

STATUTORY RULES 2019

S.R. No.

*Corrections Act 1986*

## **Corrections Regulations 2019**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

BEN CARROLL

Minster for Corrections

Clerk of the Executive Council

### **Part 1—Preliminary**

#### **1 Objectives**

The objectives of these Regulations are—

- (a) to prescribe any matters authorised by the **Corrections Act 1986**; and
- (b) to provide for the management, good order and security of prisons and locations; and
- (c) to provide for the welfare and discipline of prisoners and offenders; and
- (d) to prescribe various forms and procedures authorised by the **Corrections Act 1986**.

#### **2 Authorising provisions**

These Regulations are made under sections 112 and 112A of the **Corrections Act 1986**.

#### **3 Commencement**

These Regulations come into operation on 28 April 2019.

#### **4 Revocations**

The Regulations listed in Schedule 1 are **revoked**.

#### **5 Definitions**

In these Regulations—

***controlled article or substance*** means the following—

- (a) currency;
- (b) tools;
- (c) pens and highlighters;
- (d) needles and syringes;
- (e) computer software and hardware, including computer peripherals;
- (f) optical disk storage media;
- (g) medication that is not prescribed by a prescribed class of persons referred to in regulation 7;

***explosive substance*** has the same meaning as in section 317(1) of the **Crimes Act 1958**;

***high security***, in relation to a prisoner, means classification of the prisoner as a very high risk to themselves, prison security, the community or to any other person;

***independent prison visitor*** has the same meaning as in section 33 of the Act;

***intensive parole period*** means the period fixed by the Board under regulation 113;

***maximum security***, in relation to a prisoner, means classification of the prisoner as a high risk to themselves, prison security, the community or to any other person;

***medium security***, in relation to a prisoner, means classification of the prisoner as a moderate risk to themselves, prison security, the community or to any other person;

***minimum security***, in relation to a prisoner, means classification of the prisoner as a low risk to themselves, prison security, the community or to any other person;

***officer*** means an officer within the meaning of section 14 or 85 of the Act;

***parcel*** includes any contents contained in or associated with a parcel, whether or not the parcel is accompanied or associated with a letter;

***prisoner trust account*** means the trust account established by the Commissioner to hold money on behalf of a prisoner;

***prohibited poison*** means—

- (a) a Schedule 8 poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**; or
- (b) a Schedule 9 poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**;

***strip search*** means a search of a person that requires—

- (a) the person to remove any or all of the person's clothing; and
- (b) an examination of—
  - (i) the person's body that does not involve the touching of the person's body; and
  - (ii) the person's clothing;

***the Act*** means the **Corrections Act 1986**;

***unauthorised article or substance*** means the following—

- (a) a weapon;
- (b) a drug of dependence;
- (c) an explosive substance;
- (d) flammable liquids;
- (e) alcohol;
- (f) tobacco products;
- (g) tobacco smoking accessories;
- (h) tattooing equipment;
- (i) aerosol pressure spray cans;
- (j) equipment that may aid a prisoner to escape a prison;
- (k) any publication, film or computer game within the meaning of the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth (other than a publication, film or computer game that is classified as unrestricted or general under that Act);
- (l) cameras or other photographic devices;
- (m) mobile telephones;
- (n) portable digital media players;
- (o) USB storage devices;

- (p) any other article or substance which may threaten the management, good order and security of the prison.

## **Part 2—Officers**

### **6 Conduct of officers**

- (1) An officer must notify the Governor or the Regional Manager as soon as practicable after the officer becomes aware of—
  - (a) any criminal charges laid by a police officer against the officer; or
  - (b) any finding of a court in relation to those charges; or
  - (c) any penalty or term of imprisonment imposed on that officer in relation to those charges.
- (2) If an officer notifies the Governor or the Regional Manager under subregulation (1), the Governor or the Regional Manager (as the case may be) must within 24 hours of the officer making the notification—
  - (a) inform the Secretary of the disclosure; and
  - (b) having regard to the seriousness of the criminal charges, advise the Secretary of the possible impact on the management or security of the prison or location.
- (3) Any uniform or equipment provided to an officer by the Secretary remains the property of the Crown.
- (4) The Secretary may publish a code of conduct for officers.
- (5) An officer must comply with a code of conduct published by the Secretary under subregulation (4).

### **7 Prescribed class of persons**

For the purposes of paragraph (f) of the definition of *officer* in section 14 of the Act and paragraph (e) of the definition of *officer* in section 85 of the Act, the following classes of persons are prescribed—

- (a) psychiatrists;
- (b) registered medical practitioners;
- (c) dentists;
- (d) nurses;
- (e) health workers.

## **8 Powers and functions of Governor and Regional Manager**

- (1) The powers and functions of a Governor under these Regulations only apply in respect of the prison, prisoners and officers under that Governor's management and direction.
- (2) The powers and functions of the Regional Manager only apply in respect of the locations, offenders and officers under that Regional Manager's management and direction.

## **Part 3—Management and security**

### **Division 1—Management and security of prisons**

#### **9 Non-lethal firearms**

For the purposes of section 55EC of the Act, a prescribed non-lethal firearm is—

- (a) a tear gas gun or projector; or
- (b) a shotgun which fires rounds commonly known as bean bag rounds.

#### **10 Unauthorised removal of firearms and ammunition**

An escort officer acting in the course of the escort officer's duties must not remove a firearm or ammunition from a prison unless authorised by the Governor to do so.

Penalty: 10 penalty units.

#### **11 Approved dogs**

For the purposes of section 27(3) of the Act, a dog is an approved dog if the dog has completed a training program approved by the Secretary in the previous 12 months.

#### **12 Use of dogs**

A prison officer must not use a dog in a prison in performing one or more of the functions listed in section 27(1) of the Act unless it is an approved dog used in accordance with section 27 of the Act.

#### **13 Instruments of restraint**

- (1) Subject to this Division, a prison officer may restrain a prisoner in a prison by using any of the following instruments of restraint—
  - (a) handcuffs;
  - (b) arm restraints;
  - (c) leg restraints;
  - (d) belts which restrain parts of the body;

- (e) spit protective hoods;
- (f) one or more chains connected to—
  - (i) any of the instruments of restraint in paragraphs (a) to (d); or
  - (ii) any of the instruments of restraint in paragraphs (a) to (d) and a fixture.

**Example**

An example of a chain connected in accordance with subparagraph (ii) is a chain that is connected to a handcuff at one end and an ankle bracelet at the other end that secures to the prisoner and to a secure fixture when the prisoner is on a hospital bed or in a wheelchair.

- (2) Any of the instruments of restraint referred to in subregulations (1)(a), (b), (c), (d) and (f) may be secured with one or more locks.

**14 Use of instrument of restraint in prisons**

- (1) The Governor may direct a prison officer to apply an instrument of restraint to a prisoner in a prison if the Governor believes on reasonable grounds that the use of the instrument of restraint is necessary—
  - (a) for the safety of the prisoner or any other prisoner; or
  - (b) for the security or good order of the prison.
- (2) A prisoner must not be kept under restraint longer than is necessary for the safety of the prisoner or any other person or the security or good order of the prison.
- (3) A prison officer may apply an instrument of restraint to a prisoner if—
  - (a) the immediate safety of the prisoner or any other person within the prison is threatened and the prison officer believes on reasonable grounds that the application of the instrument of restraint to the prisoner is necessary to protect the safety of the prisoner or the other person (as the case may be); or
  - (b) the security or good order of the prison is threatened and the prison officer believes on reasonable grounds that the application of the instrument of restraint to the prisoner is necessary to protect the security or good order of the prison.
- (4) Subject to subregulations (1) and (3), an instrument of restraint may be applied to a prisoner while moving the prisoner from one area of the prison to another.

- (5) An instrument of restraint must be used in the manner approved by the Commissioner.
- (6) The Secretary may order the removal of an instrument of restraint at any time.

**15 Use of instrument of restraint for lengthy period**

- (1) The Governor must notify the Secretary immediately if—
  - (a) an instrument of restraint referred to in regulation 13(1)(a), (b), (c), (d) or (f) is applied to a prisoner—
    - (i) for a continuous period of more than 18 hours; or
    - (ii) for a cumulative period of 36 hours in any 96 hour period; or
  - (b) an instrument of restraint referred to in regulation 13(1)(e) is applied to a prisoner for a continuous period of more than 15 minutes.

**16 Notification to Governor about use of instrument of restraint**

If a prison officer applies an instrument of restraint to a prisoner in accordance with regulation 14(3), the prison officer must, as soon as possible after the instrument of restraint is applied, notify the Governor about the use of the instrument of restraint.

**17 Suspected dangerous parcels may be disposed of**

If the Governor reasonably suspects that a parcel to, or from, a prisoner contains an unauthorised article or substance that could pose an immediate danger to any person, the Governor may dispose of the parcel in any manner the Governor considers to be appropriate.

**18 Certain confidential parcels may be inspected**

- (1) This regulation applies if the Governor reasonably suspects that a parcel to, or from, a prisoner contains any unauthorised article or substance, but regulation 17 does not apply.
- (2) If the parcel is to, or from, one of the following correspondents—
  - (a) a lawyer;
  - (b) the Health Complaints Commissioner;
  - (c) the Human Rights Commissioner;
  - (d) the Victorian Legal Services Commissioner appointed under section 51 of the **Legal Profession Uniform Law Application 2014**;

- (e) the Information Commissioner appointed under section 6C of the **Freedom of Information Act 1982**;
  - (f) the Mental Health Complaints Commissioner appointed under section 226 of the Mental Health Act 2014;
  - (g) the Victorian Equal Opportunity and Human Rights Commissioner continued in the existence by section 154 of the **Equal Opportunity Act 2010**;
  - (h) any person or body listed in regulation 20 or any person authorised to act on their behalf—  
  
the Governor may hold the parcel and notify the prisoner and the correspondent of the Governor's suspicions.
- (3) The Governor may open and inspect a parcel referred to in subregulation (2) —
- (a) in the presence of the prisoner and a representative of the correspondent; or
  - (b) in accordance with any alternative arrangement agreed with the correspondent.
- (4) If the Governor has not received a response from the correspondent within 7 days after notice is given under subregulation (2), the Governor may require the prisoner to open the parcel to enable the Governor to inspect it.
- (5) If the parcel is to, or from, the Minister, a member of the Parliament, the Secretary, the Commissioner of an independent prison visitor, the Governor may require the prisoner to open the parcel to enable the Governor to inspect it.
- (6) If the prisoner refuses a request to open a parcel under subregulation (4) or (5), the Governor may open the parcel.

## **19 When other parcels may be stopped and inspected**

- (1) This regulation applies to a parcel sent by a prisoner to, or sent to a prisoner by, any person or body other than—
- (a) an Ombudsman officer within the meaning of the **Ombudsman Act 1973**; or
  - (b) the IBAC or an IBAC Officer within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**; or
  - (c) the Victorian Inspectorate or a Victorian Inspectorate Officer within the meaning of the **Victorian Inspectorate Act 2011**; or

- (d) the Commission for Children and Young People as established by the **Commissioner for Children and Young Persons Act 2012**;  
or
  - (e) a person or body referred to in regulation 18(2), (5) or 20.
- (2) A prison officer may open and inspect the parcel to determine whether or not the contents of the parcel may jeopardise the safety and security of the prison, the safe custody and welfare of any prisoner or the safety of the community.
- (3) The Governor may inspect and stop the parcel if the Governor reasonably believes that the parcel—
- (a) is a threat to prison security; or
  - (b) may be of a threatening or harassing nature;  
or
  - (c) may be used to further an unlawful activity or purpose.

## **20 Prisoners' letters—prescribed persons and bodies**

For the purposes of section 47(1)(m)(xv) of the Act, the following persons and bodies are prescribed—

- (a) a Public Interest Monitor appointed under the **Public Interest Monitor Act 2011**;
- (b) the Victorian Electoral Commission established under the **Electoral Act 2002**;
- (c) a law enforcement agency, including—
  - (i) Victoria Police or the police force or police service of another State or a Territory; or
  - (ii) the Australian Federal Police; or
  - (iii) the Australian Crime Commission established by the Australian Crime Commission Act 2002 of the Commonwealth; or
  - (iv) any other authority or person responsible for the enforcement of the laws of—
    - (A) Victoria or another State; or
    - (B) the Commonwealth; or
    - (C) the Australian Capital Territory;  
or
    - (D) the Northern Territory of Australia;

- (d) the Independent Commissioner Against Corruption established under the Independent Commissioner Against Corruption Act 2012 of South Australia;
- (e) the Independent Commission Against Corruption constituted by the Independent Commission Against Corruption Act 1988 of New South Wales;
- (f) the Corruption and Crime Commission established under the Corruption, Crime and Misconduct Act 2003 of Western Australia;
- (g) the Crime and Corruption Commission established under the Crime and Corruption Act 2001 of Queensland;
- (h) the Integrity Commission established under the Integrity Commission Act 2009 of Tasmania;
- (i) the Commission for Children and Young people as established by **Commission for Children and Young Persons Act 2012**;
- (j) a person authorised to act on behalf of a person or body referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), or (i).

