142 of *Correctional Centre Routine Regulation 1995*)

- (1) Before an inmate is released from a correctional centre, the governor must cause the inmate to be given an opportunity to inspect, in the presence of a correctional officer:
 - (a) such of the inmate's personal property as is in the governor's custody, and
 - (b) such official correctional centre records as relate to money belonging to the inmate.
- (2) The inmate may lodge a written complaint with the correctional officer as to:
 - (a) the condition of, or any deficiency in, the property, or
 - (b) any mistake in the records.
- (3) A correctional officer who receives such a complaint must immediately refer it to the governor.
- (4) The governor must cause the complaint to be investigated, and must cause the result of the investigation to be reported to the inmate at the inmate's pre-release interview.
- (5) If it is brought to the attention of the governor:
 - (a) that the result of any such investigation is not to the satisfaction of the inmate, or
 - (b) that any such investigation has not been completed before the release of the inmate,the governor must, without delay, notify the Commissioner of the complaint and the result of the investigation, or the fact that the investigation has not been completed.
- (6) An inmate must sign a receipt for any personal property or money delivered to the inmate immediately before release from a correctional centre.

162 Pre-release interview (cf clauses 139 and 140 of *Correctional Centre Routine Regulation 1995*)

When an inmate is about to be released from a correctional centre, an authorised officer:

- (a) must interview the inmate, and
- (b) must report to the inmate on the results of any investigation by the governor of a complaint made by the inmate under clause 161, and
- (c) if the inmate is being released on parole, good behaviour bond or bail undertaking, must explain to the inmate the terms on which the inmate is being released, and the result that may follow if any of those terms is breached by the inmate.

Note. Clause 214 contains specific provisions with respect to the information to be given to a person who is being released on parole.

2001 No 666

Clause 163	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 8	Miscellaneous

Part 8 Miscellaneous

163 Preservation of scenes of serious indictable offences and serious incidents

- (1) The governor of a correctional centre must take all reasonable steps to preserve from interference:
 - (a) any place within the centre:
 - (i) where a serious indictable offence has been, or appears to have been, committed, or
 - (ii) where a serious incident (that is, an incident involving serious personal injury or major property damage) has, or appears to have, occurred, and
 - (b) any article found at or in the vicinity of that place, regardless of whether or not it is, or appears to be, connected with the commission of such an offence or occurrence of such an incident,

for so long as is necessary to enable any investigation into the circumstances of the offence or incident to be carried out by police officers or other persons authorised to conduct such an investigation.

- (2) The governor's obligations under this clause are subject to such practical limitations as may from time to time arise in connection with the administration of the correctional centre.

Note. Section 21 of the *Interpretation Act 1987* defines a serious indictable offence to mean an offence that is punishable by imprisonment for life or for a term of 5 years or more.

164 Payment for work done by inmates (cf clause 178 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate who complies with conditions set by the Commissioner may be paid for work done in accordance with scales determined from time to time by the Commissioner.
- (2) Any such payment is to be held to the credit of the inmate.

165 Prohibited work (cf clause 179 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must not be employed in a disciplinary capacity.
- (2) An inmate must not be employed to perform work for the benefit of the Commissioner or any correctional officer or Departmental officer.

166 Governor as informant in proceedings before Visiting Justices
(cf clause 180 of *Correctional Centre Routine Regulation 1995*)

In proceedings before a Visiting Justice under Division 6 of Part 2 of the Act, the governor of a correctional centre may act as the informant.

167 Monthly returns of punishments imposed by governors or Visiting Justices (cf clause 181 of *Correctional Centre Routine Regulation 1995*)

The governor of a correctional centre must send to the Commissioner at least once a month a copy of the entries in the record kept under section 61 of the Act in relation to any punishment imposed during the previous month.

168 Lodging of appeals to District Court from decision of Visiting Justice
(cf clause 183 of *Correctional Centre Routine Regulation 1995*)

- (1) An inmate must cause any notice of appeal, or application for leave to appeal, pursuant to section 62 of the Act to be lodged with the governor.
- (2) On receiving such a notice or application from an inmate, the governor must immediately forward a copy of it to the Visiting Justice by whom the relevant penalty was imposed on the inmate.
- (3) On receiving the notice or application from the governor, the Visiting Justice must send it, together with all other relevant papers held by the Visiting Justice, to a registrar of the District Court.
- (4) Section 126 of the *Justices Act 1902* does not apply to the notice or application.

169 Applications for leave of absence (cf clause 184 of *Correctional Centre Routine Regulation 1995*)

- (1) An application under section 26 or 29 of the Act for a local or interstate leave permit is to be made in a form approved by the Commissioner.
- (2) The Commissioner may require that an application be accompanied by a declaration (in a form approved by the Commissioner) by the person in whose company the inmate is to remain while on leave.

2001 No 666

Clause 170	Crimes (Administration of Sentences) Regulation 2001
Chapter 2	Full-time imprisonment
Part 8	Miscellaneous

170 Establishment of Ethics Committee

- (1) The Commissioner may establish an Ethics Committee comprising at least 6 members appointed by the Commissioner, of whom:
 - (a) at least 3 are to be Departmental officers, and
 - (b) at least one is to be a member of the public appointed to represent the community, and
 - (c) at least one is to be an accredited spiritual adviser, and
 - (d) at least one is to be a person with experience in post-graduate medical research.
- (2) One of the Departmental officers referred to in subclause (1) (a) is to be appointed as chairperson of the Ethics Committee.
- (3) Three members of the Ethics Committee, of whom one is the chairperson, constitute a quorum of the Committee.
- (4) A decision supported by a majority of the votes at a meeting of the Ethics Committee at which a quorum is present is the decision of the Committee.
- (5) Subject to subclauses (3) and (4), the procedure of the Ethics Committee is to be as determined by the chairperson.

171 Functions of Ethics Committee

The functions of the Ethics Committee are as follows:

- (a) to consider applications for approval to undertake research and make recommendations to the Commissioner as to whether or not such applications should be approved and, if so, on what conditions,
- (b) to advise the Commissioner on the records and information that may be provided to persons undertaking research, as referred to in section 267 of the Act, and the conditions on which any such records and information are to be so provided,
- (c) to advise the Commissioner on the conditions on which such a person may be issued with a visitor's permit under Division 3 of Part 4 of this Chapter,
- (d) to advise the Commissioner on such other matters as the Commissioner may refer to the Committee for advice.

172 False or misleading information

An inmate must not, in or in connection with a notice or application under this Chapter or under Part 2 of the Act, make any statement (whether orally or in writing) that the inmate knows to be false or misleading in a material particular.

Note. Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

2001 No 666

Clause 173	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 1	Preliminary

Chapter 3 Periodic detention

Part 1 Preliminary

173 Application of Chapter (cf clause 4 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) This Chapter applies to and in respect of a periodic detainee:
 - (a) while detained in a periodic detention centre for the purpose of serving the detainee's sentence of imprisonment, or
 - (b) while working, in accordance with a work order under the Act, at a place outside a periodic detention centre (a *work site*), or
 - (c) while attending, in accordance with an attendance order under the Act, at a place outside a periodic detention centre (an *attendance site*), or
 - (d) while travelling between a periodic detention centre and a work site or attendance site outside a periodic detention centre, or
 - (e) while travelling between different work sites or attendance sites outside a periodic detention centre.
- (2) In its application to a periodic detainee who is:
 - (a) working, in accordance with a work order under the Act, at a work site, or
 - (b) attending, in accordance with an attendance order under the Act, at an attendance site,

a reference in this Chapter to a periodic detention centre includes a reference to a work site or attendance site.

Part 2 Admission procedures

174 Personal searches (cf clause 11 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A correctional officer may search a periodic detainee:
 - (a) each time the detainee reports for periodic detention, and
 - (b) at such other times as the governor responsible for the periodic detention centre directs, and
 - (c) at such other times as the correctional officer considers appropriate.
- (2) Except in the case of an emergency, a periodic detainee must not be searched by or in the presence of a person of the opposite sex.
- (3) The searching of a periodic detainee must be conducted with due regard to dignity and self-respect and in as seemly a manner as is consistent with the conduct of an effective search.
- (4) A periodic detainee must not resist or impede the conduct of such a search.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

175 Periodic detainees to be notified of rights and obligations (cf clause 12 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

As soon as practicable after a periodic detainee first reports for periodic detention, the governor responsible for the periodic detention centre must cause the detainee to be informed of:

- (a) the periodic detention centre rules (that is, the terms of any general directions given under Part 3 of the Act or under this Chapter), and
- (b) the detainee's obligations as to discipline and conduct, and
- (c) the detainee's rights as to legal representation and appeal, and
- (d) the authorised methods of seeking information and making requests, complaints and applications, and
- (e) the role of an Official Visitor, and

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Clause 175	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 2	Admission procedures

- (f) any other matter necessary to enable the detainee to understand the detainee's rights and obligations and adapt to living in the periodic detention centre.

176 Personal property (cf clause 13 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A periodic detainee must not bring to a periodic detention centre any item of personal property unless it is approved by the governor responsible for the periodic detention centre.
- (2) Each time a periodic detainee reports for periodic detention, the governor responsible for the periodic detention centre may cause the detainee's personal property to be inspected by a correctional officer.
- (3) A correctional officer may at any time inspect any personal property that a periodic detainee has brought to a periodic detention centre.
- (4) On leaving a periodic detention centre at the end of a detention period, a periodic detainee must take away all personal property that he or she has brought to the periodic detention centre.
- (5) A periodic detainee must not conceal anything for the purpose of unlawfully bringing it into a periodic detention centre.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

177 Medication (cf clause 14 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A periodic detainee who brings to a periodic detention centre any medication prescribed or lawfully supplied for the detainee's use by a registered medical practitioner, registered dentist or registered nurse (being medication required to be taken during a detention period):
 - (a) must so inform the governor responsible for the periodic detention centre, and
 - (b) if the governor so requires, must surrender the medication to the governor.
- (2) The governor must ensure that any surrendered medication is made available to the detainee in accordance with the relevant prescription.
- (3) At the end of a detention period, the governor must cause any unused medication to be returned to the detainee.

Part 3 Periodic detention routine

178 Detainees to be sober (cf clause 32 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) When reporting for periodic detention, a periodic detainee must not be under the influence of a drug, alcohol or any other intoxicating substance.
- (2) Without affecting the generality of subclause (1), a periodic detainee is taken to be under the influence of alcohol if a breath test indicates that the concentration of alcohol present in the detainee's blood is 0.02 grams or more per 100 millilitres.
- (3) This clause does not apply to a periodic detainee if the drug, alcohol or other intoxicating substance concerned has been consumed or administered:
 - (a) on the advice of a registered medical practitioner, registered dentist or registered nurse given for medical, dental or nursing reasons, and
 - (b) in accordance with the instructions of the medical practitioner, dentist or nurse.
- (4) The standards prescribed by this clause are prescribed for the purposes of section 83 of the Act.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline. As a consequence of subclause (4), such a failure also constitutes a failure to comply with section 83 of the Act.

179 Detainees to bring suitable clothing and toiletries (cf clause 8 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

When reporting for periodic detention, a periodic detainee must bring:

- (a) clothing and footwear suitable to outdoor work, and
- (b) a change of clothing, and
- (c) appropriate personal toiletries.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

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Clause 180	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 3	Periodic detention routine

180 Accommodation (cf clause 16 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The governor responsible for a periodic detention centre must ensure that each periodic detainee at the periodic detention centre is housed in accommodation that is adequate for the purpose.
- (2) The governor must ensure that each periodic detainee is provided with a separate bed and sufficient clean bedding to suit the climatic conditions.

181 Separation of sexes (cf clause 17 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

The governor responsible for a periodic detention centre must ensure that female periodic detainees are kept separate from male periodic detainees except in such circumstances and under such supervision as the Commissioner may determine.

