

# Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995

[1995-514]



New South Wales

## Status Information

### Currency of version

Repealed version for 16 February 2001 to 31 August 2001 (accessed 24 November 2024 at 20:33)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Correctional Centres (Administration) Regulation 1995  
Prisons (Administration) Regulation 1995
- **Repeal**  
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2001.
- **Note**  
The [Crimes \(Administration of Sentences\) \(Correctional Centre Administration\) Regulation 1995](#) (formerly [Correctional Centres \(Administration\) Regulation 1995](#) and [Prisons \(Administration\) Regulation 1995](#)) made under the [Correctional Centres Act 1952](#) (formerly [Prisons Act 1952](#)) is on and from 3.4.2000 taken to be a regulation under the [Crimes \(Administration of Sentences\) Act 1999 No 93](#). See clause 18 of Schedule 5 to the [Crimes \(Administration of Sentences\) Act 1999](#).

## Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2001

# Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of Regulation .....	5
2 Commencement .....	5
3 Definitions .....	5
<b>Part 2 Governors of correctional centres</b> .....	5
4 Record of Commissioner's directions .....	5
5 Record of governor's directions .....	6
6 Keys .....	6
7 Inmates confined to cells .....	6
8 Segregated inmates .....	6
<b>Part 3 Health care at correctional centres</b> .....	6
8A, 9 (Repealed) .....	6
10 Examination of inmates .....	6
11 Inmates at risk or a risk to others .....	7
12 Inmates with special needs .....	7
13 Medical history cards .....	7
14 Disclosure of HIV test results .....	8
15 Mental illness .....	9
16 Reports to governor .....	9

17 Infectious or contagious diseases.....	10
18 Inspection of food and clothing .....	10
19 Inspection of inmates specially confined .....	10
20 Death of inmates .....	10
21 Consent for serious operations.....	11
<b>Part 4 Correctional officers and other officers.....</b>	<b>11</b>
22 Orders and instructions to be obeyed .....	11
23 Declaration about associations with inmates .....	11
24 Suspected offences by inmates.....	11
25 Uniform.....	12
26 Keys.....	12
27 Personal searches.....	12
27A Searching of officers' vehicles.....	12
28 Visitors.....	12
29 Personal possessions .....	12
30 Officers to be fit for duty .....	13
31 Certain work prohibited .....	13
32 Insulting or abusive language.....	13
32A Smoking in non-smoking areas of correctional centres prohibited .....	13
33 Honesty .....	14
34 Vigilance.....	14
35 Reporting of misconduct by correctional officers.....	14
<b>Part 5 Use of firearms .....</b>	<b>16</b>
36 Definitions .....	16
37 Authority to carry firearms .....	16
38 Armed posts .....	16
39 Issue of firearms to correctional officers not at armed posts.....	17
40 Officers handling firearms to undergo training courses.....	17
41 Safety procedures on issue or receipt of firearms .....	18
42 Safety procedures on return of firearms.....	18
43 Duties of correctional officers generally .....	18
44 Maintenance of safe distances .....	19
45 Transfer of firearms .....	19

46 Use of armed posts.....	19
47 Discharge of firearms .....	20
48 Authority to discharge firearms .....	20
49 Warnings.....	21
50 Notice of discharge.....	21
<b>Part 6 General</b> .....	<b>22</b>
51 Oath or affirmation of office .....	22
52 Order of ranking of correctional officers .....	22
53 Awards.....	23
54 Cancellation of awards .....	23
55 Register of awards.....	23
56 Wearing of decorations.....	24
56A Non-smoking areas in correctional centres .....	24
56B Attendance at youth justice conferences .....	24
56BA Attendance at courts or tribunals.....	24
56C Short descriptions of offences .....	24
57 Repeal .....	25
<b>Schedule 1 Awards</b> .....	<b>25</b>

# Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995*.

### 2 Commencement

This Regulation commences on 1 September 1995.