## **21 Register of parcels**

- (1) Each Governor must establish and maintain a register containing—
  - (a) details of every parcel disposed or inspected under regulation 17, 18 or 19; and
  - (b) the reason for the disposal or inspection; and
  - (c) details of any unauthorised article or substance found in the parcel; and
  - (d) details of any subsequent action taken.
- (2) If a parcel sent by a prisoner is disposed or inspected, the Governor must notify the prisoner who sent the parcel and give the prisoner the reason for the disposal or inspection.

### **Note**

See also section 47E of the Act.

## **22 Restrictions of communications during emergency**

Despite anything to the contrary in these Regulations, a Governor may, during an emergency within the prison that results in a substantial disruption or disturbance—

- (a) restrict or prohibit telephone communication between a prisoner and any other person; or

- (b) restrict or prohibit any written communication between a prisoner and any other person, other than an Ombudsman officer within the meaning of the **Ombudsman Act 1973**, the Minister, the Secretary, the Commissioner, the Governor or an independent prison visitor.

### **23 Absence to attend court or a hearing**

- (1) If a court or coroner so orders, a prisoner may be removed from a prison and brought before the court or coroner to answer a charge or give evidence or for any other purpose, in a civil or criminal proceeding.
- (2) An order for the removal of a prisoner under subregulation (1) must be in the form of Form 1 of Schedule 2.
- (3) A notice in the form of Form 2 of Schedule 2 must be completed by the person in charge of the prison from which the prisoner is to be removed.
- (4) Subject to section 55I(3) of the Act, while a prisoner who is ordered to be brought before a court or coroner is absent from a prison, the prisoner is in the legal custody of the person or persons having custody of the prisoner under the order made under subregulation (1).
- (5) The person who has custody of a prisoner under subregulation (4) must return the prisoner to the prison from which the prisoner was removed unless the prisoner is discharged by process of law in respect of all matters requiring the prisoner's detention or is released on bail.
- (6) This regulation does not apply if a prisoner who is required to appear before a court is directed by the court to make the prisoner's appearance by audio visual link or audio link from a prison under Part IIA of the **Evidence (Miscellaneous Provisions) Act 1958**.

### **24 Wearing of non-prison clothing**

A Governor must ensure that a prisoner who is brought before a court or tribunal—

- (a) is permitted to wear suitable clothing owned by the prisoner during the appearance; or
- (b) is provided with civilian clothes to wear during the appearance if the prisoner does not have suitable clothing.

## **Division 2—Classification of prisoners**

### **25 Classification system**

For the purposes of section 47(1)(l) of the Act, a classification system under this Division is prescribed.

## **26 Classification of prisoners**

- (1) A prisoner's classification must include decisions about the prisoner's security rating, placement and sentence plan.
- (2) A prisoner's classification may include—
  - (a) the reasons for decisions referred to in subregulation (1); and
  - (b) directions as to future placement reviews; and
  - (c) conditions applicable to the decisions made under subregulation (1); and
  - (d) one of the following security ratings—
    - (i) high security;
    - (ii) maximum security;
    - (iii) medium security;
    - (iv) minimum security.

## **27 Sentence management panels**

- (1) There are to be one or more sentence management panels.
- (2) The functions of a sentence management panel are—
  - (a) to determine the classification of prisoners; and
  - (b) to develop a sentence plan for each prisoner; and
  - (c) to determine or vary the placement of each prisoner.
- (3) A sentence management panel consists of members appointed by the Secretary.
- (4) A member of a sentence management panel holds office on the terms and conditions determined by the Secretary.
- (5) In carrying out its functions, a sentence management panel must—
  - (a) meet with such frequency as is necessary; and
  - (b) establish its own procedures for the operation of the sentence management panel; and
  - (c) establish and maintain the records.
- (6) The Secretary may at any time—

- (a) carry out any of the functions of a sentence management panel; or
- (b) vary a decision made by a sentence management panel in relation to a prisoner's classification; or
- (c) vary any of the procedures for the operation of a sentence management panel.

## **28 Case management review committees**

- (1) In each prison there is to be one or more case management review committees.
- (2) The functions of a case management review committee are—
  - (a) to oversee the case management of prisoners; and
  - (b) to review the classification of prisoners, subject to any rules made by the Secretary under regulation 29; and
  - (c) to consider access to programmes by prisoners; and
  - (d) to monitor the welfare of prisoners; and
  - (e) subject to any rules made by the Secretary under regulation 29, to vary the classification of a prisoner; and
  - (f) to make recommendations to a sentence management panel in relation to the classification of a prisoner.
- (3) In carrying out its functions, a case management review committee must—
  - (a) meet with such frequency as is necessary; and
  - (b) establish its own procedures for the operation of the case management review committee; and
  - (c) establish and maintain the records.
- (4) A case management review committee consists of members appointed by the Secretary.
- (5) A member of a case management review committee holds office on the terms and conditions determined by the Secretary.
- (6) The Secretary may vary any of the procedures for the operation of a case management review committee.
- (7) The Secretary or a sentence management panel may, at any time, vary a decision made by a case

management review committee in relation to a prisoner's classification.

## **29 Secretary may make rules**

The Secretary may make rules in relation to—

- (a) the variation of a prisoner's classification; and
- (b) the power of a case management review committee to vary a prisoner's classification; and
- (c) the composition of a case management review committee; and
- (d) the composition of a sentence management panel; and
- (e) the conduct of proceedings of a case management review committee.

## **30 Determination of classification**

- (1) In determining the classification of a prisoner, a sentence management panel or the Secretary—
  - (a) must consider the risk the prisoner poses to themselves, the security of the prison, the community or to any other person; and
  - (b) may have regard to any one or more of the following matters—
    - (i) the nature of the offence in respect of which the prisoner has been charged or convicted;
    - (ii) the risk of the prisoner escaping, or attempting to escape, from custody;
    - (iii) the risk of the prisoner committing a further offence and the impact the commission of the further offence is likely to have on the community;
    - (iv) the risk the prisoner poses to the management, good order or security of the prison;
    - (v) the risk the prisoner poses to the prisoner's welfare and the welfare of any other person;
    - (vi) the length of the prisoner's sentence or, if the prisoner is awaiting trial, the maximum sentence applicable to the offences in respect of which the prisoner has been charged;

- (vii) any other matter that is relevant to the management, good order or security of the prison and the safe custody and welfare of the prisoner.
- (2) In varying the classification of a prisoner, a sentence management panel, a case management review committee or the Secretary—
- (a) must consider the risk the prisoner poses to themselves, the security of the prison, the community or to any other person; and
  - (b) may have regard to any one or more of the matters referred to in subregulation (1)(b)(i) to (vii).

### **31 Determination of placement**

In determining the placement of a prisoner, varying the placement of a prisoner or developing a sentence plan for a prisoner, a sentence management panel or the Secretary may have regard to one or more of the following matters—

- (a) the prisoner's classification (including any security rating);
- (b) the length of the prisoner's sentence;
- (c) the risk of the prisoner escaping, or attempting to escape, from custody;
- (d) the programmes and other processes the prisoner requires to lower the risk of the prisoner committing a further offence;
- (e) any risk the prisoner poses to the prisoner's welfare or the welfare of any other person;
- (f) the prisoner's use of a drug of dependence or alcohol and any treatment undertaken by the prisoner for the abuse of or dependency on a drug of dependence or alcohol;
- (g) any prison or other relevant institution history;
- (h) whether the prisoner has any medical or psychiatric conditions;
- (i) whether the prisoner has any physical limitations or a disability;
- (j) the prisoner's cultural background;
- (k) any relevant issues in relation to the prisoner's family;
- (l) any sentencing remarks in relation to the prisoner (if applicable);
- (m) any transitional requirements for the prisoner to re-enter the community (if applicable);

- (n) any other matter that is relevant to the management, good order or security of the prison and the safe custody and welfare of the prisoner.

### **Division 3—Other matters**

#### **32 Order to separate a prisoner from other prisoners**

- (1) The Secretary may, in writing, order the separation of a prisoner from some or all other prisoners if the Secretary believes on reasonable grounds that the separation is necessary—
  - (a) for the safety and protection of the prisoner; or
  - (b) for the management, good order or security of the prison.
- (2) The amount of time a prisoner may be separated from other prisoners must not be longer than is necessary to achieve the purposes set out in subregulation (1)(a) or (b).
- (3) Despite subregulation (1), if the Secretary believes on reasonable grounds that a prisoner is urgently required to be separated from other prisoners, the Secretary may make an order orally to separate the prisoner.
- (4) If the Secretary makes an order under subregulation (3), the Secretary must confirm the order in writing—
  - (a) within 12 hours of the order being made; or
  - (b) if it is not practicable to confirm the order within 12 hours of the order being made, within no more than 24 hours of the order being made.
- (5) Before making an order under subregulation (1) or (3), the Secretary must consider any medical and psychiatric conditions of the prisoner.
- (6) If the Secretary makes an order under this regulation, the Secretary must ensure that the prisoner to be separated is—
  - (a) advised of the reasons for the separation; and
  - (b) given a copy of the order.
- (7) The Secretary may revoke an order under this regulation at any time.
- (8) A sentence management panel may extend an order made under this regulation for 30 days.

- (9) Unless an order is extended under subregulation (8), an order under this regulation ceases to apply on whichever is the earliest of—
- (a) the day determined by a sentence management panel as the day on which the order expires; or
  - (b) the day on which the prisoner's classification is determined by a sentence management panel; or
  - (c) the day on which the order is revoked by the Secretary.

### **33 Prisoner privileges**

- (1) The Commissioner must submit to the Secretary annually, for the Secretary's approval, a list of prisoner privileges for a prison.
- (2) The Commissioner may submit to the Secretary from time to time, for the Secretary's approval a list of prisoner privileges for a class of prisoners in any prison.
- (3) The Commissioner may submit to the Secretary from time to time, for the Secretary's approval a list of prisoner privileges for an individual prisoner in any prison.
- (4) The Secretary may, in relation to the list submitted under subregulations (1), (2) or (3) —
  - (d) approve the list; or
  - (e) refuse to approve the list; or
  - (f) approve the list with changes.
- (5) The Secretary may, at any time, vary or revoke any of the prisoner privileges submitted under subregulations (1), (2) or (3) (as the case applies).
- (6) The Secretary may publish the list of prisoner privileges approved under this regulation.

### **34 Placement of prisoner's child**

- (1) For the purposes of section 31(1) of the Act, a prisoner must make a request to the Secretary in writing.
- (2) If a prisoner who is the child's parent makes a request to the Secretary under section 31(1) of the Act, the Secretary may permit the prisoner's child to live with the prisoner in the prison while the Secretary is determining the prisoner's request.
- (3) The Secretary may revoke the Secretary's permission under subregulation (2) at any time.

### **35 Decision of Secretary in relation to placement of prisoner's child**

For the purposes of section 31 of the Act, the Secretary must—

- (a) ensure that a written report of the Secretary's decision is made; and
- (b) ensure that a copy of the report is sent to the relevant Governor; and
- (c) advise the prisoner, in writing, whether the prisoner's request has been permitted by the Secretary.

### **36 Review of placement of prisoner's child**

- (1) The Secretary must review at least annually the placement of a prisoner's child living in a prison under section 31 of the Act to assess whether—
  - (a) it is in the best interests of the child to live with the prisoner in the prison; and
  - (b) the child's safety is threatened; and
  - (c) the child's behaviour is threatening the security or good order of the prison.
- (2) Following the Secretary's review under subregulation (1), the Secretary may give the Governor any directions in relation to the prisoner's child.

### **37 Record of prisoner's child living in prison**

A Governor must—

- (a) keep a record of a prisoner's child living in the prison; and
- (b) provide a copy of all records referred to in paragraph (a) to the Secretary; and
- (c) report to the Secretary in relation to any accident or injury involving a prisoner's child living in the prison.

### **38 Restrictions on children**

A Governor may restrict the movement of a prisoner's child living in the prison if the Governor considers the restriction necessary—

- (a) to maintain the good order and security of the prison; and
- (b) to ensure the safety of the prisoner's child.

### **39 Conditions of custodial community permit**

For the purposes of section 57D(3)(b) of the Act, a custodial community permit is subject to the following conditions in addition to any conditions set out in the permit—

- (a) the prisoner is to be of good behaviour;
- (b) the prisoner must not consume alcohol;
- (c) the prisoner must not use a drug of dependence that is not prescribed for the prisoner by a registered medical practitioner;
- (d) the prisoner must comply with all lawful orders given by an escorting or supervising officer;
- (e) the prisoner may be returned to the prison if the escorting or supervising officer reasonably believes that there has been a breach of the permit or failure to comply with an order or direction given by the officer;
- (f) a copy of the permit must be retained by the prisoner when the prisoner is absent from the prison for the time period stated in the permit;
- (g) the prisoner must comply with the permit for the time period stated in the permit.