182 Visitors (cf clause 20 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A periodic detainee must not receive visitors at a periodic detention centre except with the approval of the governor responsible for the periodic detention centre.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

183 Telephone calls (cf clause 21 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A periodic detainee must not make a telephone call from a periodic detention centre without the approval of the governor responsible for the periodic detention centre.
- (2) A periodic detainee must pay for any call made unless the governor otherwise approves.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

184 Medical examinations (cf clause 31A of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A periodic detainee must submit to a medical examination by a medical practitioner nominated by the governor responsible for the periodic detention centre to which he or she is currently required to report if at any time the governor so directs.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

185 Application of Part 2 of Act (cf clause 22 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) For the purposes of section 98 (2) of the Act, the following provisions of Part 2 of the Act apply to a periodic detainee to whom this Chapter applies in the same way as they apply to an inmate:
 - (a) sections 5, 6 and 7,
 - (b) sections 9–26,
 - (c) sections 51–65,
 - (d) sections 72–78.
- (2) The following provisions of this Regulation apply to periodic detainees in the same way as they apply to inmates, namely:
 - (a) clauses 39–47,
 - (b) clauses 50–53,
 - (c) clauses 55, 56 and 58,
 - (d) clauses 119–123,
 - (e) clauses 125–151.
- (3) The other provisions of this Chapter prevail to the extent of any inconsistency between them and the provisions applied by subclauses (1) and (2).

Note. Failure by a periodic detainee to comply with the requirements of any provision that is applied to periodic detainees is an offence against discipline.

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Clause 186	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 4	Work site routine

Part 4 Work site routine

186 Working hours (cf clause 23 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The maximum number of hours of work that a periodic detainee may be directed, by a work order, to perform in any one day is 8 hours (inclusive of any tea break or meal break).
- (2) A periodic detainee is entitled to one tea break of 10 minutes in each period of 3 hours work.
- (3) A periodic detainee who has worked continuously for 4 hours (inclusive of any tea break) is entitled to a meal break of 45 minutes.
- (4) The period of 8 hours prescribed by subclause (1) may be extended by an amount of time equal to any extra time necessary to be served in accordance with a direction given under section 88 (3) of the Act in respect of an occasion on which the detainee was late in reporting for periodic detention.

187 Conduct at work sites (cf clause 24 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

While at a work site, a periodic detainee:

- (a) must remain under the supervision of a correctional officer or (if the work order specifies some other person) that other person, and
- (b) must perform work in accordance with the directions of, and to the standard specified by, the detainee's supervisor, and
- (c) must conform to the standards of dress, cleanliness and conduct required by the detainee's supervisor, and
- (d) must keep in good order and condition any working clothes or tools issued to the detainee, and
- (e) must not damage or deface any property, otherwise than in the course of performing work in accordance with the directions of the detainee's supervisor.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

188 Prohibited work (cf clause 25 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A periodic detainee must not be employed in a disciplinary capacity.
- (2) A periodic detainee must not be employed to perform work for the benefit of the Commissioner or any correctional officer or Departmental officer.

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Clause 189	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 5	Leave of absence

Part 5 Leave of absence

189 Applications for leave of absence (cf clause 28 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) An application by a periodic detainee for leave of absence under section 87 or 88 of the Act:
 - (a) must be made in writing by the detainee (or by some other person for or on behalf of the detainee), and
 - (b) must be accompanied by written particulars of the facts on which the application is based, and
 - (c) must be lodged with the governor responsible for the relevant periodic detention centre.
- (2) The governor must send the application to the Commissioner as soon as practicable after it is lodged.

190 Unavoidable absence (cf clause 29 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) This clause applies to a periodic detainee who is prevented by circumstances from reporting for periodic detention (in accordance with section 83 (1) of the Act) or to a work site or attendance site (in accordance with a work order under section 84 (1) of the Act).
- (2) In these circumstances, the periodic detainee:
 - (a) must immediately notify the governor responsible for the relevant periodic detention centre, by telephone or otherwise:
 - (i) of the detainee's present location, and
 - (ii) of the fact that the detainee is prevented from so reporting, and
 - (iii) of the reason why the detainee is prevented from so reporting, and
 - (b) must as soon as practicable (and, in any case, within the 7 day period referred to in section 87 (3) of the Act) lodge with the governor a written notice confirming the information referred to in paragraph (a).

- (3) If illness or injury is the reason for a periodic detainee's inability to report, the written notice referred to in subclause (2) (b) must be accompanied by a certificate, issued by a medical practitioner, stating the nature of the illness or injury and indicating that its nature or extent is such as to justify the detainee's inability to report.
- (4) The notice referred to in subclause (2) (b) is taken to be an application for leave of absence under section 87 of the Act.

191 Inquiries into applications for leave of absence (cf clause 30 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) Before determining an application for leave of absence under section 87 or 88 of the Act, the Commissioner:
 - (a) may cause such inquiries to be made as the Commissioner thinks fit into the facts on which the application is based, and
 - (b) may direct the applicant to furnish a statement of further particulars in support of the application.
- (2) The Commissioner is to cause written notice of the granting of leave of absence to a periodic detainee to be given to the detainee.

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Clause 192	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 6	Miscellaneous

Part 6 Miscellaneous

192 Transmission of certain notices (cf clause 31 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A notice under Part 3 of the Act, or under this Chapter, may be given to a periodic detainee:

- (a) by serving it or causing it to be served on the detainee personally, or
- (b) by sending it or causing it to be sent by post to the detainee's address as last known to the Commissioner.

193 Offences against discipline (cf clause 39 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A contravention by a periodic detainee (whether by act or omission) of a provision of the Act or this Regulation specified in Schedule 3 is declared to be an offence against discipline for the purposes of Division 3 of Part 3 of the Act.

Note. The provisions set out in Schedule 3 include a number of provisions from Chapter 2 (relating to inmates). These provisions are applied to periodic detainees by clause 185.

194 Notices of appeal (cf clause 42 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) Written notice of the lodgment of an appeal by a periodic detainee against the sentence of imprisonment in respect of which the order for periodic detention is in force must be given to the Commissioner:
 - (a) in the case of an appeal under Part 5A of the *Justices Act 1902*, by the registrar of the court in which the periodic detainee was convicted and the sentence imposed, or
 - (b) in any other case, by the registrar of the court in which the appeal is lodged.
- (2) In this clause, **registrar** means:
 - (a) in relation to the Court of Criminal Appeal, the registrar of that court, and
 - (b) in relation to the Supreme Court, the Prothonotary, and
 - (c) in relation to the District Court, the registrar of that court for the place at which that court is sitting, and

(d) in relation to a Local Court, the Clerk of the Local Court.

195 Orders transferring unruly periodic detainees (cf clause 45 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The governor responsible for a periodic detention centre must not make an order under section 86 of the Act that a periodic detainee be transferred to a correctional centre unless the governor of the correctional centre advises that accommodation (separate from accommodation for inmates other than those serving sentences by way of periodic detention) is available at the centre for the detainee.
- (2) The governor responsible for a periodic detention centre who makes an order under section 86 of the Act that a periodic detainee be transferred to a correctional centre:
 - (a) must send a copy of the order to the governor of the correctional centre, and
 - (b) must arrange for the transfer of the detainee to the centre.

196 Requests, complaints or applications (cf clause 49 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A request, complaint or application by a periodic detainee to the governor responsible for a periodic detention centre may be made orally or in writing.
- (2) A complaint:
 - (a) must specify the grounds on which it is made, and
 - (b) must be made as soon as practicable after the occurrence of the circumstances in respect of which it is made.
- (3) The governor responsible for a periodic detention centre:
 - (a) must ensure that all periodic detainees at the periodic detention centre are given a daily opportunity to make requests, complaints and applications to the governor, and
 - (b) must consider and determine any such request, complaint or application (if practicable, on the day on which it is made) and inform the detainee of the determination made.

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Clause 197	Crimes (Administration of Sentences) Regulation 2001
Chapter 3	Periodic detention
Part 6	Miscellaneous

197 Governor to report certain matters (cf clause 50 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

As soon as practicable after receiving from a periodic detainee, or from a person acting on behalf of a periodic detainee, a certificate issued by a registered medical practitioner to the effect that the physical or mental health of the detainee is or may be adversely affected by the detainee's continuing:

- (a) to comply with a work order or attendance order, or
- (b) to serve a sentence by way of periodic detention,

the governor of a periodic detention centre must send the certificate to the Commissioner.

198 Periodic Detention Review Committee (cf clause 41A of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The Commissioner may establish a committee, to be known as the Periodic Detention Review Committee, to advise the Commissioner on such of the following matters as the Commissioner may from time to time direct:
 - (a) the classification of periodic detainees in accordance with categories established by the Commissioner,
 - (b) the management of the different categories of periodic detainees,
 - (c) the management of long-term absentees (that is, periodic detainees who for long periods have been unable to start or complete their periodic detention for health, compassionate or other reasons).
- (2) The Committee is to consist of such number of members as the Commissioner determines.
- (3) The Commissioner is to ensure that the persons appointed as members have expertise or qualifications appropriate to the functions of the Committee.
- (4) The Committee is to function in accordance with procedures determined by the Commissioner.

199 False or misleading information

A periodic detainee must not, in or in connection with a notice or application under this Chapter or under Part 3 of the Act, make any statement (whether orally or in writing) that the detainee knows to be false or misleading in a material particular.

Note. Failure by a periodic detainee to comply with the requirements of this clause is an offence against discipline.

2001 No 666

Clause 200 Crimes (Administration of Sentences) Regulation 2001
Chapter 4 Home detention

Chapter 4 Home detention

200 **Standard conditions applying to home detention** (cf clause 52 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

For the purposes of section 103 (1) (a) of the Act, the following are standard conditions of home detention:

- (a) the home detainee must be of good behaviour and must not commit any offence,
- (b) the home detainee must advise a supervisor as soon as possible if he or she is arrested or detained by a police officer,
- (c) the home detainee must reside only at premises approved by a supervisor,
- (d) the home detainee must remain at the approved residence at all times otherwise than:
 - (i) when engaged in activities approved or arranged by a supervisor, or
 - (ii) when faced with immediate danger (such as in a fire or medical emergency),
- (e) the home detainee must adhere to an approved activity plan during approved absences from the approved residence,
- (f) the home detainee must advise a supervisor as soon as practicable after leaving the approved residence due to immediate danger,
- (g) the home detainee must accept any visit to the approved residence by a supervisor at any time,
- (h) the home detainee must submit to searches of places or things under his or her immediate control, as directed by a supervisor,
- (i) the home detainee must submit to electronic monitoring of his or her compliance with the home detention order, and must comply with all instructions given by a supervisor in relation to the operation of monitoring systems,
- (j) the home detainee must not tamper with, damage or disable monitoring equipment,
- (k) the home detainee must comply with any direction of the supervisor in relation to association with specified persons,
- (l) the home detainee must not consume alcohol,

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- (m) the home detainee must not use prohibited drugs, obtain drugs unlawfully or abuse drugs lawfully obtained,
 - (n) the home detainee must submit to breath testing, urinalysis or other medically approved test procedures for detecting alcohol or drug use, as directed by a supervisor,
 - (o) the home detainee must authorise his or her medical practitioner, therapist or counsellor to provide information about the home detainee to a supervisor,
 - (p) the home detainee must accept any direction of a supervisor in relation to the maintenance of or obtaining of employment,
 - (q) the home detainee must inform any employer of the home detention order and, if so directed by a supervisor, of the nature of the offence that occasioned it,
 - (r) the home detainee must authorise contact between any employer of the home detainee and a supervisor,
 - (s) the home detainee must engage in personal development activities or in counselling or treatment programs, as directed by a supervisor,
 - (t) when not otherwise employed, the home detainee must undertake community service work (not exceeding 20 hours per week), as directed by a supervisor,
 - (u) the home detainee must not possess or have in his or her control any firearm or other offensive weapon,
 - (v) the home detainee must comply with all reasonable directions of a supervisor.

201 Sanctions for breach of home detention order (cf clause 53 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) For the purposes of section 106 (b) of the Act, a supervisor may deal with a breach of the conditions applying to a home detention order.
- (2) The supervisor may impose any of the following sanctions for such a breach:
 - (a) a formal warning,
 - (b) a more stringent application of the conditions of home detention in accordance with the terms of those conditions, such as:

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Chapter 4 Home detention

- (i) an increase in required hours of community service work,
- (ii) a reduction in the extent of planned or previously permitted out-of-residence activities,
- (iii) further restrictions on association with other persons.

Chapter 5 Community service work

202 Hours of work (cf clause 55 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

An offender must not be directed:

- (a) to perform more than 8 hours of community service work (including time spent participating in a development program) in any one day, or
- (b) to participate in a development program for more than 5 hours in any one day,

except by agreement between the offender and the assigned officer.