### 3 Definitions

In this Regulation:

**Department** means the Department of Corrective Services.

**officer** means an officer or temporary employee employed in the Department.

**Security and Investigations Branch** means the Security and Investigations Branch of the Department.

**the Act** means the *Crimes (Administration of Sentences) Act 1999*.

## Part 2 Governors of correctional centres

### 4 Record of Commissioner's directions

- (1) The governor of a correctional centre is to keep a Departmental order book for the correctional centre.
- (2) The Departmental order book is to include particulars of all directions issued by the Commissioner in connection with the administration of the correctional centre or of correctional centres generally.

## **5 Record of governor's directions**

- (1) The governor of a correctional centre is to keep a local order book for the correctional centre.
- (2) The local order book is to include:
  - (a) particulars of all orders and instructions given by the governor, and
  - (b) a statement of duties for each person employed at the correctional centre, and
  - (c) such other information as the governor considers appropriate to include in the book in connection with the administration of the correctional centre.

## **6 Keys**

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

## **7 Inmates confined to cells**

The governor of a correctional centre must see daily any inmate who is confined to a cell under the Act.

## **8 Segregated inmates**

The governor of a correctional centre must record in the journal issued by the Department for the purpose of recording incidents or occurrences at the correctional centre the details of any determination by the Commissioner (under section 12 (2) (b) of the Act) that a segregated inmate is, or that segregated inmates generally are, to be deprived of specified rights or privileges.

# **Part 3 Health care at correctional centres**

## **8A, 9 (Repealed)**

## **10 Examination of inmates**

- (1) A correctional centre medical officer:
  - (a) is to cause each inmate to be examined as soon after reception as is practicable, and
  - (b) is required, if requested by an inmate and if the medical officer considers that the request is reasonable, to cause the inmate to be tested for evidence of exposure to or infection by Human Immunodeficiency Virus at any time during the inmate's period of imprisonment.
- (2) The medical officer must immediately make a record of the results of an examination or test.

- (3) Any record of the results of a test of a blood sample from an inmate must not identify the inmate if the sample was given voluntarily on the basis that it would not be identified as the inmate's blood and would be used for statistical purposes only.
- (4) This clause does not apply to an inmate serving a sentence by way of periodic detention.

#### **11 Inmates at risk or a risk to others**

- (1) A correctional centre medical officer (or, in the absence of the medical officer, any member of the correctional centre medical staff) is to give immediate notice to the governor of the correctional centre when the sickness (either mental or physical) of an inmate appears to constitute a risk to the life of the inmate or to the life, health or welfare of any other person.
- (2) If a correctional centre medical officer is of the opinion:
  - (a) that the life of an inmate will be at risk because of the continued detention of the inmate in a correctional centre, or
  - (b) that any sick inmate will not survive sentence or is totally and permanently unfit for correctional centre discipline,the medical officer is to state the opinion and the grounds for it, in a report in writing, to the governor of the correctional centre.
- (3) On receiving such a report, the governor of the correctional centre must immediately send it to the Commissioner.

#### **12 Inmates with special needs**

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

#### **13 Medical history cards**

- (1) A correctional centre medical officer is to regularly enter, on a separate medical

history card for each sick inmate, an account of:

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

#### **14 Disclosure of HIV test results**

- (1) A person who, in the course of the administration of the Act or any regulations under the Act, learns of the results of a test of an inmate for evidence of exposure to or infection by Human Immunodeficiency Virus must not disclose the results to any person other than the following persons:
- (a) the Commissioner,
  - (b) the Senior Assistant Commissioner, Inmate and Custodial Services,
  - (c) the Assistant Commissioner, Inmate Management,
  - (d) (Repealed)
  - (e) the Chief Executive Officer, Corrections Health Service,
  - (f) the Corporate Counsel, and any person representing the Department in legal proceedings involving the inmate,
  - (g) the Regional Commander of the Region in which the inmate is being held,
  - (h) the governor of the correctional centre in which the inmate is being held,
  - (i) the correctional centre medical officer,
  - (j) the Director, Inmate Classification and Placement,
  - (k) the Manager, Inmate Classification and Placement,



- (l) the Manager, HIV and Health Promotion Unit,
- (m) if the Serious Offenders Review Council exercises functions in relation to the inmate, the Chairperson of the Council,
- (n) if the Parole Board exercises functions in relation to the inmate, the Chairperson of the Board.