### **40 Offence to smoke at a prison**

A person must not smoke or use a tobacco product at a prison or in any part of a prison.

Penalty: 10 penalty units.

### **41 Prescribed persons allowed to operate remotely piloted aircraft or helicopter**

For the purposes of section 32A(1) of the Act, a person employed by the Department and acting in the course of their employment is a prescribed person.

## **Part 4—Prisoner's money**

### **42 Definitions**

In this Part—

*family member* means a family member within the meaning of section 47AA of the Act;

*net earnings* means wages paid to a prisoner for paid employment undertaken outside a prison after any deductions required under a law of the Commonwealth;

**Note**

Deductions required under a law of the Commonwealth include deductions for child support or social security overpayments or Commonwealth income tax.

***private funds*** means any money credited to a prisoner's prisoner trust account that is not money payable to the prisoner referred to in regulation 45(3);

***Valid Visitors List*** means the list administered by the Department of persons who may visit or contact prisoners.

#### **43 Remuneration**

- (1) A prisoner must be paid remuneration for up to 30 hours per week for—
  - (a) work done by the prisoner in a prison industry; and
  - (b) attendance at an educational, treatment or rehabilitation programme.
- (2) Despite subregulation (1), a prisoner may be paid remuneration for more than 30 hours per week for work done by the prisoner in an essential work programme.
- (3) A prisoner must be paid remuneration at a minimum rate if the prisoner is—
  - (a) on remand; or
  - (b) in police custody; or
  - (c) unable to work due to illness, disability or age.
- (4) If a prisoner refuses to work in a prison industry or is dismissed from work in a prison industry, the prisoner—
  - (a) is not entitled to be paid remuneration under this regulation; and
  - (b) must be supplied with essential toiletries by the prison.

**Note**

Essential toiletries include soap, toothpaste and, for women, sanitary products.

- (5) The Secretary must determine the rates of remuneration to be paid to prisoners under subregulations (1), (2) and (3) having regard to—
  - (a) the cost of personal items referred to in regulation 48(1)(a); and
  - (b) the cost of making telephone calls; and
  - (c) the rates of remuneration paid to prisoners in another jurisdiction in Australia.

- (6) The Secretary must annually review the rates of remuneration determined under subregulation (5).

#### **44 Dismissal from work in a prison industry**

A Governor may dismiss a prisoner from work in a prison industry if—

- (a) the prisoner's performance at work is unsatisfactory; or
- (b) the prisoner is charged with a prison offence that prevents or impacts on the prisoner participating in work.

#### **45 Prisoner trust account**

- (1) A Governor must ensure that any money belonging to or received on behalf of a prisoner is—
  - (a) paid into the prisoner's prisoner trust account; and
  - (b) held in that account on behalf of the prisoner.
- (2) A prisoner is not entitled to receive any interest earned on money held in the prisoner's prisoner trust account.
- (3) In this regulation, money received on behalf of a prisoner includes any money payable to the prisoner—
  - (a) as remuneration for work done by the prisoner in a prison industry; and
  - (b) as a gratuity where no work is available; and
  - (c) as remuneration for attendance at an educational, treatment or rehabilitation programme.

#### **46 Secretary may approve expenditure of interest on money in prisoner trust account for victims' assistance**

- (1) The Secretary may approve the expenditure of interest earned on money held in a prisoner's prisoner trust account for the purposes of assisting any victim of crime or their family members.
- (2) The Secretary must publish guidelines in relation to the approval of expenditure under subregulation (1) in the Government Gazette.

#### **47 Regulation of prisoner's money**

- (1) A Governor must ensure that a record is kept of all money—
  - (a) held in a prisoner trust account on behalf of each prisoner, including details of all transactions involving that money; and

- (b) credited to each prisoner—
  - (i) as remuneration for work done by the prisoner in a prison industry; or
  - (ii) as remuneration for attendance at an educational, treatment or rehabilitation programme; or
  - (iii) as a gratuity.
- (2) Once a month a prisoner may make a request to the Governor to see a statement that includes—
  - (a) details of all transactions involving money held in the prisoner's prisoner trust account; and
  - (b) details of amounts credited to the prisoner—
    - (i) as remuneration for work done by the prisoner in a prison industry; or
    - (ii) as remuneration for attendance at an educational, treatment or rehabilitation programme; or
    - (iii) as a gratuity.
- (3) The Governor, on receiving a prisoner's request under subregulation (2), must provide access to the statement as soon as possible.
- (4) The Commissioner may determine the maximum amount of private funds that may be—
  - (a) credited to or debited from a prisoner's prisoner trust account each calendar month; and
  - (b) held on behalf of a prisoner in the prisoner's prisoner trust account.
- (5) In exceptional circumstances, the Governor may approve the receipt of private funds into a prisoner's prisoner trust account that exceeds the maximum amount determined by the Commissioner under subregulation (4) if the private funds are to be spent in accordance with regulation 48(1).
- (6) There is no maximum limit on how much money may be held on behalf of a prisoner in the prisoner's prisoner trust account.

#### **48 Expenditure of prisoner's money**

- (1) A prisoner may spend money held in the prisoner's prisoner trust account to—
  - (a) buy personal items including toiletries, food, confectionery and stationery; and
  - (b) make telephone calls; and

- (c) make payments to a family member of the prisoner or a government agency; and
  - (d) buy or pay for other items approved by the Governor.
- (2) A prisoner may request that the Governor debit or transfer a specified amount of money from the prisoner's prisoner trust account for a specified purpose.
- (3) Subject to subregulation (4), the Governor, on receiving a prisoner's request under subregulation (2), may authorise the debit or transfer.
- (4) The Governor must not authorise the transfer of money from a prisoner's prisoner trust account into the prisoner trust account of another prisoner.
- (5) If a prisoner intentionally or negligently damages or loses property of the prison, the Governor of that prison may deduct from the prisoner's prisoner trust account an amount that is not more than the cost of replacing or repairing that property.
- (6) The Governor must report to the Secretary—
  - (a) any deduction made under subregulation (5);
  - (b) the circumstances of the deduction; and
  - (c) how the amount of the deduction was calculated.

#### **49 Prisoner savings**

- (1) A Governor must retain the following amounts in a prisoner's prisoner trust account until the prisoner is released from prison—
  - (a) 20% of the remuneration paid to the prisoner for work done by the prisoner in a prison industry;
  - (b) 20% of remuneration paid to the prisoner for attendance at an educational, treatment or rehabilitation programme;
  - (c) an amount determined by the Secretary under regulation 50(2).
- (2) A prisoner may apply to the Governor to request that some or all of the amounts retained in the prisoner's prisoner trust account under subregulation (1) is—
  - (a) paid at any time prior to the prisoner's release from prison—
    - (i) to a family member of the prisoner; or
    - (ii) to a person appointed under a power of attorney on behalf of the prisoner; or

- (b) spent for the purposes of assisting the prisoner's transition into the community.
- (3) The Governor may authorise the expenditure of money under subregulation (2) after considering—
  - (a) the prisoner's welfare; and
  - (b) the prisoner's sentence; and
  - (c) the amount of money the prisoner may require following the prisoner's release from prison.
- (4) Before the prisoner is released from prison, the Governor may deduct from the money retained in the prisoner's prisoner trust account under subregulation (1)—
  - (a) any fine imposed under section 53(4)(b) of the Act; or
  - (b) any money deducted in accordance with regulation 48(5).

**50 Agreement between prisoner and Secretary in relation to art and other things made or produced by the prisoner**

- (1) The Secretary may enter into an agreement in writing with a prisoner that enables the prisoner to sell art and other things that have been made or produced by the prisoner at a prison in exchange for payment.
- (2) The Secretary may determine an amount to be retained on behalf of the prisoner in the prisoner's prisoner trust account from any payment received by the prisoner under the agreement.

**51 Agreement to undertake paid employment outside prison**

- (1) Subject to regulation 53, the Secretary may enter into an agreement in writing with a prisoner that enables the prisoner to undertake paid employment outside a prison if—
  - (a) the prisoner has not been charged with or convicted of a serious sex offence referred to in Schedule 1 to the **Serious Offenders Act 2018**; and
  - (b) the prisoner has not been charged with or convicted of a serious violent offence within the meaning of the Act; and
  - (c) the prisoner—
    - (i) has been sentenced to a minimum of 3 years imprisonment; and

- (ii) has between 3 and 12 months left on the prisoner's sentence to serve, before the prisoner's parole eligibility date or the end of the prisoner's sentence; and
  - (iii) is suitable for placement in a minimum security prison or a transition centre; and
  - (iv) has no pending court matters; and
  - (v) has no outstanding prison offences; and
- (d) the prisoner is entitled to work in Australia; and
- (e) the Secretary is satisfied that—
  - (i) the prisoner is not an active drug user; and
  - (ii) the prisoner poses no risk of self-harm or suicide; and
  - (iii) the prisoner understands and is committed to the agreement; and
  - (iv) the prisoner's needs upon release from the prison can be appropriately addressed while the prisoner participates in the agreement; and
  - (v) the prisoner is capable of satisfying the terms and conditions of the agreement; and
  - (vi) the prisoner does not pose a risk to the community as a result of the prisoner's participation in the agreement.
- (2) An agreement under this regulation takes effect when—
  - (a) the prisoner agrees to the terms and conditions of the agreement referred to in regulation 52; and
  - (b) the agreement is signed by the Secretary and the prisoner.
- (3) An agreement may be revoked by the Secretary at any time.
- (4) The Secretary may revoke the agreement if the Department is informed that the prisoner's work performance is unsatisfactory, or the prisoner's behaviour places the safety of any person at risk.
- (5) The Department may contact the prisoner's employer to ensure that—
  - (a) the prisoner is attending the paid employment in accordance with the terms and conditions of the agreement; and

- (b) the prisoner and members of the public are not at risk as a result of the prisoner undertaking paid employment outside a prison.
- (6) The Department may review the agreement after the prisoner has commenced paid employment outside the prison to determine whether the prisoner remains suitable to undertake the paid employment.

## **52 Terms and conditions of agreement to undertake paid employment outside prison**

- (1) An agreement under regulation 51 is subject to the following terms and conditions—
  - (a) the prisoner must not consume alcohol before, while, or after attending the prisoner's place of employment outside the prison;
  - (b) the prisoner must not use a drug of dependence before, while, or after attending the prisoner's place of employment outside the prison unless the drug of dependence has been prescribed by a registered medical practitioner;
  - (c) at any time during which the prisoner is outside the prison attending the prisoner's place of employment, the prisoner must not have contact with visitors, including family members, friends or criminal associates, regardless of whether those visitors are on the prisoner's Valid Visitors List;
  - (d) the prisoner must go directly to the prisoner's place of employment at the start of each work shift and return directly to the prison at the end of the work shift, unless otherwise approved by the Governor;
  - (e) if the prisoner is unable to go directly to the prisoner's place of employment or return directly to prison, the prisoner must contact the prisoner's employer or the prison as soon as possible;
  - (f) the prisoner must not bring any unauthorised article or substance from the community into the prison;
  - (g) if the prisoner is unable to work or continue to work for any reason while outside the prison, the prisoner must—
    - (i) return directly to the prison; or
    - (ii) if the prisoner is unable to return directly to the prison, contact the prison as soon as possible and advise the

prison that the prisoner is unable to work but cannot return directly to the prison;

- (h) if the prisoner requires medical attention while outside the prison, the prisoner must—
  - (i) contact the prison as soon as possible and inform the prison that the prisoner is receiving medical treatment; or
  - (ii) if the prisoner is unable to contact the prison, request that another person inform the prison as soon as possible, on the prisoner's behalf, that the prisoner is receiving medical treatment.

(2) An agreement must include the following information—

- (a) information in relation to when the agreement takes effect;
- (b) information in relation to revocation of the agreement;
- (c) information in relation to a prisoner's failure to comply with the terms and conditions of the agreement;
- (d) a copy of regulation 54;
- (e) a copy of regulation 55.

### **53 Restriction on paid employment outside a prison**

The Secretary must not enter into an agreement with a prisoner under regulation 51 if the paid employment—

- (a) may exacerbate any risk factors relevant to the prisoner's risk of reoffending; or
- (b) is child-related work within the meaning of the **Working with Children Act 2005**; or
- (c) would result in the prisoner operating as a sole trader; or
- (d) is considered inappropriate following a security and intelligence assessment of the proposed employer by the Department.

### **54 Earnings from paid employment outside a prison to be paid into prisoner trust account**

- (1) Subject to regulation 55, the net earnings of a prisoner must be paid into the prisoner's prisoner trust account.
- (2) A prisoner may spend any money paid into the prisoner's prisoner trust account under

subregulation (1) in accordance with regulation 48(1).

- (3) Any money paid into a prisoner's prisoner trust account under subregulation (1) must be returned to the prisoner on the prisoner's release from prison.

**55 Secretary must allocate earnings from paid employment outside a prison to assist victims of crime or family members**

The Secretary must allocate 20% of the net earnings of a prisoner for the purposes of assisting any victim of crime or their family members.