203 Meal breaks and tea breaks (cf clause 56 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

An offender is entitled to:

- (a) a 10-minute tea break during each 3-hour period of community service work, and
- (b) a 45-minute meal break at the end of each 4-hour period of community service work (inclusive of any tea break).

204 Computation of hours (cf clause 57 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The following periods are to be taken to form part of the time spent by an offender in performing community service work:
 - (a) the time spent by the offender at a work site or attendance site in actually carrying out community service work,
 - (b) the time spent by the offender at a work site or attendance site in having any tea break or meal break to which an offender is entitled,
 - (c) the time spent by the offender at a work site or attendance site (otherwise than as referred to in paragraph (a) or (b)) in accordance with a direction of the assigned officer,
 - (d) such of the time spent by the offender in travelling between the offender's residence and work site or attendance site as the assigned officer thinks fit,

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Chapter 5 Community service work

- (e) such part of the period between:
 - (i) the offender's early release from community service work on any day, and
 - (ii) the time when the offender would (but for the early release) have been released,as the assigned officer thinks fit.
- (2) If, while at the work site or attendance site, an offender:
 - (a) is under the influence of drugs or alcohol, or
 - (b) conducts himself or herself in an offensive manner,the offender's assigned officer may deduct the whole or any part of the time spent by the offender at a work site or attendance site from any calculation of time spent by the offender in performing community service work.
- (3) The periods of time referred to in subclause (1) (d) and (e) and subclause (2) are to be determined by the offender's assigned officer in accordance with any relevant directions given by the Commissioner.

205 Standard conditions applying to community service work (cf clause 58 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) For the purposes of section 108 (a) of the Act, the following are standard conditions in respect of each community service order:
 - (a) the offender must not report for, or perform, community service work while under the influence of drugs or alcohol,
 - (b) the offender must participate in any activities connected with the administration of the order in which the offender is directed by the assigned officer or supervisor to participate,
 - (c) the offender must perform community service work in accordance with the directions of, and to the standard specified by, his or her assigned officer or supervisor,
 - (d) the offender must furnish his or her assigned officer with written notice of the reasons for any failure by the offender to report to a work site or attendance site in accordance with his or her obligations,
 - (e) the offender must submit to a medical examination by a medical practitioner nominated by his or her assigned officer if at any time the assigned officer so directs,

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- (f) the offender must receive visits at the offender's home within reasonable hours by the assigned officer or supervisor for any purpose connected with the administration of the order,
 - (g) the offender must comply with such standards of dress, cleanliness and conduct as the assigned officer or supervisor may from time to time determine,
 - (h) the offender must keep in good order and condition such clothing and equipment as may be issued to the offender for the purpose of performing community service work,
 - (i) the offender must observe such standards of safety with respect to his or her performance of community service work as the assigned officer or supervisor may from time to time determine,
 - (j) the offender must sign an attendance register on arrival at and on departure from any work site or attendance site,
 - (k) the offender must not damage or deface property that is on or forms part of a work site or attendance site, otherwise than in the course of performing community service work in accordance with the directions of the assigned officer or supervisor,
 - (l) the offender must not have possession of or consume any alcohol or other intoxicating substance while at a work site or attendance site,
 - (m) the offender must comply with any reasonable direction given orally or in writing to the offender by the assigned officer or supervisor,
 - (n) if the offender is directed to do anything that he or she is incapable of doing, the offender must immediately advise the assigned officer or supervisor of that fact.
- (2) If illness or injury is the reason for an offender's failure to report, as referred to in subclause (1) (d), the written notice referred to in that paragraph must be accompanied by a certificate, issued by a medical practitioner, stating the nature of the illness or injury and indicating that its nature or extent is such as to justify the offender's failure to report.

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Chapter 5 Community service work

206 Offender may be exempted from compliance with certain directions on grounds of incapacity (cf clause 59 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) If satisfied that an offender is incapable of doing something that he or she has been directed to do, the offender's assigned officer or supervisor may exempt the offender from the direction, even if the direction was given by some other assigned officer or supervisor.
- (2) Before exempting an offender from a direction, or as a condition of giving such an exemption, the assigned officer or supervisor may require the offender to furnish a certificate issued by a registered medical practitioner to the effect that the offender is incapable of doing the thing concerned.

207 Transport arrangements (cf clause 60 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

The Commissioner may make arrangements for the provision of transport of offenders to and from any work site or attendance site.

208 Appointments of assigned officers (cf clause 61 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The Commissioner may appoint any person who is, in the opinion of the Commissioner, suitably qualified and of suitable character to exercise the functions of an assigned officer as referred to in paragraph (b) of the definition of **assigned officer** in section 107 of the Act.
- (2) A person appointed under this clause is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Commissioner may determine in respect of the person, unless the person is an officer or temporary employee of the Public Service.

209 Appointment of supervisors (cf clause 62 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The Commissioner may appoint any person who is, in the opinion of the Commissioner, suitably qualified and of suitable character to be a supervisor as referred to in the definition of **supervisor** in section 107 of the Act.
- (2) A person appointed under this clause is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Commissioner may determine in respect of the person, unless the person is an officer or temporary employee of the Public Service.

210 Supervisor to report to assigned officer (cf clause 63 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A supervisor must, when required by an assigned officer to do so, report to the assigned officer on any matter relating to an offender under the supervisor's supervision.

211 Application for extension or revocation of order made by court (cf clause 64 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The following applications must be in writing in such form as the Commissioner may from time to time determine:
 - (a) an application under section 114 of the Act for an extension of the period for which a community service order is in force,
 - (b) an application under section 115 of the Act for the revocation of a community service order.
- (2) The court to which such an application is made is to fix a date for the hearing of the application, being a date not earlier than 14 days after, and not later than 3 months after, the date of filing of the application.
- (3) A copy of the application must be given not later than 5 days before the date fixed for hearing of the application:
 - (a) to the offender, if the applicant is an assigned officer, or
 - (b) to the assigned officer, if the applicant is an offender.
- (4) For the purposes of subclause (3), the application may be given to a person by the court or by the applicant:
 - (a) by serving it or causing it to be served on the person personally, or
 - (b) by sending it or causing it to be sent by post to the person's address as last known to the applicant.
- (5) The court may vary or waive the requirements of subclause (2) or (3) with the consent of the offender.

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212 **Consultation required before conditions as to residence or treatment imposed on parole** (cf clause 66 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) Before the Parole Board makes a parole order containing terms or conditions relating to residence or treatment:
 - (a) it must consider a report from a probation and parole officer as to the offender's circumstances, and
 - (b) it must satisfy itself, having regard to the probation and parole officer's report, that it is feasible to secure compliance with the terms or conditions.
- (2) Before the Parole Board makes a parole order containing terms or conditions requiring the co-operation of a person other than the offender or a probation and parole officer, it must obtain the consent of the person to the specification of those terms and conditions in so far as they require the person's co-operation.

213 **Parole orders** (cf clause 67 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A parole order made by the Parole Board must be reduced to writing using Form 1.
- (2) A copy of the order must be given to the offender, and further copies are to be sent to the following persons:
 - (a) the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept,
 - (b) the Commissioner.
- (3) Copies of the order sent to the governor of a correctional centre, or the governor responsible for a periodic detention centre, are, if practicable, to be sent so as to arrive at the centre at or before the time the offender arrives.

214 Offender to be given explanation of parole order (cf clause 68 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) On the offender's day of release from a correctional centre or periodic detention centre, the governor must ensure that:
 - (a) the order is read to the offender, and
 - (b) the effect of the order is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender indicates that the offender understands the terms and conditions on which the offender is to be released by signing a statement to that effect on a copy of the order, and
 - (d) all copies of the order are endorsed with the offender's date of release, and
 - (e) a copy of the order is given to the offender, and
 - (f) the copy of the order containing the signed statement referred to in paragraph (c) is retained at the centre.
- (2) If an offender is subject to more than one parole order, this clause does not require common provisions in the orders to be read to the offender more than once.
- (3) The requirements of this clause do not apply in circumstances (such as when the offender is seriously ill) in which compliance with them would be obviously ineffectual.

215 Standard conditions applying to parole (cf clause 69 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

For the purposes of section 128 (1) (a) of the Act, the following are standard conditions of parole:

- (a) the offender must be of good behaviour and must not, while on release on parole, commit any offence,
- (b) the relevant parole order may be revoked if the offender contravenes any of the terms and conditions of the order,
- (c) the relevant parole order may be revoked if the Parole Board determines that it has sufficient reason to believe that the offender, having been released from custody, has not adapted to normal lawful community life.

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Clause 216 Crimes (Administration of Sentences) Regulation 2001
Chapter 6 Parole

216 Imposition and extension of supervision conditions (cf clause 70 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A condition of a parole order may require the offender to be subject to supervision for up to 3 years from the date on which the offender is released in accordance with the order.
- (2) In the case of a serious offender, the Parole Board may at any time before the end of the period of supervision under such a condition extend that period by up to 3 years at a time.
- (3) For the purposes of section 128 (3) of the Act, the prescribed supervision is supervision by a probation and parole officer.

217 Supervision conditions (cf clause 71 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) This clause applies to an offender whose parole order includes a condition requiring that the offender be subject to supervision.
- (2) While the offender is subject to supervision by a probation and parole officer under such a condition, the offender has the following obligations:
 - (a) to obey all reasonable directions of the officer,
 - (b) to report to the officer (or to another person nominated by the officer) at such times and places as the officer may from time to time direct,
 - (c) to be available for interview at such times and places as the officer (or the officer's nominee) may from time to time direct,
 - (d) to reside at an address agreed on by the officer, and to receive visits at that address by the officer at such times as the officer considers necessary,
 - (e) not to leave New South Wales without the permission of the officer's District Manager,
 - (f) not to leave Australia without the permission of the Parole Board,
 - (g) if unemployed, to enter into employment arranged or agreed on by the officer, or make himself or herself available for employment, training or participation in a personal development program as instructed by the officer,

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- (h) to notify the officer of any intention to change his or her employment:
 - (i) if practicable, before the change occurs, or
 - (ii) otherwise, at his or her next interview with the officer,
 - (i) not to associate with any person or persons specified by the officer,
 - (j) not to frequent or visit any place or district designated by the officer,
 - (k) not to use prohibited drugs, obtain drugs unlawfully or abuse drugs lawfully obtained.
- (3) An offender's probation and parole officer may, with the concurrence of the officer's District Manager, direct that the conditions of the offender's parole order in relation to supervision are suspended.
- (4) Such a direction takes effect when notice of the direction is given to the offender.

218 Variation of conditions (cf clause 72 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

If the Parole Board varies the conditions of a parole order so as to make the offender subject to supervision under the order, or so as to affect the supervision of the offender, it must send notice of the variation to the Commissioner.

219 Revocation of parole order before release (cf clause 73 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) For the purposes of section 130 of the Act, the following circumstances are prescribed as circumstances in which the Parole Board may revoke a parole order:
- (a) circumstances in which the offender requests that the order be revoked,
 - (b) circumstances in which the Parole Board decides, before releasing the offender, that the offender is unable to adapt to normal lawful community life.
- (2) The Parole Board must send copies of an order under section 130 of the Act to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.

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- (3) As soon as practicable after receiving the order, the governor must ensure that:
 - (a) the order is read to the offender, and
 - (b) the effect of the order is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender's rights to a review of the revocation are explained to the offender in language that is capable of being readily understood by the offender, and
 - (d) a copy of the order is handed to the offender.
- (4) The Parole Board must send notice of the revocation of a parole order under section 130 of the Act to the Commissioner.

220 Review by the Parole Board of intention to refuse release on parole (cf clause 74 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A notice under section 138 (1) (b) of the Act must be sent to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.
- (2) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the notice is handed to the offender.
- (3) Notice of an offender's intention to make representations to the Parole Board concerning release on parole:
 - (a) may be given using Form 2, and
 - (b) must be given to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept, and
 - (c) must be sent by the governor to the Secretary of the Parole Board.

221 Decision on review of parole refusal (cf clause 75 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A notice under section 141 (4) (b) of the Act must be sent to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.
- (2) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender's rights concerning the Parole Board's decision are explained to the offender in language that is capable of being readily understood by the offender, and
 - (d) the notice is handed to the offender.
- (3) The governor must keep a copy of the notice.
- (4) The Parole Board must send a copy of the notice to the Commissioner.