Maximum penalty: 20 penalty units.

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

Maximum penalty: 20 penalty units.

- (3) The Senior Assistant Commissioner, Inmate and Custodial Services, or the Chief Executive Officer, Corrections Health Service, may disclose the results of such a test to a person who the Senior Assistant Commissioner or Chief Executive Officer considers requires the information to provide for the welfare of the inmate concerned or the good management of the correctional centre in which the inmate is being held.
- (4) This clause does not prevent disclosure to or by, or with the written consent of, an inmate of the results of an examination of or test carried out on the inmate.

## **15 Mental illness**

A correctional centre medical officer who has reason to suspect that the mental state of an inmate is severely disturbed must place the inmate under special observation.

## **16 Reports to governor**

- (1) A correctional centre medical officer is to report promptly, when required by the governor of the correctional centre:
  - (a) on the health of any inmate at the correctional centre, and
  - (b) on any other matter that is likely to affect the health of inmates at the correctional centre.
- (2) If:
  - (a) the Commissioner determines a correctional centre of an appropriate classification for an inmate, and
  - (b) the inmate claims he or she is unable to travel to that correctional centre on account of ill health,

the correctional centre medical officer is to state in writing to the governor whether, in

the opinion of the medical officer, the inmate is unfit to so travel.

### **17 Infectious or contagious diseases**

- (1) A correctional centre medical officer who is of the opinion that an inmate who is suffering, or is suspected to be suffering, from an infectious or contagious disease should be separated from other inmates must so advise the governor of the correctional centre in writing.
- (2) The medical officer is to take such steps as are reasonably practicable to prevent the spread of the disease.

### **18 Inspection of food and clothing**

- (1) When required by the governor of a correctional centre, a correctional centre medical officer is to inspect the food to be served to inmates and report as to its quality.
- (2) A correctional centre medical officer is, on the officer's own initiative or on the request of the governor of the correctional centre, to report also as to:
  - (a) the sufficiency of the inmates' clothing and bedding, and
  - (b) the quantity and quality of the correctional centre water supply.

### **19 Inspection of inmates specially confined**

- (1) A correctional centre medical officer must on each normal visit to the correctional centre see any inmate who is confined to a cell under the Act.
- (2) A correctional centre medical officer must, if any medical consideration so requires, closely observe and frequently examine any inmate who is placed in an observation cell or ward or segregated at the inmate's own request.

### **20 Death of inmates**

A correctional centre medical officer must, on the death of an inmate, enter in a journal kept by the medical officer:

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

and report those matters to the governor of the correctional centre.

## **21 Consent for serious operations**

Except as provided by section 73 of the Act, a major operation must not be performed by a correctional centre medical officer on an inmate except with the consent of the inmate.

## **Part 4 Correctional officers and other officers**

### **22 Orders and instructions to be obeyed**

- (1) A correctional officer must obey all lawful orders and instructions given by the governor of the correctional centre.

Maximum penalty: 20 penalty units.

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

### **23 Declaration about associations with inmates**

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

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

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

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

Maximum penalty: 20 penalty units.

### **24 Suspected offences by inmates**

- (1) A correctional officer or any other officer who suspects that an inmate has committed, or is about to commit, an offence must report that fact to the governor of the correctional centre immediately.

Maximum penalty: 20 penalty units.

- (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.

## **25 Uniform**

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

Maximum penalty: 10 penalty units.