## **Part 5—Prisoner's property**

**56 Bringing property into prison**

- (1) A person who brings into a prison any property belonging to a prisoner or as a gift to a prisoner must surrender that property to a prison officer for inspection.
- (2) If the prisoner's possession of the property is prohibited under section 31A(1) of the Act or contrary to the management, good order and security of the prison, the prison officer to whom the property is surrendered must return the property to the person when the person leaves the prison or otherwise deal with the property in accordance with regulation 94.
- (3) Subject to subregulation (2), the Governor must ensure that the prisoner receives the property as soon as possible.

**57 Entry of property**

- (1) For the purposes of the management, good order and security of a prison, the entry of an unauthorised article or substance into a prison is prohibited.
- (2) Despite subregulation (1), the Governor may approve the entry of an unauthorised article or substance if the Governor believes on reasonable grounds that the unauthorised article or substance will not threaten the management, good order and security of the prison.
- (3) For the purposes of the management, good order and security of a prison, the Governor may refuse the entry of a controlled article or substance into a prison.

**58 Storage of prisoner's property**

- (1) A Governor must ensure that a prisoner's property is stored in a secure location that is not accessible to any prisoner.
- (2) The Governor must maintain an inventory of each item of a prisoner's property.
- (3) Despite subregulation (1), a prisoner may keep in the prisoner's cell an item of the prisoner's property if the prisoner is authorised by the Secretary or the Governor to keep that item.
- (4) The Secretary may set a maximum value of property that may be stored on behalf of a prisoner under subregulation (1).
- (5) The Governor may refuse to store a prisoner's property if the value of the prisoner's property exceeds the maximum value set by the Secretary under subregulation (4).
- (6) In addition to subregulation (5), the Governor may, at any time, refuse to store a prisoner's property.

#### **59 Dealing with a prisoner's property**

- (1) The Governor may issue to a prisoner, or to a person nominated in writing by the prisoner to receive property on the prisoner's behalf, all or part of the prisoner's property.
- (2) The Governor must not provide a prisoner's property to a person nominated in writing under subregulation (1) unless that person signs a receipt acknowledging delivery of the property.
- (3) If an unauthorised article or substance is found in a prison and the unauthorised article or substance belongs to a prisoner, the Governor must ensure that the unauthorised article or substance is seized and dealt with in accordance with regulation 94.

#### **60 Transfer of prisoner's property**

- (1) The Secretary may determine the amount of a prisoner's property that may be transferred with the prisoner from one prison to another.
- (2) The Governor may refuse to transfer a prisoner's property if the amount of the prisoner's property exceeds the amount determined by the Secretary under subregulation (1).

#### **61 Disposal of prisoner's property**

- (1) If a Governor refuses to store an item of a prisoner's property under regulation 58(5) or (6), or refuses to transfer a prisoner's property under regulation 60(2), the Governor must ensure that the prisoner is notified in writing that—

- (a) the prisoner's property cannot be stored or transferred; and
  - (b) the prisoner must make arrangements to remove the property from the prison within a specified time.
- (2) Subject to subregulation (4), if a prisoner is unable to make arrangements to remove the prisoner's property from the prison within the specified time referred to in subregulation (1)(b), the Governor may dispose of the property.
- (3) The Governor must ensure that the removal of a prisoner's property by the prisoner in accordance with subregulation (1)(b) or the disposal of a prisoner's property in accordance with subregulation (2) is recorded in the inventory of that prisoner's property.
- (4) If a prisoner is unable to make arrangements to remove the prisoner's property from the prison within the specified time referred to in subregulation (1)(b), the prisoner may apply to the Governor of that prison to request that the prisoner's property is not disposed of.
- (5) The Governor, on receiving a request under subregulation (4), may authorise the storage of a prisoner's property for a specified time.
- (6) Subject to subregulation (7), the Governor must pay into a prisoner's prisoner trust account any money received in relation to the disposal of the prisoner's property under subregulation (2).
- (7) The Governor may deduct from any money paid into a prisoner's prisoner trust account under subregulation (6) an amount that is no more than the cost of disposing of the prisoner's property under subregulation (2).

## **62 Giving or selling of prisoner's property**

- (1) A prisoner must not give or sell any of the prisoner's property to another prisoner.
- (2) Subject to regulation 130, a prisoner's property must not be received or bought by another prisoner or an officer.
- (3) Despite subregulations (1) and (2), a Governor may authorise a prisoner to give or sell an item of the prisoner's property to another prisoner.

## **63 Deceased prisoner's property**

- (1) Upon completion of an inquest held by a coroner into the death of a prisoner, the Governor must arrange for the prisoner's property and any money standing to the credit of the prisoner's prisoner trust

account to be delivered to the executor or administrator of the deceased prisoner's estate.

- (2) At any time before an inquest held by a coroner into the death of a prisoner is completed, the Governor may, at the request of the executor or administrator of the deceased prisoner's estate, deliver the prisoner's property and any money standing to the credit of the prisoner's prisoner trust account to the executor or administrator.

## **Part 6—Prison discipline**

### **64 Definition**

In this Part—

*disciplinary hearing* has the same meaning as a Governor's hearing under Part 7 of the Act;

*informant* means a prison officer who—

- (a) has witnessed the commission of the prison offence; or
- (b) has been informed of the commission of the prison offence by a prisoner or an officer.

### **65 Prison offences**

(1) A prisoner must not—

- (a) assault or threaten any person; or
- (b) act in a disruptive, abusive, offensive, racist, discriminatory or indecent manner, whether by language or conduct; or
- (c) engage in gambling; or
- (d) traffic into a prison an unauthorised article or substance; or
- (e) have in the prisoner's possession an article or substance that is not—
  - (i) issued or authorised by an officer; or
  - (ii) prescribed by a medical officer, a registered medical practitioner or a dentist; or
  - (iii) permitted under the Act or these Regulations; or
- (f) consume alcohol; or
- (g) use a drug of dependence that is not prescribed for the prisoner by a registered medical practitioner; or

- (h) use a drug of dependence prescribed for the prisoner by a registered medical practitioner in a manner that is not prescribed; or
- (i) possess an unauthorised article or substance unless the prisoner's possession of the unauthorised article or substance is approved by the Governor; or
- (j) smoke or use a tobacco product; or
- (k) misuse a telephone to threaten a person or to speak to a person who is not approved by the Governor; or
- (l) use any communication device (including a radio and a mobile telephone) that is not approved by the Governor; or
- (m) communicate, or cause to be communicated (including by radio, telephone, the Internet or any other means) any matter that the Governor is satisfied is contrary to—
  - (i) the management, security or good order of a prison; or
  - (ii) the safe custody or welfare of any prisoner; or
  - (iii) the safety or welfare of any person (including the impact of the communication on a victim which may be distressing, traumatic or offensive); or
- (n) misuse a computer or any other electronic equipment accessed by installing, using or possessing hardware, programmes, software or other material that is not approved by the Commissioner; or
- (o) use or access the Internet; or
- (p) commission, arrange, enable or allow another person to use or access the Internet on the prisoner's behalf; or
- (q) send a letter or a parcel if the letter or the parcel—
  - (i) threatens the security of the prison; or
  - (ii) is of a threatening nature; or
  - (iii) may be used to further an unlawful activity or purpose; or
  - (iv) contains indecent, abusive, threatening or offensive written or pictorial material, or material which a victim

- may regard as distressing or traumatic;  
or
- (v) contains an indecent, obscene or  
offensive article or substance; or
- (r) receive a letter or parcel if the prisoner  
knows that the letter or the parcel—
  - (i) threatens the security of the prison; or
  - (ii) is of a threatening nature; or
  - (iii) may be used to further an unlawful  
activity or purpose; or
  - (iv) contains indecent, abusive, threatening  
or offensive written or pictorial  
material, or material which a victim  
may regard as distressing or traumatic;  
or
  - (v) contains an indecent, obscene,  
offensive or unauthorised article or  
substance; or
- (s) act in a way which is detrimental to or  
threatens property of a prison; or
- (t) without the direction or permission of an  
officer—
  - (i) be in a place where the prisoner is not  
permitted to be; or
  - (ii) leave the place where the prisoner is  
required to be; or
- (u) engage in work in a prison industry in a  
careless or negligent manner; or
- (v) disobey a lawful order, direction or  
instruction of an officer; or
- (w) fail to comply with a direction under section  
29A(1) of the Act; or
- (x) in relation to tests conducted under section  
29A(1) of the Act—
  - (i) interfere with a test or sample; or
  - (ii) contaminate or substitute a sample; or
- (y) give the prisoner's property to another  
prisoner unless authorised by the Governor in  
accordance with regulation 62(3); or
- (z) sell the prisoner's property to another  
prisoner unless authorised by the Governor in  
accordance with regulation 62(3); or

- (za) receive or buy another prisoner's property unless authorised by the Governor in accordance with regulation 62(2); or
  - (zb) damage another prisoner's property; or
  - (zc) act in a way that is contrary to the security or good order of the prison or the safety of any other prisoner; or
  - (zd) commit family violence within the meaning of section 5 of the **Family Violence Protection Act 2008**; or
  - (ze) commission a third party to commit an act of family violence on the prisoner's behalf within the meaning of section 5 of the **Family Violence Protection Act 2008**; or
  - (zf) attempt to commit any of the offences referred to in paragraphs (a) to (ze).
- (2) A prisoner contravenes subregulation (1)(w) if the prisoner has not provided a sample of urine within 3 hours of being directed to do so under section 29A(1) of the Act.

#### **66 Investigation of prison offence**

Before charging a prisoner with a prison offence, a disciplinary officer, in investigating the prison offence, must—

- (a) review the report made under section 50(1) of the Act; and
- (b) interview relevant staff; and
- (c) seek additional evidence, if necessary; and
- (d) interview the prisoner about the alleged prison offence and record the prisoner's response; and
- (e) check any relevant registers maintained by the prison; and
- (f) consider whether the prisoner has any special needs or special circumstances.

#### **67 Conduct of disciplinary hearing**

In conducting a disciplinary hearing, the Governor—

- (a) must ensure that the hearing is conducted with as little formality and technicality and as expeditiously as the requirements of the Act, these Regulations and a proper consideration of the matters before the disciplinary hearing permit; and

- (b) is not bound by the rules of evidence but may be informed on any matter in such manner as the Governor thinks appropriate.

**68 Prisoner must be given details of the charge and procedure of the hearing**

The Governor must notify the prisoner in writing about the charge and the procedure of the disciplinary hearing.

**69 Preliminary steps if prisoner is present at the hearing**

- (1) If the prisoner attends the hearing—
  - (a) the prisoner must be informed of the procedure for the hearing; and
  - (b) the charge must be read to the prisoner; and
  - (c) the prisoner must be given an opportunity to state the prisoner's plea.
- (2) The charge must include—
  - (a) the name of the informant; and
  - (b) the details of the charge; and
  - (c) the relevant provision of the Act or Regulations allegedly contravened.

**70 Procedure if prisoner pleads not guilty**

If the prisoner pleads not guilty to the charge, the person conducting the case against the prisoner must—

- (a) present evidence to support the charge at the hearing; and
- (b) be given a reasonable opportunity to call relevant witnesses, including the informant; and
- (c) be given a reasonable opportunity to cross-examine the prisoner and the prisoner's witnesses (if any).

**71 Procedure if prisoner pleads guilty**

If the prisoner pleads guilty to the charge, the Governor must—

- (a) review the circumstances of the charge; and
- (b) consider any mitigating factors; and
- (c) invite the prisoner to make a plea concerning penalty.

**72 Procedure if prisoner refuses or fails to attend the hearing**

If the prisoner refuses or fails to attend the hearing—

- (a) the charge must be read at the hearing, including—
  - (i) the name of the informant; and
  - (ii) details of the charge; and
  - (iii) the relevant provisions of the Act or the Regulations allegedly contravened; and
- (b) a plea of not guilty must be recorded on behalf of the prisoner; and
- (c) the person conducting the case against the prisoner must—
  - (i) present evidence that notice under section 53(1) of the Act was given to the prisoner; and
  - (ii) present evidence to support the charge; and
  - (iii) be given a reasonable opportunity to call relevant witnesses, including the informant.

### **73 Dismissal of charge**

- (1) At the conclusion of the hearing, the Governor must dismiss the charge if there is insufficient evidence to warrant proceeding with the charge.
- (2) In addition to subregulation (1), the Governor may dismiss a charge at any time after—
  - (a) the prisoner is given an opportunity to state the prisoner's plea; or
  - (b) if the prisoner refuses or fails to attend the hearing, a plea of not guilty has been recorded on behalf of the prisoner.

### **74 Steps to be taken once Governor has made a decision at the hearing**

- (1) If at the hearing the Governor finds a prisoner guilty of the prison offence, the Governor must—
  - (a) inform the prisoner of the Governor's decision; and
  - (b) record in the form determined by the Secretary—
    - (i) the Governor's decision; and
    - (ii) the penalty imposed (if any); and
    - (iii) the prisoner's admission of guilt (if any).