222 Notices to victims (cf clause 76 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The preliminary notice to a victim of an offender to be given under section 145 (1) of the Act:
 - (a) is to be in writing and sent by post to the last postal address that has been recorded in the Victims Register for the victim, or
 - (b) is to be given by telephone if only a telephone number has been recorded in the Victims Register, or if the Parole Board has reason to believe that any telephone number that has been so recorded is more up to date than the last postal address so recorded.
- (2) Notice under section 146 (3) (a) of the Act is to be given to each victim of the offender, and subclause (1) applies to any such notice in the same way as it applies to a notice under section 145 (1) of the Act.
- (3) The Parole Board is to keep a record of the giving of any notice under this clause.

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Clause 223 Crimes (Administration of Sentences) Regulation 2001
Chapter 6 Parole

223 Submissions by the State (cf clause 77 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) If the State notifies the Parole Board that it may wish to make a submission under section 153 of the Act concerning the release on parole of a serious offender, the Parole Board must give the State copies of the reports and other documents intended to be used by the Parole Board in deciding whether the offender should be released on parole.
- (2) For the purposes of making a submission under section 153 of the Act, the State:
 - (a) may be represented by a legal practitioner or, with the consent of the Parole Board, by any other person, and
 - (b) may call and examine any witness who attends, including any witness called by the Parole Board, and
 - (c) may give evidence on oath, and
 - (d) may produce documents and exhibits to the Parole Board, and
 - (e) may otherwise adduce, orally and in writing, to the Parole Board such matters, and address the Parole Board on such matters, as are relevant to the proceedings before the Parole Board.
- (3) A reference in this clause to the State includes a reference to any agent of the State.

224 Instrument requiring attendance (cf clause 78 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

For the purposes of section 186 (1) of the Act, an instrument in writing referred to in that subsection must be in Form 3.

225 Records of proceedings (cf clause 79 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

The Parole Board must keep a record (in writing or otherwise) of the proceedings of the Parole Board, including a record of:

- (a) whether the State has appeared or been represented before the Parole Board, and
- (b) the persons appearing or represented before the Parole Board, and

- (c) the submissions (if any) made by the State or any such person,
and
- (d) the reasons (if any) stated in support of those submissions.

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Clause 226 Crimes (Administration of Sentences) Regulation 2001
Chapter 7 Revocation by Parole Board of certain orders

Chapter 7 Revocation by Parole Board of certain orders

226 **Supervision during home detention assessment** (cf clause 80A of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) This clause applies where the Parole Board has released an offender under section 165 (3) (b) of the Act pending a decision whether or not to make a home detention order.
- (2) The prescribed supervision, for the purposes of section 165 (3) (b) of the Act, is the supervision of a probation and parole officer, with the following supervision conditions:
 - (a) the offender is to be of good behaviour and not commit any new offence,
 - (b) the offender is to permit visits by the officer to the offender's proposed place of residence at such times as the officer considers necessary,
 - (c) the offender is to submit to breath testing and urinalysis for detecting of drug use as and when directed by the officer,
 - (d) the offender is to authorise the following persons to provide information about him or her to the officer:
 - (i) the offender's medical practitioners,
 - (ii) the offender's therapist (if any),
 - (iii) the offender's counsellor (if any),
 - (e) the offender is to obey all reasonable directions of the officer.

227 **Withdrawal of consent to operation of home detention order** (cf clause 80B of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

For the purposes of section 167 (1) (d) of the Act, the prescribed form of withdrawal of consent is as set out in Form 4.

228 **Revocation of order and review of revocation** (cf clause 81 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) For the purposes of section 173 (2) (a) of the Act, the prescribed form for a notice of revocation of a periodic detention order, home detention order or parole order is Form 5.

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- (2) The notice must be sent to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.
 - (3) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the notice is handed to the offender.
 - (4) Notice of an offender's intention to make representations to the Parole Board concerning the revocation of a parole order:
 - (a) may be given using Form 6, and
 - (b) must be given by the offender to the governor, or the governor responsible for the periodic detention centre, in which the offender is kept, and
 - (c) must be sent by the governor to the Secretary of the Parole Board.

229 Decision on review of revocation (cf clause 82 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) The Parole Board must send written notice of its decision following a review under section 175 of the Act to the following persons:
 - (a) the governor, or the governor responsible for the periodic detention centre, in which the offender is kept, and
 - (b) the Commissioner.
- (2) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender's rights concerning the decision are explained to the offender in language that is capable of being readily understood by the offender.

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Clause 230 Crimes (Administration of Sentences) Regulation 2001
Chapter 7 Revocation by Parole Board of certain orders

230 Notice of revocation of order (cf clause 83 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) If the Parole Board revokes a periodic detention order, home detention order or parole order under section 179 (1) of the Act, the Secretary of the Parole Board must send written notice of that fact to the Commissioner.
- (2) The notice must be in Form 7 and must specify any direction of the Parole Board as to the day on which the order is to be treated as having been revoked.

231 Inquiry into suspected breach of order (cf clause 84 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

- (1) A notice under section 180 (1) (a) of the Act by which an offender is called on to appear before the Parole Board must be served on the offender at least 7 days before the date set for the inquiry referred to in the notice.
- (2) The Parole Board must send a copy of each such notice to the Commissioner.

232 Arrest warrants (cf clause 85 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A warrant for the arrest of a person under section 180 of the Act must be in Form 8.

233 Warrants of commitment (cf clause 86 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation 1995*)

A warrant for the commitment of an offender to a correctional centre under section 181 of the Act must be in Form 9.

Chapter 8 Administration

Part 1 Correctional officers and Departmental officers

234 Oath or affirmation of office (cf clause 51 of *Correctional Centre Administration Regulation 1995*)

- (1) For the purposes of section 236 of the Act, the form for the oath of office as a correctional officer is as follows:

I, (*name of person making oath*), do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second as a correctional officer without fear or favour, malice or ill-will until I am legally discharged, and that while I continue to be a correctional officer I will to the best of my skill and knowledge discharge all my duties faithfully according to law. So help me God.

- (2) For the purposes of section 236 of the Act, the form for the affirmation of office as a correctional officer is as follows:

I, (*name of person making affirmation*), do solemnly, sincerely and truly declare and affirm that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second as a correctional officer without fear or favour, malice or ill-will until I am legally discharged, and that while I continue to be a correctional officer I will to the best of my skill and knowledge discharge all my duties faithfully according to law.

235 Compliance with Commissioner's instructions and governor's directions (cf clause 22 of *Correctional Centre Administration Regulation 1995*)

- (1) The governor of a correctional centre may give directions (not inconsistent with the Commissioner's instructions) with respect to the administration of the Act in relation to the centre, and must ensure that a record is kept of each such direction.
- (2) A correctional officer or Departmental officer must comply with the Commissioner's instructions.
- (3) While employed within a correctional centre, a correctional officer must obey all lawful directions given by the governor of the centre, whether given under this clause or otherwise.

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- (4) While on the premises of a correctional centre, a Departmental officer must obey all lawful directions given by the governor of the centre, whether given under this clause or otherwise.
- (5) For the purposes of any disciplinary proceedings, a correctional officer or Departmental officer is to be presumed to be aware of the officer's obligations under the Act and this Regulation.

Note. Correctional officers and Departmental officers are employed under, and so subject to the disciplinary provisions of, the *Public Sector Management Act 1988*.

236 Declaration about associations with inmates (cf clause 23 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer or Departmental officer must give written notice to the Commissioner as to any offender:
 - (a) to whom the officer is related, whether by blood or by marriage, or
 - (b) of whom the officer is an associate, whether as a neighbour, friend or acquaintance or through business, sporting or social contact.
- (2) Such a notice must show the nature and duration of the officer's relationship or association with any such offender.
- (3) Such a notice must be given before the officer first starts duty as a correctional officer or Departmental officer, and subsequently as circumstances require.
- (4) A correctional officer or Departmental 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.
- (5) In this clause, *offender* means any inmate, periodic detainee or home detainee or any person in respect of whom a community service order or parole order is in force.

237 Suspected offences by inmates (cf clause 24 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer or Departmental officer who suspects that an inmate has committed, or is about to commit, an offence must report that fact to the governor immediately.
- (2) A correctional officer may confine any such inmate to the inmate's cell, or in some other appropriate place of confinement, pending instructions as to how the inmate should be dealt with.

238 Uniform (cf clause 25 of *Correctional Centre Administration Regulation 1995*)

- (1) Unless exempted by the Commissioner, a correctional officer must wear the uniform appropriate to the officer's rank at all times while on duty.
- (2) On ceasing to be a correctional officer, a person must return his or her uniform to the Department or must satisfactorily account for it to the Commissioner.

239 Keys and access cards (cf clauses 6 and 26 of *Correctional Centre Administration Regulation 1995*)

- (1) The governor of a correctional centre is to ensure that the keys and access cards of the centre are duly issued and accounted for.
- (2) A correctional officer, Departmental officer, medical officer or nursing officer to whom a key or access card is issued must keep it on his or her person at all times until it is returned.
- (3) The officer must not leave a correctional centre while a key of the centre is in his or her possession.

240 Searching of officers (cf clause 27 of *Correctional Centre Administration Regulation 1995*)

The governor or principal security officer of a correctional centre may require a correctional officer or Departmental officer who is on the premises of the centre:

- (a) to submit to an inspection and search of personal possessions, to scanning by means of an electronic scanning device and to being sniffed by a drug detector dog, and
- (b) to empty the pockets of the officer's clothing, and
- (c) to make available for inspection and search any room, locker or vehicle that is under the officer's control at the centre.

241 Visitors (cf clause 28 of *Correctional Centre Administration Regulation 1995*)

A correctional officer is not to receive visitors at any time while on duty at a correctional centre except with the permission of the governor of the centre.

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Clause 242 Crimes (Administration of Sentences) Regulation 2001
Chapter 8 Administration
Part 1 Correctional officers and Departmental officers

242 Officers to be fit for duty (cf clause 30 of *Correctional Centre Administration Regulation 1995*)

- (1) While on duty, a correctional officer must not be, to any degree, under the influence of alcohol.
- (2) A Superintendent or Deputy Superintendent who suspects that a correctional 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).
- (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.

243 Insulting or abusive language (cf clause 32 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer, Departmental officer, medical officer or nursing officer must not use insulting or abusive language to any other officer, to any inmate or to any person visiting a correctional centre.
- (2) A correctional officer, Departmental officer, medical officer or nursing officer must not say or do anything that is calculated to undermine discipline at a correctional centre or to prejudice the efficiency of, or to bring discredit on, the Department.
- (3) A correctional officer, Departmental officer, medical officer or nursing officer must not act deliberately in a manner calculated to provoke an inmate.

244 Smoking in non-smoking areas of correctional centres prohibited (cf clause 32A of *Correctional Centre Administration Regulation 1995*)

A correctional officer, Departmental officer, medical officer or nursing officer must not:

- (a) smoke in a non-smoking area, or

- (b) alter, damage or remove any sign or notice relating to a non-smoking area.

245 Honesty (cf clause 33 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer, Departmental officer, medical officer or nursing officer must at all times be honest and truthful.
- (2) A correctional officer, Departmental officer, medical officer or nursing 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.

246 Vigilance (cf clause 34 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional 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 correctional officer must not do anything that is calculated to distract another correctional officer from the performance of the officer's duties.
- (3) A correctional officer must not cease duty until permitted to do so by the governor or relieved by another correctional officer.

247 Reporting of misconduct by correctional officers (cf clause 35 of *Correctional Centre Administration Regulation 1995*)

- (1) If:
 - (a) an allegation is made to a correctional officer that another correctional officer has, while carrying out his or her duties as such an 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 correctional officer sincerely believes that another correctional officer has engaged in conduct of that kind,the correctional officer must report the conduct (or alleged conduct) to a correctional officer who is more senior in rank than the officer making the report.

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- (2) The senior correctional officer must report the conduct (or alleged conduct) promptly to the Commissioner if the senior correctional officer believes that it:
- (a) constitutes (or would constitute) a criminal offence by the correctional officer, or
 - (b) would provide sufficient grounds for preferring a departmental charge against the correctional 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 correctional officer.
- (4) A correctional officer must not, in relation to any other correctional 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 correctional officer.

- (5) 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 correctional officer to whom the charge relates.