## **26 Keys**

- (1) A correctional officer or any other officer to whom a key is issued must keep it on his or her person at all times until it is returned.
- (2) The officer must not leave the correctional centre while such a key is in his or her possession.

Maximum penalty: 10 penalty units.

## **27 Personal searches**

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

### **27A Searching of officers' vehicles**

The governor of a correctional centre or an officer of the Security and Investigations Branch may require an officer to make available for inspection and search any vehicle under the officer's control that is on the premises of a correctional centre or correctional complex.

## **28 Visitors**

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

## **29 Personal possessions**

Personal belongings that are brought into a correctional centre by a correctional officer or any other officer:

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

### **30 Officers to be fit for duty**

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

Maximum penalty: 20 penalty units.

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

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

Maximum penalty: 20 penalty units.

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

- (a) the officer is to be relieved of duty and is not to carry out any duty until authorised to do so by the Commissioner or the Superintendent or Deputy Superintendent concerned, and

- (b) the Superintendent or Deputy Superintendent is to make a written report to the Commissioner on the matter.

### **31 Certain work prohibited**

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

Maximum penalty: 10 penalty units.

### **32 Insulting or abusive language**

- (1) A correctional officer or any other officer must not use insulting or abusive language to any other officer, to any inmate or to any person visiting the correctional centre.

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

Maximum penalty: 10 penalty units.

### **32A Smoking in non-smoking areas of correctional centres prohibited**

- (1) A correctional officer or any other 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.

Maximum penalty: 1 penalty unit.

(2) In this clause:

***non-smoking area*** means a non-smoking area designated under clause 56A.

### **33 Honesty**

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

(2) A correctional officer or any other officer:

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

Maximum penalty: 20 penalty units.

### **34 Vigilance**

(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 of the correctional centre or relieved by another correctional officer.

Maximum penalty: 20 penalty units.

### **35 Reporting of misconduct by correctional officers**

(1) If:

- (a) an allegation is made to a correctional officer that another correctional officer has, while carrying out his or her duties as a correctional 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.

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

discipline under Part 5 of the *Public Sector Management Act 1988* committed or alleged to have been committed by the correctional officer to whom the charge relates.

## Part 5 Use of firearms

### 36 Definitions

(1) In this Part:

**approved** means approved for the time being by the Commissioner.

**armed post** means an area, within the precincts of a correctional centre, at which an armed correctional officer is regularly stationed.

**senior officer** means a correctional officer:

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

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

### 37 Authority to carry firearms

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

Maximum penalty: 20 penalty units.

(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.

### 38 Armed posts

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

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



### **39 Issue of firearms to correctional officers not at armed posts**

- (1) The governor of a correctional centre or the Director of the Security and Investigations Branch, 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.
- (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 the correctional centre or between the correctional centre and other places:
  - (a) the Commissioner,
  - (b) the governor of the correctional centre,
  - (c) the Director of the Security and Investigations Branch.

### **40 Officers handling firearms to undergo training courses**

- (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.

Maximum penalty: 20 penalty units.
- (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.

Maximum penalty: 20 penalty units.

- (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.

#### **41 Safety procedures on issue or receipt of firearms**

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

Maximum penalty: 20 penalty units.

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

- (3) A 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 armoury from which the firearm was drawn.

Maximum penalty: 20 penalty units.

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

#### **42 Safety procedures on return of firearms**

- (1) A correctional officer must, on ceasing a duty involving the carrying of a firearm, deliver the firearm and any accompanying ammunition to the officer in charge of the armoury from which the firearm was drawn (unless the 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.

Maximum penalty: 20 penalty units.

#### **43 Duties of correctional officers generally**

A correctional officer, while carrying a firearm on duty:

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

Maximum penalty: 20 penalty units.

#### **44 Maintenance of safe distances**

- (1) A correctional officer who is stationed at an armed post 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) A correctional officer who is carrying a firearm on duty, in so far as the nature of that duty admits, must not:
  - (a) place himself or herself in a position where he or she is liable to be attacked, or
  - (b) except when outside a correctional centre or where the governor of the correctional centre otherwise directs, approach to within reach of an inmate or allow an inmate to approach to within reach of him or her.