- (c) if applicable, authorise in writing the payment of any fine imposed under section 53(4)(b) of the Act from the money held on behalf of the prisoner in the prisoner's prisoner trust account; and
  - (d) if paragraph (c) applies, record the Governor's authorisation.
- (2) If at the hearing the Governor finds a prisoner not guilty of the prison offence, the Governor must—
  - (a) inform the prisoner of the Governor's decision; and
  - (b) record the Governor's decision in the form determined by the Secretary.

## **Part 7—Access to prisoners**

### **75 Visits by lawyers to prisoners in prison**

- (1) For the purposes of section 40(1) of the Act, a lawyer acting in the course of the lawyer's practice may enter a prison and visit a prisoner between 8.30 a.m. and 3.30 p.m.
- (2) A lawyer visiting a prisoner under section 40(1) of the Act may exchange legal documents, in a format approved by the Secretary, with the prisoner.
- (3) A prisoner may retain any legal documents exchanged under subregulation (2) with the Governor's permission.

### **76 Communication with prisoners brought before a court or tribunal**

- (1) A person in the legal custody of the Secretary under section 6F of the Act who is brought before a court or tribunal must be given an opportunity to communicate with a lawyer.
- (2) In arranging for a prisoner to communicate with a lawyer, a prison officer or an escort officer who has physical custody of the prisoner must take any action which the prison officer or the escort officer (as the case may be) believes on reasonable grounds is necessary to protect the lawyer's safety, the safe custody of the prisoner or to make security arrangements in respect of the prisoner.
- (3) In this regulation, *communication* includes communication in person or by other means.

### **77 Visits by police**

For the purposes of section 41(1) of the Act, a police officer may enter a prison and visit a prisoner between 8.00 a.m. and 3.30 p.m.

## **78 Visit by an independent prison visitor**

- (1) If the Governor of a prison is notified by an independent prison visitor that the independent prison visitor intends to visit the prison, the Governor must ensure that all prisoners and officers are informed of the time and date of the independent prison visitor's visit as soon as practicable.
- (2) On the date of the independent prison visitor's visit, the Governor must—
  - (a) bring to the attention of the independent prison visitor the names of officers and prisoners who have requested to see the independent prison visitor; and
  - (b) make the necessary arrangements for the independent prison visitor to interview those officers and prisoners.
- (3) An independent prison visitor may—
  - (a) interview an officer in private; and
  - (b) interview a prisoner out of the hearing but within the sight of a prison officer.
- (4) The Governor must ensure that during a visit by an independent prison visitor, the independent prison visitor is given access to every part of the prison that is necessary for the independent prison visitor to perform the duties of an independent prison visitor.

## **79 Contact visiting programmes and residential visiting programmes**

- (1) For the purposes of section 38(1) and (2) of the Act, an instrument that approves contact visiting programmes or residential visiting programmes must specify—
  - (a) the nature of the programme; and
  - (b) the persons who are eligible to participate in the programme; and
  - (c) the conditions of participation in the programme.
- (2) For the purposes of section 38(3) of the Act, the Governor of a prison must ensure that a notice is displayed in the prison that brings to the attention of all prisoners eligible to take part in a contact visiting programme or a residential visiting programme the privileges offered by the programme.

## **80 Communication with prisoners at a hospital or medical facility**

- (1) A person (other than a person referred to in subregulation (4)) must not communicate with a prisoner at a hospital or any other medical facility unless the person is permitted to do so by the Governor of the prison from which the prisoner was transferred.
- (2) The permission of the Governor under subregulation (1) may be subject to any conditions the Governor thinks necessary.
- (3) A person who wishes to enter or has entered a hospital or any other medical facility for the purposes of communicating with a prisoner must, if asked by a prison officer or an escort officer, provide the officer with proof of the person's identity to the reasonable satisfaction of the prison officer or escort officer (as the case may be).
- (4) A person does not contravene subregulation (1) if the person is—
  - (a) a judge of the Supreme Court; or
  - (b) a judge of the County Court; or
  - (c) a lawyer acting in the course of the lawyer's practice; or
  - (d) a police officer; or
  - (e) a person who is required to communicate with a prisoner in the course of the person's duties under the Act or Regulations.
- (5) In this regulation, *communication* includes communication in person or by other means.

### **81 Notification of prisoner who is seriously ill**

If a prisoner is seriously ill, the Governor must—

- (a) notify one of the following persons—
  - (i) the prisoner's next of kin (if known);
  - (ii) the person nominated by the prisoner as the person to contact in an emergency;and
- (b) permit the person notified under paragraph (a) to visit the prisoner.

### **82 Information to be given by a visitor**

- (1) For the purposes of section 42(1) of the Act, a person who wishes to enter or has entered a prison as a visitor must, if asked by a prison officer, sign the register kept by the prison for the purposes of recording visits.

- (2) For the purposes of section 42(1)(b) of the Act, information as to a person's identity includes—
- (a) one of the following documents—
    - (i) a passport;
    - (ii) a driver's licence;
    - (iii) a document issued by a public authority bearing the name and photograph of the person; or
  - (b) 2 or more of the following documents—
    - (i) a full birth certificate or extract of birth;
    - (ii) a certificate of Australian citizenship;
    - (iii) a marriage certificate;
    - (iv) a Seniors Card issued by the Government of a State or a Territory;
    - (v) a health care card;
    - (vi) a pensioner concession card;
    - (vii) a student card bearing the name and photograph of the person;
    - (viii) a bank card or credit card;
    - (ix) any other card issued by a Government Department of the Commonwealth that certifies entitlement to Commonwealth health concessions.

### **83 Terms and conditions of visits with prisoners**

- (1) The Governor of a prison may determine the terms and conditions that apply to visits by any person to the prison.
- (2) The Governor must ensure that reasonable steps are taken to bring any terms and conditions determined by the Governor under subregulation (1) to the attention of any person who visits or wishes to visit the prison.
- (3) The Governor of a prison from which a prisoner is absent under a corrections administration permit or a rehabilitation and transition permit may determine the terms and conditions that apply to visits by any person to the prisoner.
- (4) The Governor must ensure that reasonable steps are taken to bring any terms and conditions determined by the Governor under subregulation (3) to the attention of any person who visits or wishes to visit a prisoner.

- (5) If a person (other than a visitor referred to in subregulation (8)) does not comply with the terms and conditions determined by the Governor under subregulation (1), a prison officer may order the person to leave the prison.
- (6) An order made under subregulation (5) applies for the time fixed by the Governor, having regard to—
- (a) the management, security or good order of the prison; and
  - (b) the safe custody and welfare of the prisoners.
- (7) If a person (other than a visitor referred to in subregulation (8)) does not comply with the terms and conditions determined by the Governor under subregulation (3), a prison officer may—
- (a) prohibit the person from visiting the prisoner; or
  - (b) direct the person to leave the place where the prisoner is.
- (8) A visitor does not contravene subregulation (5) or (7) if the visitor is one of the following persons—
- (a) a judge of the Supreme Court;
  - (b) a judge of the County Court;
  - (c) a magistrate;
  - (d) the Minister;
  - (e) the Secretary;
  - (f) an independent prison visitor;
  - (g) an Ombudsman officer within the meaning of the **Ombudsman Act 1973**;
  - (h) a member of the Board;
  - (i) a person authorised by the Secretary under section 8E of the Act or the person's assistants;
  - (j) an administrator appointed by the Minister under section 8F(2) of the Act or the administrator's assistants;
  - (k) a monitor appointed under section 9D(1) of the Act.
- (9) A person who disobeys an order under subregulation (5) or (7) is guilty of an offence.
- Penalty: 5 penalty units.

**84 Record of order made under section 43(1) or 58C(1) of the Act**

- (1) For the purposes of section 43(1) of the Act, if the Governor of a prison, by order, prohibits a person

from entering the prison as a visitor or orders a visitor to leave the prison immediately, the Governor must—

- (a) make a written record of the Governor's order; and
  - (b) if requested, provide the person with a copy of the Governor's order as soon as practicable.
- (2) For the purposes of section 58C(1) of the Act, if the Governor of a prison, by order, prohibits a person from visiting a prisoner or orders a visitor to leave immediately the place where the prisoner is, the Governor must—
- (a) make a written record of the Governor's order; and
  - (b) if requested, provide the person with a copy of the Governor's order as soon as practicable.

## **Part 8—Search, seizure and testing**

### **Division 1—Searches of prisoners**

#### **85 Types of searches permitted**

Subject to regulation 87, a search of a prisoner under section 45(1)(b) of the Act may be conducted by one or more of the following types of searches—

- (a) a garment search; or
- (b) a pat-down search; or
- (c) a scanning search; or
- (d) a strip search.

#### **86 Strip searches of prisoners—general requirements**

- (1) A strip search—
- (a) must be conducted by at least two prison officers; and
  - (b) must not be conducted by more prison officers than is reasonably necessary to ensure the safety of the officers and the prisoner.
- (2) Prison officers conducting a strip search of a prisoner must ensure that—
- (a) the strip search is conducted as expeditiously as possible to minimise the impact on the prisoner's dignity and self-respect; and
  - (b) any unnecessary force is avoided; and

- (c) the strip search is conducted in a private place or an area that—
    - (i) provides reasonable privacy for the prisoner being searched; and
    - (ii) is only in the presence or sight of a person who is necessary to ensure the safety of prison officers conducting the strip search and the prisoner being searched; and
  - (d) subject to section 23(2) of the Act, the strip search does not involve the touching of the prisoner's body; and
  - (e) the prisoner is allowed to dress in private immediately after the strip search is finished; and
  - (f) if the prisoner's clothing is seized during a strip search, the prisoner is provided with appropriate clothing to wear after the strip search is finished; and
  - (g) subject to subregulations (3) and (4), the prisoner is searched by prison officers—
    - (i) if the prisoner identifies as being of a particular gender, of that gender; or
    - (ii) if the prisoner requests that the prison officers be of a different gender, of that different gender.
- (3) A strip search of a prisoner may be conducted by one or more prison officers of a different gender to the gender that the prisoner identifies with, if the Governor—
- (a) determines that the search is urgently required and two or more prison officers of the gender that the prisoner identifies with are unavailable to conduct the search; or
  - (b) believes on reasonable grounds that it is necessary for the search to be conducted by one or more prison officers of a different gender to the gender that the prisoner identifies with, for the safety or wellbeing of any person involved in the search.
- (4) If a prisoner makes a request under subregulation (2)(g)(ii), a strip search of the prisoner may be conducted by one or more prison officers of a different gender to the gender requested by the prisoner, if the Governor—
- (a) determines that the search is urgently required and two or more prison officers of

the gender requested by the prisoner are unavailable to conduct the search; or

- (b) believes on reasonable grounds that it is necessary for the search to be conducted by one or more prison officers of a different gender to the gender requested by the prisoner, for the safety or wellbeing of any person involved in the search.
- (5) The Governor must keep a register in relation to strip searches of prisoners conducted in the prison that includes the following information—
- (a) the name of the prisoner searched;
  - (b) the reason for the search;
  - (c) the date and time the search was conducted;
  - (d) the names of the prison officers present at any time during the search; and
  - (e) details of anything seized during the search.

### **87 When a strip search of a prisoner may be conducted**

- (1) For the purposes of section 45(1)(b) of the Act, the Governor may order a prison officer to conduct a strip search of any prisoner in the following circumstances if the Governor believes on reasonable grounds that the strip search is necessary for the security or good order of the prison—
- (a) when a prisoner enters or leaves a prison;
  - (b) prior to or on completion of a contact visiting programme or a residential visiting programme;
  - (c) when a prisoner is transferred to or from an observation cell or a management unit;
  - (d) before urinalysis testing.
- (2) For the purposes of section 45(1)(b) of the Act, the Governor may order a prison officer to conduct a strip search of a prisoner at any time if the Governor believes on reasonable grounds that—
- (a) the search is necessary for the security or good order of the prison or the safety or welfare of any prisoner; or
  - (b) the prisoner is concealing an unauthorised article or substance or any thing that may—
    - (i) be used to intimidate another person; or
    - (ii) be used to commit a criminal offence or a prison offence; or

- (iii) pose a risk to the good order or security of the prison; or
  - (iv) pose a risk to the safety of any person at the prison.
- (3) A strip search of a prisoner may be conducted immediately after any scanning search, garment search, or pat-down search.

**Example**

If a scanning search, garment search or pat-down search indicates that a prisoner is concealing an unauthorised article or substance, the Governor may direct that the prisoner be required to undergo a strip search.

**88 Random searches**

For the purposes of section 45(1)(e) of the Act, a search conducted at random under that section does not include strip search.

**Division 2—Searches of persons  
other than prisoners**

**89 Searches of persons (other than prisoners) in a  
prison—general requirements**

- (1) For the purposes of section 45(1)(b) of the Act, a prison officer must, before conducting a search of a person in the prison (other than a prisoner), inform the person of the following matters—
- (a) the officer's authority to conduct the search; and
  - (b) the reason for the search in that particular case; and
  - (c) that the person may consent to the search; and
  - (d) that the person may refuse the search or withdraw consent to the search at any time, including after the person has consented to a search; and
  - (e) the consequences of refusing a search, that may include—
    - (i) the refusal of the person's contact visits with a prisoner; or
    - (ii) the refusal of any visits between the person and a prisoner for a fixed time; or
    - (iii) the refusal of any visits by the person to any prison or with any prisoner for a fixed time.