248 Certain contraventions to be dealt with as breaches of discipline

A correctional officer or Departmental officer who contravenes a provision of this Regulation is not guilty of an offence, but is guilty of a breach of discipline for the purposes of Part 5 of the *Public Sector Management Act 1988*.

249 Confidentiality of records (cf clause 22 of *Correctional Centre Routine Regulation 1995*)

- (1) A person involved in the administration of the Act is not authorised to furnish to any other person:
- (a) a photograph, film or video or audio recording of an inmate, or
 - (b) an impression of an inmate's handprints, fingerprints, footprints or toeprints, or
 - (c) any other forensic material (within the meaning of the *Crimes (Forensic Procedures) Act 2000*) relating to an inmate.
- (2) This clause does not apply in the circumstances referred to in section 257 (a)–(e) of the Act.

Note. The circumstances referred to in subclause (2) are the circumstances in which a person is authorised to divulge information obtained in connection with the administration of the Act.

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Clause 250	Crimes (Administration of Sentences) Regulation 2001
Chapter 8	Administration
Part 2	Corrections Health Service matters

Part 2 Corrections Health Service matters

250 **Examination of inmates** (cf clause 10 of *Correctional Centre Administration Regulation 1995*)

- (1) An inmate is to be examined by a prescribed CHS officer as soon as practicable after being received into a correctional centre.
- (2) Without limiting subclause (1), a prescribed CHS officer may at any time carry out an examination of an inmate (but only with the consent of the inmate) if of the opinion that it is necessary for such an examination to be carried out.

251 **Inmates risk to self or others** (cf clause 11 of *Correctional Centre Administration Regulation 1995*)

As soon as practicable after forming an opinion:

- (a) that the mental or physical condition of an inmate constitutes a risk to the life of the inmate or to the life, health or welfare of any other person, or
- (b) that the life of an inmate will be at risk if the inmate continues to be detained in a correctional centre, or
- (c) that, because of illness, an inmate will not survive sentence or is totally and permanently unfit for correctional centre discipline, or
- (d) that an inmate should not, on medical grounds, be employed at work of a particular nature, or
- (e) that an inmate's medical condition is such that the inmate is unfit to travel, or should only travel by particular means,

a prescribed CHS officer must report that he or she has formed the opinion, and the grounds for the opinion, to a prescribed DCS officer.

252 **Mental illness** (cf clause 15 of *Correctional Centre Administration Regulation 1995*)

- (1) As soon as practicable after forming an opinion that the mental state of an inmate requires special observation, a prescribed CHS officer must report that he or she has formed the opinion, and the grounds for the opinion, to a prescribed DCS officer.

- (2) On receiving such a report, the prescribed DCS officer:
 - (a) must cause the inmate to be placed under special observation, and
 - (b) in the case of a report with respect to a serious offender, must send written notice of the report to the Review Council.

253 Inmate's diet, exercise and treatment (cf clause 12 of *Correctional Centre Administration Regulation 1995*)

- (1) As soon as practicable after forming an opinion that an inmate's diet, exercise or other treatment should be varied or modified for reasons of health, a prescribed CHS officer must report that he or she has formed the opinion, and the grounds for the opinion, to a prescribed DCS officer.
- (2) On receiving such a report, the prescribed DCS officer:
 - (a) must take such steps as are reasonable to carry into effect any recommendation contained in the report, and
 - (b) in the case of a report with respect to a serious offender, must ensure that written particulars of the report are kept available for reference by the Review Council.
- (3) If it is impracticable to carry a recommendation into effect, the prescribed DCS officer must report that fact to the Chief Executive Officer, Corrections Health Service.

254 Medical records (cf clause 13 of *Correctional Centre Administration Regulation 1995*)

- (1) Proper medical records are to be kept in respect of each inmate, with entries as to each examination that is carried out on an inmate by a prescribed CHS officer.
- (2) The medical records for inmates at a correctional centre are to be kept at the centre in the custody of a prescribed CHS officer, and their contents are not to be divulged to any person outside the Corrections Health Service (including the inmate) except in accordance with guidelines established by the Chief Executive Officer, Corrections Health Service.

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- (3) Subclause (2) does not prevent information in an inmate's medical records from being used to prepare general reports on the inmate's health for submission to the governor of a correctional centre, and such a report must be prepared and submitted whenever the governor so requests.
- (4) As soon as practicable after an inmate is transferred from one correctional centre to another, the inmate's medical records are to be given into the custody of a prescribed CHS officer at the centre to which the inmate is transferred.
- (5) Subclause (4) does not apply if the inmate is temporarily transferred to a police station or court cell complex.

255 **Observation of inmates specially confined** (cf clause 19 of *Correctional Centre Administration Regulation 1995*)

An inmate who is confined to cell or is subject to a segregated or protective custody direction must be kept under daily observation by a prescribed CHS officer.

256 **Infectious diseases** (cf clause 17 of *Correctional Centre Administration Regulation 1995*)

- (1) As soon as practicable after forming an opinion that an inmate has, or appears to have, a serious infectious disease, a prescribed CHS officer must report that he or she has formed the opinion, and the grounds for the opinion, to a prescribed DCS officer.
- (2) In the case of a report from the Chief Executive Officer, Corrections Health Service, the prescribed DCS officer 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 prescribed DCS officer must report that fact to the Chief Executive Officer, Corrections Health Service.
- (4) In this clause, *serious infectious disease* means an infectious disease that is also a notifiable disease by virtue of its inclusion in Schedule 3 to the *Public Health Act 1991*.

257 **Death of inmates** (cf clause 20 of *Correctional Centre Administration Regulation 1995*)

On becoming aware that an inmate has died, a prescribed CHS officer must report the death to the Commissioner.

Part 3 Use of firearms

258 Authority to carry firearms (cf clause 37 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer must not carry firearms while on duty except as authorised by or under this Part.
- (2) A correctional 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 correctional officer is authorised to carry firearms:
 - (a) while handling firearms in the course of duties carried out in a correctional centre armoury, or
 - (b) while taking part in, or in an activity necessarily carried out in connection with, an approved training course.

259 Armed posts (cf clause 38 of *Correctional Centre Administration Regulation 1995*)

- (1) There are to be such armed posts at a correctional centre as may be approved in respect of the centre.
- (2) A correctional officer, while stationed at an armed post, may carry such firearms as the governor directs.

260 Issue of firearms to correctional officers not at armed posts (cf clause 39 of *Correctional Centre Administration Regulation 1995*)

- (1) The governor or principal security officer of a correctional centre may (by a direction given generally or in any particular case) authorise the issue of firearms to correctional officers who are not stationed at armed posts for use in connection with:
 - (a) the escorting of inmates, or
 - (b) the maintenance of a guard outside a correctional centre.
- (2) The Commissioner may (by a direction given in a particular case) authorise the issue of firearms to correctional officers for use in connection with patrols of the perimeter of a correctional centre.

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Clause 260 Crimes (Administration of Sentences) Regulation 2001
Chapter 8 Administration
Part 3 Use of firearms

- (3) The governor of a correctional centre may (by a direction given in a particular case) authorise the issue of firearms to correctional officers who are not stationed at armed posts:
 - (a) for use in connection with the quelling or control of a correctional centre 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 correctional officers who are not stationed at armed posts for use in connection with the conveyance of money or other property within a correctional centre or between a correctional centre and other places:
 - (a) the Commissioner,
 - (b) the principal security officer,
 - (c) the governor of a correctional centre.

261 Officers handling firearms to undergo training courses (cf clause 40 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer must not:
 - (a) authorise or direct the issue of a firearm to another correctional officer, or
 - (b) issue a firearm to another correctional officer,for use by the other officer unless the other officer has undergone an approved training course in the use of that firearm.
- (2) A correctional officer must ensure that a correctional 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.
- (3) This clause does not prevent the performance by a correctional officer of a duty in connection with an approved training course or the issue to the officer of a firearm for that purpose.

262 Safety procedures on issue or receipt of firearms (cf clause 41 of *Correctional Centre Administration Regulation 1995*)

- (1) On commencing a duty which involves the carrying of a firearm, a correctional officer must examine the firearm (and any accompanying ammunition) in the presence of the person from whom the officer receives them.
- (2) An examination must include such procedures as are approved.
- (3) A correctional 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 correctional centre armoury from which the firearm was drawn.
- (4) The officer in charge of the correctional centre armoury must substitute another firearm or new ammunition, or supplement the number of rounds, as the case requires.

263 Safety procedures on return of firearms (cf clause 42 of *Correctional Centre Administration Regulation 1995*)

- (1) On ceasing a duty involving the carrying of a firearm, a correctional officer must deliver the firearm (and any accompanying ammunition) to the officer in charge of the correctional centre armoury from which the firearm was drawn (unless the correctional officer has delivered it to another correctional 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.

264 Duties of correctional officers generally (cf clause 43 of *Correctional Centre Administration Regulation 1995*)

While carrying a firearm on duty, a correctional officer:

- (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
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Part 3 Use of firearms

- (d) must not make modifications to the firearm or to its ammunition.

265 Maintenance of safe distances (cf clause 44 of *Correctional Centre Administration Regulation 1995*)

- (1) While stationed at an armed post, a correctional officer must take all reasonable precautions to prevent any inmate 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) While carrying a firearm, a correctional officer 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 correctional centre or where the governor otherwise directs, approach to within reach of an inmate or allow an inmate to approach to within reach of him or her.

266 Transfer of firearms (cf clause 45 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer who parts with possession of a firearm issued to the officer:
 - (a) must deliver it to another correctional officer or some other suitable person, or
 - (b) if the officer cannot so deliver it, must deposit it in the most secure place available in the circumstances.
- (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.

267 Use of armed posts (cf clause 46 of *Correctional Centre Administration Regulation 1995*)

- (1) While stationed at an armed post, a correctional officer:
 - (a) must keep a lookout over the correctional centre generally, and
 - (b) if the officer observes any irregularity likely to affect the security of the correctional centre, must notify such other correctional officers as may be appropriate in the circumstances, and

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- (c) must assist other correctional 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 correctional officer stationed at a correctional centre tower who is temporarily unable to keep a lookout must indicate that fact to:
 - (a) any correctional officers stationed at adjacent towers, and
 - (b) any correctional officers stationed at ground posts within range of observation.
 - (3) When approaching an armed post, a correctional officer must give warning of that approach to any correctional officer stationed at the post.

268 Discharge of firearms (cf clause 47 of *Correctional Centre Administration Regulation 1995*)

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

269 Authority to discharge firearms (cf clause 48 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional 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 an inmate, or
 - (ii) to prevent an unlawful attempt to enter a correctional centre or to free an inmate, or
 - (iii) to attract the immediate attention of correctional officers or other persons to a serious breach of correctional centre 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 correctional 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.

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Clause 270 Crimes (Administration of Sentences) Regulation 2001
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Part 3 Use of firearms

270 Warnings (cf clause 49 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional 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.
- (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.
- (4) A correctional officer may, without giving a warning, discharge a firearm in order to protect the officer or any other person if of the opinion:
 - (a) that there is a substantial probability that the officer or other person will be killed or seriously injured if the officer does not do so, and
 - (b) a warning would only increase that probability.

271 Notice of discharge (cf clause 50 of *Correctional Centre Administration Regulation 1995*)

- (1) A correctional officer who discharges a firearm while on duty at a correctional centre, otherwise than while taking part in:
 - (a) an approved training course, or
 - (b) a firearms practice exercise authorised by the governor, or
 - (c) an activity connected with such a training course or practice exercise,must notify the governor of the circumstances in which it was discharged.
- (2) A correctional officer who discharges a firearm while on escort duty must notify a police officer and:
 - (a) the governor at which the correctional officer is usually on duty, or
 - (b) if the correctional officer is a member of a Security Unit, the officer in charge of that Unit,of the circumstances in which it was discharged.
- (3) On being so notified, the governor 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.

272 Use of correctional centre armouries for storage of private firearms

Nothing in this Part prevents a correctional centre armoury from being used for the storage of any duly licensed firearm that is owned by a correctional officer.

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Clause 273	Crimes (Administration of Sentences) Regulation 2001
Chapter 8	Administration
Part 4	Awards

Part 4 Awards

273 Awards (cf clause 53 of *Correctional Centre Administration Regulation 1995*)

- (1) The various awards specified in Schedule 5 may be given to correctional officers and Departmental officers by the Commissioner in the circumstances specified in the Schedule in relation to those awards.
- (2) Awards may be given posthumously.
- (3) A Bravery Medal takes precedence over all other awards.