Maximum penalty: 20 penalty units.

#### **45 Transfer of firearms**

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

Maximum penalty: 20 penalty units.

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

#### **46 Use of armed posts**

- (1) A correctional officer, while stationed at an armed post, must:
  - (a) 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, notify such other correctional officers as may be appropriate in

the circumstances, and

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

Maximum penalty: 20 penalty units.

#### **47 Discharge of firearms**

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

Maximum penalty: 20 penalty units.

#### **48 Authority to discharge firearms**

(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.

Maximum penalty: 20 penalty units.

#### **49 Warnings**

- (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.

Maximum penalty: 20 penalty units.

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

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

Maximum penalty: 20 penalty units.

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

(a) there is a substantial probability that, if the officer does not discharge a firearm, the officer or another person will be killed or seriously injured, and

(b) a warning required to be given by subclause (1) would increase that probability,

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

#### **50 Notice of discharge**

- (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 of the correctional centre, or

(c) an activity connected with such a training course or practice exercise,

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

Maximum penalty: 10 penalty units.

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

(a) the governor of the correctional centre 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.

Maximum penalty: 10 penalty units.

- (3) On being so notified, the governor of the correctional centre or the officer in charge of the Security Unit is to report to the Commissioner the circumstances of the discharge.
- (4) On receipt of such a report the Commissioner may hold an inquiry into the discharge.
- (5) The Commissioner must submit to the Minister a full report of the findings of any inquiry.

## **Part 6 General**

### **51 Oath or affirmation of office**

- (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.*

### **52 Order of ranking of correctional officers**

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

Senior Assistant Commissioner

Assistant Commissioner

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

### **53 Awards**

- (1) The medals, ribbons and bars specified in Schedule 1 may be awarded to officers by the Commissioner in the circumstances specified in the Schedule in relation to the medals, ribbons and bars.
- (2) Awards may be made posthumously.
- (3) A Bravery Medal takes precedence over all other awards.

### **54 Cancellation of awards**

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

### **55 Register of awards**

The Commissioner is to maintain a register of awards.

## **56 Wearing of decorations**

- (1) Medals, ribbons and bars may be worn on ceremonial occasions.
- (2) Ribbons:
  - (a) may be worn on duty, and
  - (b) must be worn on the left breast of an officer's uniform.
- (3) An officer must not wear a decoration which the officer is not entitled to wear.  
Maximum penalty: 10 penalty units.

### **56A Non-smoking areas in correctional centres**

- (1) The Commissioner or the governor of a correctional centre may designate an enclosed area of the correctional 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.

### **56B Attendance at youth justice conferences**

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.

### **56BA Attendance at courts or tribunals**

For the purposes of the definition of **court** in section 77 (5) of the Act, the Compensation Court of New South Wales and the Administrative Decisions Tribunal are prescribed.

### **56C Short descriptions of offences**

- (1) For the purposes of section 145B (2) of the [Justices Act 1902](#), the prescribed expression in relation to an offence specified in Column 1 of the Table to this clause is the expression set out opposite that offence in Column 2 of the Table.
- (2) If a choice of words is indicated in Column 2 of the Table, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.
- (3) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of the Table, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (4) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in



which the expression is used.

- (5) Subclause (4) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

## Table

### Column 1

### Column 2

### Offences under *Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995*

Clause 103 (2)

Visitor knowingly producing false or misleading evidence

## 57 Repeal

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

## Schedule 1 Awards

(Clause 53)

### Bravery Medal

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

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

### Commendation for Brave Conduct

A Commendation for Brave Conduct (comprising a royal blue ribbon, with white, royal blue and dark blue edging, to which is attached a bronze lion's head) may be awarded 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 the members of a unit that has 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.