- (2) If a person (other than a prisoner) consents to a search, the prison officer conducting the search must—
  - (a) ask the person if the person has in their possession an article or substance which may threaten the good order or security of the prison; and
  - (b) if paragraph (a) applies, ask the person to produce the article or substance; and
  - (c) provide the person with the opportunity to respond to the requests referred to in paragraphs (a) and (b); and
  - (d) record the person's responses to the requests referred to in paragraphs (a) and (b); and
  - (e) record any other details required by the Secretary.
- (3) A person (other than a prisoner) who is to be searched under section 45(1)(b) of the Act may request that one of the following persons be present during the search—
  - (a) a person who accompanied the person to the prison; or
  - (b) any other person (other than a prisoner) who is at the prison.

**90 Strip searches of persons (other than prisoners) in a prison—general requirements**

- (1) For the purposes of section 45(1)(b) of the Act, the Governor may direct a prison officer to conduct a strip search of a person (other than a prisoner) if the Governor believes on reasonable grounds that the person is concealing an unauthorised article or substance or any thing that may—
  - (a) be used to intimidate another person; or
  - (b) be used to commit a criminal offence or a prison offence; or
  - (c) pose a risk to the security or good order of the prison; or
  - (d) pose a risk to the safety of any person at the prison.
- (2) A strip search of a person (other than a prisoner)—
  - (a) must be conducted by at least two prison officers; and
  - (b) must not be conducted by more prison officers than is reasonably necessary to

ensure the safety of the officers and the person being searched.

- (3) Prison officers conducting a strip search of a person (other than a prisoner) must ensure that—
  - (a) the strip search is conducted as expeditiously as possible to minimise the impact on the dignity and self-respect of the person being searched; and
  - (b) the strip search is conducted in a private place or an area that—
    - (i) provides reasonable privacy for the person being searched; and
    - (ii) is only in the presence or sight of any person necessary to ensure the safety of prison officers and the person; and
  - (c) the strip search does not involve the touching of the person's body; and
  - (d) the person is allowed to dress in private immediately after the strip search is finished; and
  - (e) if the person's clothing is seized during a strip search, the person is provided with appropriate clothing to wear after the strip search is finished; and
  - (f) subject to subregulations (4) and (5), the person is searched by prison officers—
    - (i) if the person identifies as being of a particular gender, of that gender; or
    - (ii) if the person requests that the prison officers be of a different gender, of that different gender.
- (4) A strip search of a person (other than a prisoner) may be conducted by one or more prison officers of a different gender to the gender that the person identifies with, if the Governor—
  - (a) determines that the search is urgently required and two or more prison officers of the gender that the person identifies with are unavailable to conduct the search; or
  - (b) believes on reasonable grounds that it is necessary for the search to be conducted by one or more prison officers of a different gender to the gender that the person identifies with, for the safety of any person involved in the search.
- (5) If a person (other than a prisoner) makes a request under subregulation (3)(f)(ii), a strip

search of the person may be conducted by one or more prison officers of a different gender to the gender requested by the prisoner, if the Governor—

- (a) determines that the search is urgently required and two or more prison officers of the gender requested by the prisoner are unavailable to conduct the search; or
  - (b) believes on reasonable grounds that it is necessary for the search to be conducted by one or more prison officers of a different gender to the gender requested by the prisoner, for the safety or wellbeing of any person involved in the search.
- (6) The Governor must keep a register in relation to strip searches of persons conducted in the prison that includes the following information—
- (a) the name of the person searched;
  - (b) the names of any person present in accordance with regulation 89(3);
  - (c) the reason for the search;
  - (d) the date and time the search was conducted;
  - (e) the names of the prison officers present at any time during the search; and
  - (f) details of anything seized during the search.

## **91 Searches of persons or vehicles outside but near prisons**

- (1) For the purposes of section 45(2) of the Act, a prison officer must, before requiring a person outside but near a prison to submit to a search—
- (a) inform the person of the officer's authority to conduct the search; and
  - (b) inform the person of the reason for the search in that particular case; and
  - (c) record any details required by the Secretary.
- (2) For the purposes of section 45(2D) of the Act, an escort officer or a police officer must, before searching or examining a person or requiring a person outside but near the prison to submit to a search—
- (a) inform the person of the officer's authority to conduct the search; and
  - (b) inform the person of the reason for the search in that particular case; and
  - (c) record any details required by the Secretary

- (3) A person who is to be searched may request that a person who is accompanying the person be present during the search.
- (4) For the purposes of section 45(2) and (2D) of the Act, a search of a person—
  - (a) does not include a strip search; and
  - (b) must not be conducted by more prison officers, escort officers or police officers (as the case may be) than is reasonably necessary to ensure the safety of the officers and the person being searched.
- (5) For the purposes of section 45(2) and (2D) of the Act, a prison officer, an escort officer or a police officer must conduct a search of a vehicle outside but near a prison in one or more of the following ways—
  - (a) by examining the exterior and interior of the vehicle;
  - (b) by passing an electronic metal detection device over or in close proximity to the vehicle.
- (6) Nothing in this regulation affects any other power a police officer may have in relation to the search of a person or vehicle.

### **Division 3—Concealing or leaving articles**

#### **92 Concealing or leaving articles**

A person must not conceal or leave an article in any place in a prison without the permission of the Governor with the intention that the article be found or received by, or conveyed to, a prisoner.

Penalty: 10 penalty units.

### **Division 4—Seizure**

#### **93 Register of things seized—general requirements**

- (1) A Governor, the Secretary or the Regional Manager (as the case may be) must establish and maintain a register of any thing seized under sections 46(3), 55H(2) and 101(3) of the Act in accordance with this regulation.
- (2) In respect of each thing seized, an entry must be made in the register that contains—
  - (a) a description that includes the quantity (if known) of the thing; and
  - (b) the name of the person from whom the thing was seized; and

- (c) the name and address of the owner of the thing seized (if known); and
- (d) the time and date of the seizure; and
- (e) the name and signature of the officer who seized the thing; and
- (f) information about how the thing was dealt with under regulation 94; and
- (g) if a firearm or an explosive substance is seized and given to a police officer in accordance with regulation 94(2)— the name, rank, number and signature of that police officer; and
- (h) if a quantity of a drug of dependence is seized under section 55C(2)(c) of the Act and given to a police officer in accordance with regulation 94(3)—the name, rank, number and signature of that police officer.

**94 Dealing with seized things—general requirements**

- (1) For the purposes of sections 46(3) and 55H(2) of the Act, a Governor or the Secretary (as the case may be) must deal with a thing seized under those sections in accordance with this regulation.
- (2) If a firearm or an explosive substance is seized, the firearm or the explosive substance must be given to a police officer as soon as possible.
- (3) If a quantity of a drug of dependence is seized under section 55C(2)(c) of the Act, the quantity of the drug of dependence must be given to a police officer as soon as possible.
- (4) If any other thing is seized, the Governor or the Secretary must direct that the thing is dealt with by one or more of the following ways—
  - (a) retention of the thing as evidence;
  - (b) disposal of the thing in a manner allowed by law;
  - (c) return of the thing to the owner of the thing (if reasonably practicable);
  - (d) declaration of the thing as forfeit to the Crown if the thing was involved in the commission of a criminal offence;
  - (e) dismantling of the thing in a manner allowed by law;
  - (f) dealing with the thing in a manner that is appropriate to the nature of the thing and the circumstances under which it was seized;

- (g) if the thing is seized from a prisoner—  
storage of the thing as a part of the prisoner's  
property.

**95 Dealing with things seized—prisoners on parole and  
community corrections centres**

- (1) For the purposes of sections 78J(5) and 101(3) of  
the Act, the Commissioner or the Regional  
Manager must deal with things seized under  
those sections in the following manner—
  - (a) if the thing may be required as evidence of a  
criminal offence—the Commissioner or the  
Regional Manager (as the case may be) must  
direct that the thing be retained;
  - (b) if the thing has been forfeited, or may  
otherwise be disposed of under law—the  
Commissioner or the Regional Manager (as  
the case may be) must direct that the thing be  
disposed of in a manner allowed by law;
  - (c) if paragraph (a) or (b) does not apply— the  
Commissioner or the Regional Manager (as  
the case may be) must direct that the thing  
be—
    - (i) returned to the person from whom it  
was seized; or
    - (ii) returned to the owner of the thing if it  
is reasonably practicable in the  
circumstances and the Commissioner  
or the Regional Manager (as the case  
may be) reasonably believes that the  
person from whom the thing was seized  
is not entitled at law to possess it; or
    - (iii) stored on behalf of the person from  
whom it was seized until such time as  
the grounds for seizure no longer  
apply.

**96 Receipt for things seized from prisoner on parole**

- (1) For the purposes of section 78O(2)(a) of the Act,  
the prescribed information is—
  - (a) the time, date and place of the seizure; and
  - (b) the name of the specified officer who seized  
the thing and recorded the details of the  
seizure in the register; and
  - (c) a description of the thing seized; and
  - (d) the name of the prisoner on parole from  
whom the thing was seized; and
  - (e) if the prisoner on parole from whom the thing  
was seized is not the owner of the thing, the

name and address of the owner of the thing (if known).

- (2) The information specified in subregulation (1) may be contained in one or more receipts.
- (3) For the purposes of section 78O(2)(b) of the Act, a receipt must be signed by—
  - (a) the prisoner on parole from whom the thing was seized; and
  - (b) the specified officer who seized the thing and recorded the details of the seizure in the register.
- (4) If the prisoner on parole from whom the thing was seized refuses to sign a receipt, a receipt may be signed by—
  - (a) a community corrections officer or another specified officer who is present at the time of the seizure (other than the specified officer referred to in subregulation (3)(b)); or
  - (b) any other adult who is present at the time of the seizure.
- (5) Despite subregulations (3) and (4), a receipt may be signed solely by a specified officer referred to in subregulation (3)(b) if—
  - (a) the prisoner on parole from whom the thing was seized refuses to sign a receipt; and
  - (b) the specified officer is the only specified officer present at the time of the seizure; and
  - (c) there is no other adult present at the time of the seizure.

## **Division 5— Testing of substances**

### **97 Taking of samples of drugs and alcohol**

- (1) A prison officer or an escort officer may take for analysis a sample of a substance that the officer believes on reasonable grounds to be a drug of dependence or alcohol if—
  - (a) the substance is found in the possession of a prisoner; and
  - (b) the substance was not lawfully issued to the prisoner or otherwise approved by the Governor.
- (2) A prison officer or an escort officer who takes a sample of a substance under subregulation (1) must advise the Governor as soon as possible.
- (3) The Governor must ensure that—

- (a) a sample of a substance taken under subregulation (1) is sealed in a container; and
- (b) the container is labelled in the presence of the prisoner in whose possession the substance was found with the following details—
  - (i) the name of the prisoner in whose possession the substance was found;
  - (ii) the type and quantity of sample;
  - (iii) the name and signature of the officer who took the sample;
  - (iv) the time and date the sample was taken.
- (4) The Governor must ensure that a sample of a substance taken under subregulation (1) is tested.

#### **98 Analysis of sample**

- (1) A prison officer, an escort officer or an analyst who conducts tests on a sample must—
  - (a) complete a certificate in the form of Form 3 of Schedule 2; and
  - (b) forward that certificate to the Governor.
- (2) In this regulation, *analyst* means—
  - (a) a person employed by the Victorian Government as an analyst; or
  - (b) a person appointed as an analyst under section 32 of the **Public Health and Wellbeing Act 2008**.

#### **99 Breath tests**

- (1) This regulation applies to a breath test carried out under section 29A of the Act.
- (2) A Governor must maintain a register of each required breath test, which identifies—
  - (a) the name of the officer carrying out the test; and
  - (b) the date and the time of the test; and
  - (c) the name of the prisoner tested; and
  - (d) the breath analysing instrument used; and
  - (e) whether the instrument was in proper working order; and
  - (f) whether the instrument was properly operated by the officer; and
  - (g) the result of the test, in grams of alcohol per 100 millilitres of blood, expressed as a percentage.

- (3) In this regulation, *breath test* means a test approved by the Secretary for providing an indication of, or for ascertaining, the percentage of alcohol in the blood of a prisoner by means of an apparatus—
- (a) of a type approved by the Secretary under section 29A(2)(a) of the Act; and
  - (b) used by an officer authorised by the Secretary to use that type of apparatus.

## **Part 9—Emergency management days**

### **100 Emergency management days**

For the purposes of section 58E(1) of the Act, the Secretary may reduce the length of a sentence of imprisonment being served by a person or the length of the non-parole period by—

- (a) in the case of an industrial dispute or an emergency under section 58E(1)(a) of the Act, up to 4 days for each day or part of a day on which the industrial dispute or emergency exists in the prison or police gaol in which the sentence is being served; or
- (b) in the case of other circumstances of an unforeseen and special nature under section 58E(1)(b) of the Act, up to 14 days.