274 Cancellation of awards (cf clause 54 of *Correctional Centre Administration Regulation 1995*)

- (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 it, together with any associated ribbons or bars, to the Commissioner.

275 Register of awards (cf clause 55 of *Correctional Centre Administration Regulation 1995*)

The Commissioner is to maintain a register of awards.

276 Wearing of awards (cf clause 56 of *Correctional Centre Administration Regulation 1995*)

- (1) Awards may be worn on ceremonial occasions.
- (2) The ribbon indicating the giving of an award:
 - (a) may be worn by a correctional officer on duty, and
 - (b) must be worn on the left breast of the correctional officer's uniform.
- (3) A correctional officer or Departmental officer must not wear an award, or the ribbon indicating the giving of an award, to which the officer is not entitled.

Part 5 The Review Council

277 **Additional functions of Review Council** (cf clauses 20D, 185 and 186A of *Correctional Centre Routine Regulation 1995*)

- (1) For the purposes of section 197 of the Act, the functions of the Review Council include the provision, at the request of the Commissioner, of reports, advice and recommendations to the Commissioner with respect to:
 - (a) the management of serious offenders, and
 - (b) the probability that a serious offender:
 - (i) who is serving an existing life sentence, and
 - (ii) who has applied for a local leave permit,will be fit to be released on parole at the time the Council expects to advise the Parole Board about release on parole (assuming the serious offender satisfactorily completes a pre-release development program to which the application relates of at least 12 months or other relevant period), and
 - (c) the designation of inmates as high security and extreme high security inmates (including the revocation or variation of any such designation), and
 - (d) the management of high security and extreme high security inmates (including the periodic review of that management), and
 - (e) such other matters as are specified by the Commissioner.
- (2) For the purposes of section 197 of the Act, the functions of the Review Council also include the carrying out of such investigations (which may include the interviewing of correctional centre staff and inmates) as are necessary to enable it to provide reports, advice and recommendations as referred to in subclause (1).
- (3) In accordance with clause 10 (2) (c) of Schedule 2 to the Act:
 - (a) the provision of reports, advice and recommendations as referred to in subclause (1), and
 - (b) the conduct of investigations as referred to in subclause (2),are prescribed as functions that the Council may delegate to a committee of the Council.

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Part 5 The Review Council

- (4) In this clause, *existing life sentence* has the same meaning as it has in Schedule 1 to the *Crimes (Sentencing Procedure) Act 1999*.

278 Matters to be considered concerning certain serious offenders (cf clause 185A of *Correctional Centre Routine Regulation 1995*)

Pursuant to section 199 (2) of the Act, the following provisions are prescribed:

- (a) section 197 (2) (a), (e) and (f) of the Act,
- (b) clauses 16, 19, 27, and 277.

279 Records of proceedings (cf clause 186 of *Correctional Centre Routine Regulation 1995*)

The Review Council must keep a record (in writing or otherwise) of the proceedings of the Review Council, including a record of:

- (a) the persons appearing or represented before the Review Council, and
- (b) the submissions (if any) made by any such person, and
- (c) the reasons (if any) stated in support of those submissions.

Part 6 General

280 **Correctional centre records** (cf clauses 4, 5, 7 and 8 of *Correctional Centre Administration Regulation 1995*)

- (1) The governor of a correctional centre must ensure that a record is kept at the centre:
- (a) of each correctional officer, Departmental officer, medical officer or nursing officer employed within the centre (including that person's position and position description), and
 - (b) of each Commissioner's instruction issued in connection with the administration of the centre or of correctional centres generally, and
 - (c) of each direction given by the governor in connection with the administration of the centre, and
 - (d) of each inmate who is confined to cell (including the reason for his or her confinement), and
 - (e) of each inmate who is kept in segregated or protective custody (including the reason for his or her being so kept and of any deprivation of rights or privileges to which the inmate is subject as referred to in section 12 (2) (b) of the Act), and
 - (f) of the death of any inmate that occurs while the inmate is in the governor's custody (whether at the centre or elsewhere), and
 - (g) of any escape or attempted escape by an inmate that occurs while the inmate is in the governor's custody (whether at the centre or elsewhere), and
 - (h) of such other information as the Commissioner may require a record to be kept.
- (2) The governor of a correctional centre must conduct a daily inspection of all inmates who are confined to cell.

281 **Order of ranking of correctional officers** (cf clause 52 of *Correctional Centre Administration Regulation 1995*)

The order of ranking of correctional officers, in descending order, is as follows:

Senior Assistant Commissioner
Assistant Commissioner

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Part 6 General

Chief Superintendent
Superintendent (Grade 1)
Superintendent (Grade 2)
Superintendent (Grade 3)
Deputy Superintendent (Grade 1)
Deputy Superintendent (Grade 2)
Deputy Superintendent (Grade 3)
Deputy Superintendent (Industries) (Grade 4)
Deputy Superintendent (Industries) (Grade 5)
Senior Assistant Superintendent
Senior Assistant Superintendent (Industries)
Assistant Superintendent
Assistant Superintendent (Industries)
Senior Correctional Officer
Senior Overseer
Correctional Officer First Class
Overseer
Correctional Officer
Probationary Correctional Officer

282 Attendance of inmates before courts and court officers (cf clauses 56B and 56BA of *Correctional Centre Administration Regulation 1995*)

- (1) For the purposes of the definition of *appropriate authority* in section 77 (5) of the Act, a conference convenor, acting with the written authority of a conference administrator, under the *Young Offenders Act 1997* is prescribed.
- (2) For the purposes of the definition of *court* in section 77 (5) of the Act, the following courts and bodies are prescribed:
 - (a) the Compensation Court,
 - (b) the Administrative Decisions Tribunal,
 - (c) the Administrative Appeals Tribunal of the Commonwealth,
 - (d) the Migration Review Tribunal of the Commonwealth.

283 Powers of correctional officers (cf clause 189 of *Correctional Centre Routine Regulation 1995*)

For the purpose of performing the duties of a custodian of offenders at a correctional centre managed in accordance with Part 12 of the Act, a person authorised under section 240 of the Act to perform those duties has and may exercise (subject to any directions of the Commissioner under section 241 (2) of the Act) all the powers of a correctional officer.

284 Operation of biometric identification system in correctional centres (cf clause 131A of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner may authorise the operation in:
 - (a) any correctional centre in which high security or extreme high security inmates are accommodated, and
 - (b) any correctional centre in which inmates are received before they are classified,of a biometric identification system for the purposes of controlling access to the centre by all persons (including correctional officers).
- (2) The system is to be designed to ensure that each person who enters a correctional centre for the purposes of:
 - (a) conducting a visit, or
 - (b) carrying out duties or activities requiring access to the centre,is the same person who leaves the centre after conducting that visit or carrying out those duties or activities.
- (3) In order to gain access to a correctional centre, a person may be required to comply with the requirements relating to the operation of the system and may be denied access to a correctional centre if the person refuses to comply with any such requirement.
- (4) The requirements relating to the operation of the system include:
 - (a) the recording of a person's biometric algorithm in the system's database, along with the person's photo image and personal details, and
 - (b) the scanning of a person's fingerprints each time the person enters or leaves a correctional centre.

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Part 6 General

- (5) This clause does not apply in respect of any person who is under the age of 18 years unless:
- (a) the person has previously been the subject of a direction by the Commissioner under clause 105, or
 - (b) the person has been convicted of an offence in relation to a previous visit by the person to a correctional centre, or
 - (c) the correctional officer in charge of the visiting area of the correctional centre being visited by the person is of the opinion that the person's physical appearance is similar to that of an inmate of the centre.

285 **Privacy and security safeguards** (cf clause 131B of *Correctional Centre Routine Regulation 1995*)

- (1) The Commissioner is to ensure that the following requirements are complied with in relation to the operation of an authorised biometric identification system in any correctional centre:
- (a) the fingerprint image of any person must not be retained on the system, and must be deleted as soon as the person's biometric algorithm is made,
 - (b) a person's biometric algorithm must not be made, stored or kept as part of any other database that is maintained by or on behalf of the Department,
 - (c) the system must not be used to reconstruct a fingerprint pattern from a person's biometric algorithm,
 - (d) the photo image of each visitor to a correctional centre must be eliminated from the system:
 - (i) within 6 months of the person's last recorded visit to a correctional centre, or
 - (ii) as soon as possible at the request of the person,
 - (e) a person's biometric algorithm must not be stored in the system's database in such a way that would enable unauthorised access to the information,
 - (f) permission must not be given to any person or agency (other than a correctional officer or Departmental officer) that would enable any person to gain access to a person's biometric algorithm stored in the system's database.

-
- (2) Any person who is involved in the operation of an authorised biometric identification system must not knowingly or negligently:
- (a) permit any person to gain access to any information in the system's database, or
 - (b) provide such a person with any information in the system's database, or
 - (c) use the system to reconstruct a person's fingerprint pattern from the person's biometric algorithm.
- (3) This clause does not prevent access to a person's photo image or personal details from being given to:
- (a) the Commissioner, or
 - (b) the principal officer (however described) of a law enforcement agency, or
 - (c) any other person or agency for a lawful purpose.

286 Non-smoking areas in correctional centres (cf clause 56A of *Correctional Centre Administration Regulation 1995*)

- (1) The Commissioner or the governor of a correctional centre may designate an enclosed area of the centre as an area in which smoking is prohibited.
- (2) Any such area is to be designated by means of signs or notices displayed within the area.

287 Victims Register (cf clause 87 of *Periodic Detention, Home Detention, Community Service Work and Parole Regulation*)

- (1) The Minister may require the provision of such evidence as the Minister considers appropriate as proof of any alleged relationship through which a person claims to be the victim of an offender or a member of the family of a victim of an offender.
- (2) A person who communicates directly or indirectly any information:
 - (a) that has been included in the Victims Register, or that has been disclosed so that it may be included in that Register, and
 - (b) that the person knows has been so included or so disclosed,
 is guilty of an offence.

Maximum penalty: 5 penalty units.

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Clause 287 Crimes (Administration of Sentences) Regulation 2001
Chapter 8 Administration
Part 6 General

- (3) A person is not guilty of an offence under subclause (2) if the court is satisfied that the communication concerned was made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of the Act or a regulation made under the Act, or
 - (c) with the prior permission of the Minister, or
 - (d) pursuant to an order of a court, or of any other body or person authorised by law to examine witnesses, in the course of and for the purpose of the hearing or determination by that court, body or person of any matter, or
 - (e) with other lawful excuse.
- (4) The Minister is not to grant permission referred to in subclause (3) (c) unless satisfied that it would be in the public interest to do so.

288 Notice to victims about proposed change in security classification (cf clause 188 of *Correctional Centre Routine Regulation 1995*)

- (1) Notice under section 67 (1) of the Act:
 - (a) is to be in writing and sent by post to the last postal address that has been recorded on the Victims Register for the relevant victim, unless paragraph (b) applies, or
 - (b) is to be given by telephone if only a telephone number has been so recorded or if the Review Council believes that any telephone number that has been so recorded is more up to date than the last postal address so recorded.
- (2) The notice:
 - (a) must set out the reasons for the consideration by the Review Council of a change in the security classification of the relevant offender, and
 - (b) must indicate that a submission made by a victim must be made in writing, and
 - (c) must specify the relevant 14-day period for the lodgment of any such submission and the address for its lodgment.
- (3) The Council is to keep a record of the giving of any notice in accordance with this clause.

289 Saving

Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under:

- (a) the *Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995*, or
- (b) the *Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995*, or
- (c) the *Crimes (Administration of Sentences) (Periodic Detention, Home Detention, Community Service Work and Parole) Regulation 1995*,

continues to have effect under this Regulation.

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Crimes (Administration of Sentences) Regulation 2001

Schedule 1 Information to be recorded in relation to inmates

Schedule 1 Information to be recorded in relation to inmates

(Clause 5)

- 1 The inmate's full name, together with any other names by which he or she is known.
- 2 The address of the inmate's usual place of residence, together with the telephone number for that address.
- 3 The name, address and telephone number of the inmate's next of kin.
- 4 The inmate's age and date of birth.
- 5 A head-and-shoulders photograph of the inmate.
- 6 A full set of the inmate's fingerprints.
- 7 The inmate's biometric characteristics.
- 8 Video or closed-circuit television footage of the inmate.
- 9 The serial number or other identifier of the inmate's passport.
- 10 A description of the inmate's general appearance, including height, weight, build, hair colour and eye colour and (if appropriate) the shape and colour of any sideburns, beard or moustache.
- 11 Particulars of any distinguishing features of the inmate's appearance, including the nature and location of any tattoos.
- 12 Particulars of the language or languages spoken by the inmate.
- 13 Particulars of any exceptional circumstances in the inmate's family history (such as incidents of physical or sexual abuse committed by or against the inmate).
- 14 Particulars of the state of the inmate's physical and mental health, including any medical, psychiatric or psychological reports and the results of any psychological tests, together with details of any known tendency of the inmate to attempt suicide or inflict self-harm.
- 15 Particulars of any involvement by the inmate in the abuse of drugs or other intoxicating substances, including the results of any drug tests.
- 16 Particulars of any ethnic or racial group to which the inmate belongs, with particular reference to whether the inmate is an Aboriginal person or Torres Strait Islander.

- 17 Particulars of any religious denomination to which the inmate claims affiliation.
- 18 Particulars as to the inmate's trade or vocation, including the inmate's employment history.
- 19 Particulars as to the inmate's financial circumstances.
- 20 Particulars of the inmate's domestic circumstances (that is, whether the inmate is single, married, widowed or divorced, whether the inmate is living with another person in a de facto relationship and whether the inmate has children or other dependants).
- 21 Particulars of the inmate's criminal history, both in New South Wales and elsewhere, including particulars of any period during which the inmate has been under the supervision of the Probation and Parole Service.
- 22 Particulars of any period during which the inmate has been on release on bail.
- 23 Particulars as to the inmate's criminal associates.

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Crimes (Administration of Sentences) Regulation 2001

Schedule 2 Correctional centre offences

Schedule 2 Correctional centre offences

(Clauses 116 and 117)

Part 1 Major offences

Provision	Subject
Clause 125	Conceal for purpose of escape
Clause 126	Conceal article for use in escape or other offence
Clause 129	Participate, or inciting other inmates to participate in, riot
Clause 138	Possess drug
Clause 139	Administer drug
Clause 144	Bribery

Part 2 Minor offences

Provision	Subject
Clause 5	Supply false or misleading particulars
Clause 8	Fail to surrender property on reception
Clause 38	Fail to clean yards
Clause 39	Fail to comply with correctional centre routine
Clause 40	Enter other cells
Clause 41	Fail to attend musters
Clause 42	Operate bell, hooter, siren or whistle
Clause 43	Avoid correctional centre routine
Clause 44	Unlawfully deliver or receive article to or from inmate
Clause 45	Possess or create prohibited goods
Clause 46	Resist or impede search
Clause 47	Fail to keep property in a tidy and orderly manner
Clause 52	Unlawfully purchase food
Clause 52	Possess unauthorised food

Provision	Subject
Clause 52	Unlawfully trade in food
Clause 56	Fail to maintain personal cleanliness
Clause 57	Wear improper clothing
Clause 58	Fail to keep clean cells and issued articles
Clause 58	Damage, destroy or deface cell
Clause 58	Fail to look after clothing, bedding and other issued articles
Clause 59	Unlawfully possess condom
Clause 59	Unlawfully use condom
Clause 59	Unlawfully dispose of condom
Clause 61	Misbehave while attending services and programs
Clause 68	Desecrate or abuse spiritual items
Clause 97	Convey or deliver to, or receive from, visitors unauthorised articles
Clause 107	Send or receive unauthorised letters or parcels
Clause 108	Send prohibited letters, parcels or articles
Clause 112	Unlawfully use telephone or facsimile
Clause 120	Disobey direction
Clause 124	Contravene condition of local or interstate leave permit
Clause 127	Intimidation
Clause 128	Indecency
Clause 130	Assaults
Clause 130	Fight or engage in other physical combat
Clause 130	Throw article
Clause 131	Steal
Clause 131	Damage or destroy property
Clause 131	Tamper with food or drink
Clause 132	Hinder or obstruct dog
Clause 133	Cause harm to animal, bird or reptile
Clause 134	Interfere with correctional centre property
Clause 135	Tattoo
Clause 136	Gamble
Clause 137	Possess or consume alcohol
Clause 137	Prepare or manufacture alcohol
Clause 140	Possess drug implement

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Crimes (Administration of Sentences) Regulation 2001

Schedule 2 Correctional centre offences

Provision	Subject
Clause 141	Self-intoxication
Clause 142	Fail prescribed urine test
Clause 143	Smoke in non-smoking area
Clause 143	Alter, damage or remove non-smoking sign or smoking sign
Clause 145	Obstruct correctional officer
Clause 146	Refuse breath testing
Clause 148	Refuse or fail to supply urine sample
Clause 149	Refuse or fail to supply urine sample
Clause 160	Make mischievous complaint
Clause 172	Give false or misleading information

Schedule 3 Offences against periodic detention discipline

(Clause 193)

Provision	Subject
Section 81 (c)	Fail to notify change of address
Section 95 (1) (a)	Fail to comply with an attendance order or work order
Section 95 (1) (b)	Fail to report to varied periodic detention centre
Section 95 (1) (c)	Disobey a direction under section 84 (1) or (3) or 94 (1) of the Act
Clause 39 (as applied by clause 185)	Fail to comply with periodic detention routine
Clause 40 (as applied by clause 185)	Enter other cells
Clause 41 (as applied by clause 185)	Fail to attend musters
Clause 42 (as applied by clause 185)	Operate bell, hooter, siren or whistle
Clause 43 (as applied by clause 185)	Avoid correctional centre routine
Clause 44 (as applied by clause 185)	Unlawfully deliver or receive article to or from detainee
Clause 45 (as applied by clause 185)	Possess or create prohibited goods
Clause 46 (as applied by clause 185)	Resist or impede search
Clause 47 (as applied by clause 185)	Fail to keep property in a tidy and orderly manner

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Schedule 3 Offences against periodic detention discipline

Provision	Subject
Clause 52 (as applied by clause 185)	Unlawfully purchase food
Clause 52 (as applied by clause 185)	Possess unauthorised food
Clause 52 (as applied by clause 185)	Unlawfully trade in food
Clause 56 (as applied by clause 185)	Fail to maintain personal cleanliness
Clause 58 (as applied by clause 185)	Fail to keep clean cells and issued articles
Clause 58 (as applied by clause 185)	Damage, destroy or deface cell
Clause 58 (as applied by clause 185)	Fail to look after clothing, bedding and other issued articles
Clause 120 (as applied by clause 185)	Disobey direction
Clause 127 (as applied by clause 185)	Intimidation
Clause 128 (as applied by clause 185)	Indecency
Clause 129 (as applied by clause 185)	Participate, or incite other periodic detainees to participate in, riot
Clause 130 (as applied by clause 185)	Assault
Clause 130 (as applied by clause 185)	Fight or engage in other physical combat

Provision	Subject
Clause 130 (as applied by clause 185)	Throw article
Clause 131 (as applied by clause 185)	Steal
Clause 131 (as applied by clause 185)	Damage or destroy property
Clause 131 (as applied by clause 185)	Tamper with food or drink
Clause 132 (as applied by clause 185)	Hinder or obstruct dog
Clause 133 (as applied by clause 185)	Cause harm to animal, bird or reptile
Clause 134 (as applied by clause 185)	Interfere with periodic detention centre property
Clause 135 (as applied by clause 185)	Tattoo
Clause 136 (as applied by clause 185)	Gamble
Clause 137 (as applied by clause 185)	Possess or consume alcohol
Clause 137 (as applied by clause 185)	Prepare or manufacture alcohol
Clause 138 (as applied by clause 185)	Possess drug
Clause 139 (as applied by clause 185)	Administer drug

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Schedule 3 Offences against periodic detention discipline

Provision	Subject
Clause 140 (as applied by clause 185)	Possess drug implement
Clause 141 (as applied by clause 185)	Self-intoxication
Clause 142 (as applied by clause 185)	Fail prescribed urine test
Clause 143 (as applied by clause 185)	Smoke in non-smoking area
Clause 143 (as applied by clause 185)	Alter, damage or remove non-smoking sign or smoking sign
Clause 144 (as applied by clause 185)	Bribery
Clause 145 (as applied by clause 185)	Obstruct correctional officer
Clause 146 (as applied by clause 185)	Refuse breath testing
Clause 148 (as applied by clause 185)	Refuse or fail to supply urine sample
Clause 149 (as applied by clause 185)	Refuse or fail to supply urine sample
Clause 174 (as applied by clause 185)	Resist or impede search
Clause 176	Conceal anything for the purpose of unlawfully bringing it into periodic detention centre
Clause 178	Attend while not sober
Clause 179	Fail to bring suitable clothing, footwear or toiletries
Clause 182	Unlawfully receive visitors
Clause 183	Unlawfully make telephone call
Clause 184	Fail to submit to medical examination

Crimes (Administration of Sentences) Regulation 2001

Offences against periodic detention discipline

Schedule 3

Provision	Subject
Clause 187	Fail to remain under proper supervision
Clause 187	Fail to perform work according to directions
Clause 187	Fail to conform to the standards of dress, cleanliness and conduct
Clause 187	Fail to keep clothes and tools in good order
Clause 187	Unlawfully damage or deface property
Clause 199	Give false or misleading information

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Crimes (Administration of Sentences) Regulation 2001

Schedule 4 Forms

Schedule 4 Forms

(Clause 3)

Form 1 Parole order made by Parole Board

(Clause 213)

(Crimes (Administration of Sentences) Act 1999)

1 Sentence details

Case number:
Conviction date:
The Court at:
Offender:
Date of birth:
Offence:

Particulars of imprisonment imposed by Court

Term of:
To commence on:
*Non-parole period of:
*The above term of imprisonment is to be served cumulatively on the sentence
of:
that commenced on:

2 Release details

Pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, the Parole Board directs that the offender be released on parole at
.....
Unless sooner revoked, this order remains in force until the end of the above
term of imprisonment.

3 Supervision

The offender must:

- (a) *until /*until the order ceases to have effect, or
 - (b) for a period of 3 years from the date of release,
- whichever is the lesser, submit to the supervision and guidance of:

.....

4 Standard conditions

This order is subject to the conditions (including the conditions relating to supervision) prescribed by the regulations under the *Crimes (Administration of Sentences) Act 1999*.

Note: a copy of the standard conditions must be attached to this order.

5 Additional conditions

The order is also subject to the following conditions:

.....
.....

Order dated:

Signed: Date:
(Judicial Member/Secretary of Parole Board)

I
acknowledge that I understand the conditions on which I am released on parole.

Signed: Date:
(Judicial Member/Secretary of Parole Board)

Form 2 Notice of intention to make representations to Parole Board

(Clause 220)

(Crimes (Administration of Sentences) Act 1999)

To the Parole Board:

from
(Name of offender)

I notify the Parole Board that I *do not intend/*intend to make representations to the Board at the meeting to be held on to reconsider:

* whether I should be released on parole

or

* whether my parole order should be revoked

I *do not wish/*wish to appear before the Board.

I *do not intend/*intend to be legally represented.

*I wish to be represented at this meeting by of and seek the consent of the Board for this person to attend for this purpose.

My reasons for requesting representation by the named person are:

.....
.....

Signed: Date:

* Delete if not applicable

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Crimes (Administration of Sentences) Regulation 2001

Schedule 4 Forms

**Form 3 Instrument requiring attendance of witnesses/
production of documents before Parole Board**

(Clause 224)

(Crimes (Administration of Sentences) Act 1999, section 186)

IN THE MATTER of a hearing before the Parole Board in respect of (Name of offender)

YOU ARE REQUIRED to appear before the Board on
(date)

at am/pm at
(time) (place)

*for the purpose of giving evidence

*to produce the documents specified below:

.....
.....

Signed:
(Judicial member of Parole Board)

Date:

*Delete if not applicable

Form 4 Withdrawal of consent to continued operation of home detention order

(Clause 227)

(Crimes (Administration of Sentences) Act 1999)

I,, withdraw my consent as co-resident to the continued operation of the home detention order of

Signed: Date:

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Crimes (Administration of Sentences) Regulation 2001

Schedule 4 Forms

Form 5 Notice of revocation of periodic detention order/home detention order/parole order

(Clause 228)

(Crimes (Administration of Sentences) Act 1999, section 173)

To:

TAKE NOTICE that the Parole Board, on,
made an order for revocation of your *periodic detention order/*home detention
order/*parole order to date from

The Board will reconvene on at
in order to reconsider the revocation of the order concerned.