## **Part 10—Release from prison**

### **101 Notice of release**

If the Governor has sufficient notice, the Governor must ensure that a prisoner is given at least 7 days notice of the date of the prisoner's release from prison.

### **102 Return of property to prisoner**

- (1) On the release of a prisoner from prison, the Governor must ensure that all items of the prisoner's property and all money belonging, due and payable to the prisoner (other than an amount of money deducted in accordance with regulation 49(4)) is given to the prisoner.
- (2) If an item of a prisoner's property is left unclaimed by the prisoner 3 months after the date of the prisoner's release, the Governor may dispose of the item according to law.
- (3) Despite subregulation (2), a prisoner may apply to the Governor to request that an item of the prisoner's property is not disposed of under subregulation (2).

- (4) The Governor, on receiving a request under subregulation (3), may authorise the storage of an item of a prisoner's property for a specified time.

### **103 Return of prisoner unlawfully released**

- (1) For the purposes of section 108A of the Act—
- (a) a warrant issued by the Secretary under section 108A(2) of the Act must be in the form of Form 4 of Schedule 2;
  - (b) a warrant issued by a magistrate under section 108A(3) of the Act must be in the form of Form 5 of Schedule 2.
- (2) An officer authorised by a warrant referred to in subregulation (1) to arrest a prisoner and return the prisoner to prison must ensure that a copy of the warrant is given to the prisoner.

## **Part 11—Parole**

### **104 Procedure**

The Board must ensure that the Secretary, the Governor and the Regional Manager are notified of any decision of the Board as soon as possible after a decision is made.

### **105 Notice to attend a meeting of the Board**

For the purposes of section 71A(2)(a) of the Act, the prescribed form for a notice to attend a meeting of the Board is Form 7 of Schedule 2.

### **106 Notice to produce document or thing to the Board**

For the purposes of section 71A(2)(a) of the Act, the prescribed form for a notice to produce a document or thing to the Board is Form 8 of Schedule 2.

### **107 Direction that person in custody be brought before the Board**

For the purposes of section 71F(2) of the Act, the prescribed form for a direction is Form 6 of Schedule 2.

### **108 Costs of attending meeting of the Board**

For the purposes of section 71J(1) of the Act, the scale in Schedule 2 to the County Court Civil Procedure Rules 2018 is prescribed.

### **109 Parole eligibility date**

- (1) As soon as possible after a court has fixed a non-parole period in respect of a prisoner, the Secretary must report to the secretary of the Board the prisoner's parole eligibility date.

- (2) If—
- (a) a court fixes a new single non-parole period in respect of a prisoner under section 14(1) of the **Sentencing Act 1991**; or
  - (b) the Secretary has granted any emergency management days to a prisoner—
- the Secretary must report to the secretary of the Board the prisoner's new or reduced non-parole period as soon as possible.
- (3) For the purposes of this regulation, to determine a prisoner's parole eligibility date, the number of emergency management days granted to the prisoner must be deducted from the prisoner's non-parole period.
- (4) In this regulation—
- non-parole period* has the same meaning as in the **Sentencing Act 1991**;
- parole eligibility date* means the earliest date on which a prisoner is eligible to be released on parole if so ordered by the Board.

#### **110 Form of a parole order**

- (1) A parole order must be in the form of Form 9 of Schedule 2.
- (2) A parole order must state if the prisoner is released on parole in respect of a sexual offence or a serious violent offence.
- (3) The secretary of the Board must ensure that 5 copies of the parole order are signed by the secretary or a member of the Board and that—
  - (a) a copy is retained by the Board; and
  - (b) a copy is sent to the relevant Regional Manager; and
  - (c) a copy is delivered to the person granted parole; and
  - (d) a copy is sent to the Governor if the person is released from prison; and
  - (e) a copy is provided to the prisoner.
- (4) The Secretary must notify the Chief Commissioner of Police, in writing, of—
  - (a) the making of a parole order; and
  - (b) the terms and conditions attached to the parole order that are prescribed for the purposes of section 78A(1) of the Act.

#### **111 Mandatory terms and conditions of a parole order**

- (1) For the purposes of section 74(4)(a) of the Act, the following are the mandatory terms and conditions of a parole order—
  - (a) the prisoner must not break any law;
  - (b) the prisoner must report to the community corrections centre specified in the parole order within 2 clear working days after the parole order comes into force;
  - (c) the prisoner must notify a community corrections officer of any change of address at least 2 clear working days before the change of address;
  - (d) the prisoner must notify a community corrections officer of any change of employment within 2 clear working days of the change of employment;
  - (e) the prisoner is under supervision of a community corrections officer;
  - (f) the prisoner must report to, and receive visits from, a community corrections officer as and when directed by a community corrections officer;
  - (g) the prisoner must be available for interview by a community corrections officer, the Regional Manager or the Board at the time and place as directed by a community corrections officer, the Regional Manager or the Board;
  - (h) the prisoner must attend in person at a community corrections centre as directed in writing by a community corrections officer;
  - (i) the prisoner must not leave Victoria except with the written permission, granted either generally or in a particular case, of the Regional Manager or the Board;
  - (j) the prisoner must comply with any direction given by a community corrections officer, the Regional Manager or the Board that is necessary for a community corrections officer, the Regional Manager or the Board (as the case may be) to give to ensure that the prisoner complies with the parole order.
- (2) A direction under subregulation (1)(h) must state that it is a direction given for the purposes of that subregulation.
- (3) A direction under subregulation (1)(f), (g) or (j) may be given orally or in writing.

- (4) A permission under subregulation (1)(i) may specify the frequency, period and purpose for leaving Victoria.

### **112 Other terms and conditions of a parole order**

- (1) For the purposes of section 74(4)(b) of the Act, the Board may impose any of the following other terms and conditions on a parole order—
- (a) the prisoner must not consume any alcohol, unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);
  - (b) the prisoner must, as directed by a community corrections officer or the Regional Manager, undergo assessment to determine whether the prisoner is suitable for—
    - (i) treatment for abuse of or dependency on alcohol or any drug of dependence or prohibited poison; or
    - (ii) medical, psychological or psychiatric treatment—and, if assessed as suitable, undergo or submit to that treatment;
  - (c) the prisoner must submit to testing for consumption of alcohol, or use of any drug of dependence or prohibited poison, as directed by the Secretary under section 76A of the Act;
  - (d) the prisoner must report to the prisoner's supervising community corrections officer as specified in the order, for the period fixed in the order;
  - (e) the prisoner must not enter in, or must not be within a specified vicinity of, an area or a place specified in the order unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);
  - (f) the prisoner must remain in an area or a place specified in the order unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);
  - (g) the prisoner must use or access the Internet for the purposes specified by the Board, unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);

### **Example**

An example of a specified purpose is for the access to internet banking, education, or health care.

- (h) the prisoner must not contact, directly or indirectly, a person or class of person (or both) specified in the order, unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);
- (i) the prisoner must—
  - (i) undergo assessment, as directed by a community corrections officer or the Regional Manager, to determine whether the prisoner can satisfactorily participate in a program or training specified in the order; and
  - (ii) if the prisoner is assessed as suitable for the program or training specified, participate in that program or training;
- (j) the prisoner must undertake unpaid community work as directed by a community corrections officer or the Regional Manager, unless the prisoner is—
  - (i) employed; or
  - (ii) participating in a program or training under paragraph (i)(ii);
- (k) the prisoner must not reside at a place of residence specified in the order unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);
- (l) the prisoner must reside at the place of residence specified in the order, unless otherwise approved in writing by the Regional Manager or the Board (whichever is specified in the order);
- (m) the prisoner must not contact, directly or indirectly, a person or class of person (or both) specified in the order without being under the supervision of a person or persons approved in writing by the Regional Manager or the Board (whichever is specified in the order);
- (n) the prisoner must provide to the Board information pertaining to the prisoner's financial affairs, as directed by the Board;
- (o) the prisoner must comply with a direction of the Board in relation to computers and

devices in the possession of or under the control of the prisoner for the purpose of auditing of data held in the computer or device.

- (2) For the purposes of subregulation (1)(e), (f), (k) and (l), the Board may specify the time of day to which the term or condition applies.
- (3) For the purposes of subregulation (1)(k) and (l), the period of an approval in writing by the Regional Manager must not exceed 21 days
- (4) For the purposes of subregulation (1)(j), the Board may specify in the order—
  - (a) any suitable program or training that addresses factors specific or related to the prisoner's offending behaviour; or
  - (b) any other suitable program or training for any purpose including for employment, educational, cultural or personal development purposes.
- (5) In this regulation—

***area*** means any geographical area in Victoria;

***data*** includes—

- (a) information in any form; and
- (b) any program or part of a program;

***data held in a computer or device*** includes—

- (a) data entered or copied into the computer or device; and
- (b) data held in any removable data storage device for the time being in the computer; and
- (c) data held in a data storage device on a computer network of which the computer or device forms part;

***data storage device*** means any thing containing or designed to contain data for use by a computer;

**Example**

A USB storage device or a file server.

***device*** includes a data storage device, a smartphone, any other type of telephone capable of storing data and a SIM card;

***place*** means any public or private location or address in Victoria.

- (1) The Board may specify that one or more terms and conditions imposed on a parole order under regulation 112 are subject to an intensive parole period.
- (2) If subregulation (1) applies—
  - (a) the Board must fix a period (being part of the period for which the parole order is in force) as the intensive parole period; and
  - (b) the prisoner must complete the specified terms and conditions imposed on the parole order to which the intensive parole period is subject.

#### **114 Release on parole**

- (1) If a prisoner is released from prison under a parole order, the Governor must ensure that—
  - (a) the prisoner, at the prisoner's release, is given a copy of the order; and
  - (b) the following are explained to the prisoner—
    - (i) the terms and conditions attaching to the order;
    - (ii) if a term or condition attached to the order is prescribed for the purposes of section 78A of the Act, that it is an offence to breach that term or condition.
- (2) An officer must request that a prisoner who is released under a parole order sign a declaration in the form of Form 10 of Schedule 2.

#### **115 Prisoner on parole attending a location**

An officer under Part 9 of the Act may give an offender who is a prisoner on parole and ordered to attend a location under Part 9 of the Act any directions during the prisoner's attendance that the officer considers necessary for the purposes of—

- (a) the proper or efficient conduct of a community corrections programme at the location; or
- (b) the good order, conduct, discipline, safe custody or health of the prisoner or other offenders; or
- (c) the safety of any officer or member of the public, either inside or outside the location.

#### **116 Variation of a parole order**

- (1) If the Board varies the terms and conditions of a parole order, the varied parole order must be in the form of Form 11 of Schedule 2.

- (2) Not later than 7 days after varying the parole order, the Board must give to the relevant Regional Manager—
  - (a) notice of the variation in the form of Form 12 of Schedule 2; and
  - (b) a copy of the varied parole order.
- (3) If the Board varies the parole order to impose or revoke a term or condition prescribed for the purposes of section 78A of the Act, it must notify the Chief Commissioner of Police, in writing, of the variation.
- (4) Subject to subregulation (5), the Regional Manager or a community corrections officer must—
  - (a) give the prisoner whose parole was varied a copy of the notice and the varied parole order referred to in subregulation (2) as soon as possible; and
  - (b) explain to that prisoner—
    - (i) the variation of the terms and conditions of the parole order; and
    - (ii) if a term or condition prescribed for the purposes of section 78A of the Act is imposed, that it is an offence to breach that term and condition; and
  - (c) request that the prisoner sign a declaration in the form of Form 13 of Schedule 2.
- (5) If a prisoner whose parole was varied does not attend a community corrections centre as directed by a community corrections officer, the Regional Manager or the community corrections officer must send to that prisoner's last known address—
  - (a) a copy of the notice and the varied parole order referred to in subregulation (2); and
  - (b) a declaration in the form of Form 13 of the Schedule 2; and
  - (c) a notice—
    - (i) explaining the variation of the terms and conditions of the parole order; and
    - (ii) if a term or condition prescribed for the purposes of section 78A of the Act is imposed, explaining that it is an offence to breach that term or condition; and
    - (iii) requesting the prisoner to sign the declaration and return it to the Regional

Manager or the community corrections officer (as the case may be).

### **117 Revocation of a parole order**

- (1) If the Board revokes a parole order under section 74(2) of the Act (*revocation order*), the Board must give notice of the revocation order in the form of Form 14 of Schedule 2 to the relevant Governor and relevant Regional Manager not later than 7 days after it revoked the order.
- (2) As soon as possible after receiving or becoming aware of the giving of the notice of the revocation order under subregulation (1), the Governor must ensure that the prisoner whose parole order is revoked is provided with a copy of that notice.