A copy of the revocation order is attached.

* Copies are attached of reports and other documents used by the Board in
reaching its decision to revoke the order concerned.

You may make submissions to the Board with respect to *the revocation of the
order concerned/*the date of revocation of the order concerned. If you wish to do
so, you must notify the Secretary of the Board not later than

Signed:

(Secretary of Parole Board)

Date:

* Delete if not applicable

Form 6 Notice of intention to make representations to Parole Board

(Clause 228)

(Crimes (Administration of Sentences) Act 1999)

To the Parole Board

From
(Name of offender)

TAKE NOTICE that I *do not intend/*intend to make representations to the Board at the review to be held on to reconsider whether my *periodic detention order/*home detention order/*parole order should be revoked.

I *do not wish/*wish to appear before the Board.

I *do not intend/*intend to be legally represented.

*I wish to be represented at this meeting by of and seek the consent of the Board for this person to attend for this purpose.

My reasons for requesting representation by the named person are:
.....
.....

Signed:

Date:

*Delete if not applicable

2001 No 666

Crimes (Administration of Sentences) Regulation 2001

Schedule 4 Forms

Form 7 Notice of revocation of periodic detention order/home detention order/parole order

(Clause 230)

(Crimes (Administration of Sentences) Act 1999)

TAKE NOTICE that on the Parole Board revoked the *periodic
(date)
detention order/*home detention order/*parole order made by
. on in respect of
(Court) (date) (offender)

*The Parole Board directed that the order be taken to have been revoked on
.
(date)

Signed:
(Secretary of Parole Board)

Date:

TO:
The Commissioner,
Department of Corrective Services

*Delete if not applicable

Form 8 Arrest warrant

(Clause 232)

(Crimes (Administration of Sentences) Act 1999, section 180)

TO ALL POLICE OFFICERS in the State of New South Wales

WHEREAS..... of.....
(Name of offender)

- (a) *is serving a term of imprisonment by way of periodic detention under a periodic detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (b) *is serving a term of imprisonment by way of home detention under a home detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (c) *has been released from custody on parole under a parole order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,

AND WHEREAS the Parole Board has reason to suspect that the offender has failed to comply with the offender’s obligations under the order, and proposes to conduct an inquiry into the matter,

YOU ARE HEREBY DIRECTED to arrest the offender, to remove the offender to..... and to deliver the offender into the custody of the Parole Board.

Signed:
(Judicial Member/Secretary* of the Parole Board)

Date:

*Delete if not applicable

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Crimes (Administration of Sentences) Regulation 2001

Schedule 4 Forms

Form 9 Warrant of commitment to correctional centre

(Clause 233)

(Crimes (Administration of Sentences) Act 1999, section 181)

TO THE Governor of the correctional centre at in the State of New South Wales

WHEREAS of
(the offender)

has been found guilty by the Court of the following offence or offences:

.....

AND WHEREAS the Court has sentenced the offender to imprisonment for a period of to commence on

AND WHEREAS the offender:

- (a) *has been serving the sentence by way of periodic detention under a periodic detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (b) *has been serving the sentence by way of home detention under a home detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (c) *has been released from custody on parole under a parole order within the meaning of the *Crimes (Administration of Sentences) Act 1999*, in respect of the sentence,

AND WHEREAS the Parole Board has revoked the order,

YOU ARE HEREBY DIRECTED to receive the offender into your custody there and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to detain the offender there for the remainder of the term of the offender's sentence.

Signed: Date:
(Judicial Member/Secretary* of the Parole Board)

TO ALL POLICE OFFICERS in the State of New South Wales

By virtue of section 181 of the *Crimes (Administration of Sentences) Act 1999*, this warrant is sufficient authority for you to arrest, or to have custody of, the offender named in this warrant, to convey the offender to the correctional centre specified in this warrant and to deliver the offender into the custody of the governor of that correctional centre.

*Delete if not applicable

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Crimes (Administration of Sentences) Regulation 2001

Schedule 5

Awards

Schedule 5 Awards

(Clause 273)

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.

Commendation for Brave Conduct

A Commendation for Brave Conduct (comprising two vertical royal blue stripes separated by a white stripe and with white edging, to which is attached a bronze lion's head) may be awarded to an officer for an act of bravery.

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 initiative, leadership or distinctive devotion to duty.

Unit Citation

A Unit Citation (comprising a dark blue ribbon, with a white central band, set in a gilt metal frame) may be awarded to members of a unit who have performed outstanding service.

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 5 years of service a clasp lettered with the total number of years of meritorious service may be awarded to the officer, as follows:

- (a) after 25 years of service—a clasp of bronze colour,
- (b) after 30 years of service—a clasp of silver colour,
- (c) after 35 years of service—a clasp of gold colour,
- (d) after 40 years of service—a further clasp of gold colour.

In addition, for the completion of each additional 5 years of service (beyond 20 years) a rosette may be awarded to the officer, as follows:

- (a) after 25 years of service—a rosette of bronze colour,
- (b) after 30 years of service—a rosette of silver colour,
- (c) after 35 years of service—a rosette of gold colour,
- (d) after 40 years of service—a further rosette of gold colour.

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.

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Crimes (Administration of Sentences) Regulation 2001

Dictionary

Dictionary

(Clause 3)

accredited spiritual advisor, in relation to a correctional centre, means a spiritual advisor for the time being accredited to be a spiritual advisor at that centre.

approved means approved for the time being by the Commissioner.

attendance site means:

- (a) in relation to a periodic detainee, a place at which the detainee is, by an attendance order under the Act, required to attend, and
- (b) in relation to an offender under Chapter 5, a place where the offender performs, or is required to perform, community service work involving participation in personal development, educational or other programs.

armed post means an area, within a correctional centre, at which an armed correctional officer is regularly stationed.

authorised officer, in relation to a function of the governor of a correctional centre, means the governor or a correctional officer authorised by the governor to exercise the function.

breath test means a test for the purpose of indicating the concentration of alcohol present in a person's blood.

case manager means a person appointed by the Commissioner to be a case manager for the purposes of this Regulation.

case plan means a plan for the management of an inmate while in custody in a correctional centre.

cell includes any room or enclosed space in which an inmate is accommodated.

civil inmate means an inmate who is being held in custody otherwise than because of a criminal offence.

classification manager means a person appointed by the Commissioner to be a classification manager for the purposes of this Regulation.

Commissioner's instructions means instructions issued by the Commissioner under section 235B of the Act.

Commonwealth Ombudsman means the Commonwealth Ombudsman appointed under section 21 (1) of the *Ombudsman Act 1976* of the Commonwealth.

contact visit means a visit to an inmate in which the inmate and the visitor are permitted physical contact with each other.

correctional centre armoury means an armoury for the storage of firearms.

correctional centre offence has the same meaning as it has in Division 6 of Part 2 of the Act.

Departmental officer means an officer or temporary employee (other than a correctional officer) employed in the Department.

development program has the same meaning as it has in Part 7 of the *Crimes (Sentencing Procedure) Act 1999*.

drug means:

- (a) a prohibited drug or prohibited plant within the meaning of the *Drug Misuse and Trafficking Act 1985*, or
- (b) a substance listed in Schedule 2, 3 or 4 to the Poisons List under the *Poisons and Therapeutic Goods Act 1966*, or
- (c) any derivative of a substance referred to in paragraph (a) or (b), or
- (d) any mixture containing such a substance or derivative.

escape-risk classification means a classification under clause 24.

Ethics Committee means the Ethics Committee established under clause 170.

exempt body means:

- (a) the Ombudsman, the Judicial Commission, the New South Wales Crime Commission, the Anti-Discrimination Board, the Administrative Decisions Tribunal, the Independent Commission Against Corruption, the Privacy Commissioner, the Legal Aid Commission, the Legal Services Commissioner, the Legal Services Tribunal or the Inspector-General, or
- (b) the Commonwealth Ombudsman, the Commonwealth Human Rights and Equal Opportunity Commission or the National Crime Authority.

exempt person means a Member of Parliament, a legal practitioner or a police officer.

extreme high security inmate means an inmate who is designated as an extreme high security inmate as referred to in clause 25.

force includes the threat to use force and the carriage and use of restraining equipment.

government analyst has the same meaning as **analyst** has in the *Poisons and Therapeutic Goods Act 1966*.

government official means an officer of the Crown, and includes a police officer.

high security inmate means an inmate who is designated as a high security inmate as referred to in clause 25.

high security or extreme high security designation means a designation under clause 25.

home detainee has the same meaning as **offender** has in Part 4 of the Act.

legal practitioner means a legal practitioner who:

- (a) holds a current practising certificate under the *Legal Profession Act 1987* and practises in New South Wales, or
- (b) is qualified to practise, and practises, in another State or Territory and has the right of audience in a court in New South Wales.

letter includes any card, telegram, document or other similar form of written communication, whether or not contained in a parcel, and includes an envelope containing any of those things, but does not include a facsimile transmission.

major offence has the same meaning as it has in Division 6 of Part 2 of the Act.

minor offence has the same meaning as it has in Division 6 of Part 2 of the Act.

nominated officer, in relation to a correctional centre, means:

- (a) the principal security officer, or
- (b) the governor of the centre, or
- (c) any correctional officer or Departmental officer appointed by the principal security officer or by the governor of the centre.

non-contact visit means a visit to an inmate in which the visit takes place in an environment in which physical contact between the visitor and the inmate is prevented.

non-smoking area means a non-smoking area designated under clause 286.

nursing officer means a registered nurse (within the meaning of the *Nurses Act 1991*) employed by the Corrections Health Service.

offence against discipline has the same meaning as it has in section 95 of the Act.

offender, where used in Chapter 5, means a person in respect of whom a community service order is in force.

parcel means any parcel, package or other similar article, and includes any parcel or package containing any book, newspaper, magazine or other similar printed material.

periodic detainee has the same meaning as **offender** has in Part 3 of the Act.

prescribed CHS officer, in relation to a provision of this Regulation, means:

- (a) the Chief Executive Officer, Corrections Health Service, or
- (b) a medical officer or other member of staff of the Corrections Health Service authorised by the Chief Executive Officer, Corrections Health Service, to exercise the functions of a prescribed CHS officer for the purposes of that provision.

prescribed DCS officer, in relation to a provision of this Regulation, means:

- (a) the Commissioner, or
- (b) a correctional officer or Departmental officer authorised by the Commissioner to exercise the functions of a prescribed DCS officer for the purposes of that provision.

principal security officer means the person appointed by the Commissioner to be the principal security officer for the purposes of this Regulation.

prohibited goods means:

- (a) money, or
 - (b) anything that, in the opinion of a nominated officer, is likely to prejudice the good order and security of a correctional centre, or
 - (c) any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or
 - (d) any offensive, indecent or obscene article.
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restraining equipment means equipment of the kind referred to in clause 122.

senior officer, where used in Part 3 of Chapter 8, means a correctional officer who is holding office or acting in a rank that is of or above the rank of Senior Correctional Officer.

sentencing court's comments, in relation to an inmate, means any recommendation, observation or expression of opinion made by the sentencing court in relation to the inmate's sentence when sentence is originally or finally imposed.

spiritual advisor, in relation to a spiritual authority of a particular denomination, means a minister of religion or other person appointed or authorised by that authority to minister to adherents of that denomination.

spiritual authority means a religious or other spiritual organisation.

supervisor means:

- (a) in relation to a periodic detainee at a work site or attendance site, the person supervising the detainee in accordance with clause 187 (a), and
- (b) in relation to a home detainee, means such person as the Commissioner may appoint to supervise the home detainee.

the Act means the *Crimes (Administration of Sentences) Act 1999*.

unconvicted inmate means an inmate who is not a convicted inmate or a civil inmate.

visitor means a visitor to a correctional centre or to a particular person within a correctional centre.

work site means:

- (a) in relation to a periodic detainee, a place at which the detainee is, by a work order under the Act, directed to perform work, and
- (b) in relation to an offender under Chapter 5, a place where the offender performs, or is required to perform, community service work (not involving participation in personal development, educational or other programs).