### **118 Cancellation of a parole order**

- (1) If the Board cancels a parole order, or a parole order is taken to be cancelled, under section 77(6) of the Act, the Board must give notice of the cancellation in the form of Form 15 of Schedule 2 to the relevant Governor and relevant Regional Manager as soon as possible after the order was cancelled.
- (2) The Governor must ensure that a prisoner whose parole order is cancelled or is taken to have been cancelled under section 77(6) of the Act is provided with a copy of the notice of the cancellation –
  - (a) in the case of a prisoner who is held in custody in the prison, as soon as possible after the Governor receives or becomes aware of the giving of the notice under subregulation (1); or
  - (b) in any other case, as soon as possible after the prisoner is received into the prison.

### **119 Revocation of a cancellation of a parole order**

- (1) If the Board revokes a cancellation of a parole order under section 77A(1) of the Act, the Board must give notice of the revocation of the cancellation in the form of Form 16 of Schedule 2 to the relevant Governor and relevant Regional Manager not later than 7 days after it revoked the order.
- (2) If the prisoner whose parole order was cancelled and then subject to a revocation of the cancellation is not held in custody in prison, the Regional Manager must, as soon as possible—
  - (a) if the prisoner attends a community corrections centre—arrange for that prisoner

to be provided with a copy of the revocation of cancellation; or

- (b) if the prisoner does not attend a community corrections centre within 7 days of the making of the order—send, or cause to be sent, a copy of the revocation of the cancellation order to that prisoner’s last known address.
- (3) If the prisoner whose parole order was cancelled and then subject to a revocation of the cancellation is held in custody in prison, the Governor must ensure that the prisoner is provided with a copy of the notice of the revocation of the cancellation as soon as possible after the Governor receives or becomes aware of the giving of the notice under subregulation (1).

#### **120 Warrant under section 77B(1)(a) of the Act**

- (1) A warrant to arrest a prisoner under section 77B(1)(a) of the Act must be in the form of Form 17 of Schedule 2.
- (2) If a prisoner whose parole was cancelled is returned to prison by the execution of a warrant under section 77B(1)(a) of the Act, the Secretary must, within 7 days after the return of the prisoner, notify the secretary of the Board and the appropriate Regional Manager that the prisoner has been returned to prison.

#### **121 Reception into prison of prisoner on parole**

If a prisoner on parole is received into a prison for any reason, including reception on remand, the Secretary must notify the secretary of the Board and the relevant Regional Manager of the prisoner's reception into the prison.

#### **122 Offence to breach a term or condition of parole—prescribed terms and conditions**

For the purposes of section 78A(1) of the Act, the following terms and conditions imposed on a parole order are prescribed—

- (a) the mandatory term and condition set out in regulation 111(1)(a), in circumstances where the prisoner breaks any law, in or outside Victoria, by the commission of an offence punishable by imprisonment;
- (b) the mandatory term and condition set out in regulation 111(1)(h);
- (c) the mandatory term and condition set out in regulation 111(1)(i);

- (d) the terms and conditions set out in regulation 112(1)(a), (e), (f), (h), (k), (l), and (m).

**123 Detention required for breach of term or condition of a parole order—prescribed terms and conditions**

For the purposes of section 78B(3)(b) of the Act, the following terms and conditions are prescribed—

- (a) the mandatory term and condition set out in regulation 111(1)(a), in circumstances where the prisoner breaks any law, in or outside Victoria, by the commission of an offence punishable by imprisonment;
- (b) the mandatory terms and conditions set out in regulation 111(1)(i);
- (c) the terms and conditions set out in regulation 112(1)(a), (e), (f), (h), (k), (l), and (m).

**124 Detention orders for breach of prescribed term or condition of a parole order**

- (1) For the purposes of section 78C(1) of the Act—
  - (a) an order to detain under section 78C(1)(a) must be in the form of Form 18 of Schedule 2;
  - (b) an order to cease detention under section 78C(1)(b) must be in the form of Form 19 of Schedule 2.
- (2) The secretary of the Board must—
  - (a) sign, or ensure that a member of the Board signs, an order made under section 78C(1)(a) or (b); and
  - (b) ensure that a copy of the order—
    - (i) is given to the prisoner to be detained or in detention; and
    - (ii) is retained by the Board; and
    - (iii) is sent to—
      - (A) the Secretary; and
      - (B) the Chief Commissioner of Police.
- (3) If, after considering the breach of the term or condition under section 78C(3) of the Act, the Board decides not to cancel the prisoner's parole, the secretary of the Board must—
  - (a) sign, or ensure that a member of the Board signs, a notice in the form of Form 20 of Schedule 2; and
  - (b) ensure that a copy of the order—

- (i) is given to the prisoner; and
- (ii) is retained by the Board; and
- (iii) is sent to—
  - (A) the Secretary; and
  - (B) the Chief Commissioner of Police.

## **Part 12—Community based corrections**

### **125 Definitions**

In this Part—

*location* means—

- (a) a community corrections centre; or
- (b) a place which an offender is, by a correctional order or Part 9 of the Act, required to attend for educational, recreation or for any other purpose—

but does not include a place at which an offender is by a correctional order required to live.

### **126 Community work**

The Regional Manager of a region may direct an offender to perform unpaid community work as part of an individual programme determined by the Regional Manager under section 95(4) of the Act.

### **127 Offences by offenders participating in community corrections programmes—offenders who are not prisoners on parole**

An offender (other than an offender who is a prisoner on parole) must not—

- (a) fail to comply with a direction of the Regional Manager or a community corrections officer; or
- (b) bring any unauthorised article or substance into a location; or
- (c) act in a way that is contrary to—
  - (i) the good order, management or security of the location; or
  - (ii) the good order of a community corrections programme; or
- (d) attempt to commit any of the offences referred to in paragraphs (a), (b) and (c).

Penalty: 10 penalty units.

**128 Offences by offender who is a prisoner on parole participating in community corrections programme**

- (1) An offender who is a prisoner on parole must not—
- (a) fail to comply with a direction of the Regional Manager or a community corrections officer; or
  - (b) consume alcohol—
    - (i) at least 8 hours before attending a location; or
    - (ii) when attending a location; or
  - (c) use a drug of dependence or a prohibited poison when attending a location; or
  - (d) be under the influence of alcohol, a drug of dependence or a prohibited poison when attending a location; or
  - (e) be in possession of alcohol, a drug of dependence or a prohibited poison at a location; or
  - (f) bring any unauthorised article or substance into a location; or
  - (g) leave the location at which the offender has been directed to attend without the permission of a community corrections officer; or
  - (h) fail to notify a community corrections officer at the location which the offender has been directed to attend, of the offender's inability to attend at the location at the required time—
    - (i) if the offender has at least 24 hours notice of the offender's inability, at least 24 hours before the offender is due to attend the location; or
    - (ii) if the offender does not have at least 24 hours notice of the offender's inability, immediately on becoming unable to attend; or
  - (i) fail to attend the location at which the offender has been directed to attend unless the offender has obtained the permission of a community corrections officer not to attend at the required time; or
  - (j) fail to produce a medical certificate as soon as practicable in respect of non-attendance at a location due to illness; or

- (k) enter an unauthorised area of a location without the permission of a community corrections officer; or
- (l) act in a way that is contrary to—
  - (i) the good order, management or security of the location; or
  - (ii) the good order of a community corrections programme; or
- (m) attempt to commit any of the offences referred to in paragraphs (a) to (l).

Penalty: 10 penalty units.

(2) In this regulation—

*unauthorised area* means an area of a location designated by the Regional Manager or a community corrections officer to be an unauthorised area.

### **129 Act of misconduct**

For the purposes of the definition of *act of misconduct* in section 85 of the Act, an offender's contravention of regulations 127 and 128 is an act of misconduct.

### **130 Purchase of offender's property**

Subject to regulation 131, an officer must not purchase any item of an offender's property.

## **Part 13—Other matters**

### **131 Purchase of artwork by an officer**

An officer may purchase an artwork produced by a prisoner or an offender if the artwork is—

- (a) purchased from a public exhibition or gallery; and
- (b) available for sale to the general public.

### **132 Notification of claim**

Notice given by a victim to the Secretary under section 104ZE(1) of the Act must be in the form of Form 21 of Schedule 2.

### **133 Notification of determination of claim**

Notice given by a victim to the Secretary under section 104ZE(2) of the Act must be in the form of Form 22 of Schedule 2.

### **134 Use or disclosure of personal or confidential information**

For the purposes of section 104ZY(2)(dj) of the Act, the following persons and bodies are prescribed—

- (a) a Public Interest Monitor appointed under the **Public Interest Monitor Act 2011**;
- (b) the Independent Commissioner Against Corruption established under the Independent Commissioner Against Corruption Act 2012 of South Australia;
- (c) the Independent Commission Against Corruption established under the Independent Commission Against Corruption Act 1988 of New South Wales;
- (d) the Corruption and Crime Commission established under the Corruption, Crime and Misconduct Act 2003 of Western Australia;
- (e) the Crime and Corruption Commission established under the Crime and Corruption Act 2001 of Queensland;
- (f) the Integrity Commission established under the Integrity Commission Act 2009 of Tasmania;
- (g) the National Disability Insurance Scheme Launch Transition Agency as established by the National Disability Insurance Scheme Act 2013 of the Commonwealth if the information is reasonably necessary—
  - (i) to support the determination of eligibility for the National Disability Insurance Scheme as established by that Act; or
  - (ii) for the planning and provision of supports through the National Disability Insurance Scheme;
- (h) any person or body who delivers services or advice in relation to the National Disability Insurance Scheme as established by the National Disability Insurance Scheme Act 2013 of the Commonwealth if the information is reasonably necessary—
  - (i) to support the determination of eligibility for the National Disability Insurance Scheme; or
  - (ii) for the planning and provision of supports through the National Disability Insurance Scheme;
- (i) the Administrative Office known as Family Safety Victoria established under section

11(a) of the **Public Administration Act 2004**;

- (j) any person or body who delivers services or advice in relation to the Administrative Office known as Family Safety Victoria established under section 11(a) of the **Public Administration Act 2004**.

### **135 Exemptions for emergency**

- (1) If there is an emergency within a prison that results in a substantial disruption or disturbance, the Secretary may, by instrument—
  - (a) grant an exemption from any provision of these Regulations; and
  - (b) impose conditions subject to which the exemption is granted; and
  - (c) vary or revoke the exemption.
- (2) An exemption under subregulation (1) ceases to apply on whichever is the earliest of—
  - (a) the day on which the exemption is revoked by the Secretary; or
  - (b) the day on which the emergency within the prison that results in a substantial disruption or disturbance within the prison ceases to affect the prison.

# Schedule 1—Revocations

## Regulation 4

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<i>S.R. No.</i>	<i>Title</i>
135/2009	Corrections Amendment Regulations 2009
15/2013	Corrections Amendment Regulations 2013
12/2014	Corrections Amendment (Breach of Parole and Other Matters) Regulations 2014
20/2014	Corrections Amendment (Firearms) Regulations 2014
147/2014	Corrections Amendment (Smoke-Free Prisons and Other Matters) Regulations 2014
25/2014	Corrections (Victims Register) Regulations 2014
140/2015	Corrections Amendment Regulations 2015
95/2015	Corrections Amendment (Firearms) Regulations 2015
145/2015	Corrections (Police Gaols) Amendment Regulations 2015
94/2015	Corrections (Police Gaols) Regulations 2015
79/2016	Corrections Amendment Regulations 2016
60/2017	Corrections Amendment Regulations 2017
133/2017	Corrections Further Amendment Regulations 2017
116/2018	Corrections Amendment (Paid Employment and Other Matters) Regulations 2018
3/2018	Corrections Amendment (Remotely Piloted Aircraft and Helicopter Ban) Regulations 2018

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# Schedule 1—Forms

## FORM 1

### ORDER TO BRING A PRISONER BEFORE A COURT OR CORONER

Regulation [23(2)]

To *(insert title of person in charge of prison)*

at *(insert name of prison)*

AND to all police officers in Victoria.

Under the provisions of regulation 21 of the Corrections Regulations 2019 I  
order that *(insert name of prisoner)*

a prisoner detained at *(insert name of prison)*

be brought before the *(insert name of court)*

to be held at *(insert place where court to be held)*

on *(insert date)*

for the purpose of *(insert purpose for which the prisoner is required to  
attend. If the purpose is to answer a charge include the nature of the offences  
with which the prisoner is charged)*

and the prisoner is to remain in the custody of those officers and police  
officers acting under this order until the prisoner is returned to the prison  
from which the prisoner was removed or is released by order of the court.

Prisoner's legal representative  
(if applicable)

*(Insert name)*

*(Insert phone number)*

*(Insert address)*

*(Insert email)*

*(Insert fax)*

Dated the      day of      , 20

Judge

Registrar of Criminal Appeals

Judicial Registrar of the Supreme Court

Magistrate

Coroner

**FORM 2**

**NOTICE TO THE OFFICERS AND POLICE OFFICERS  
BRINGING A PRISONER BEFORE A COURT OR CORONER**

Regulation [23(3)]

The prisoner *(insert name of prisoner)*  
is detained for other matters and must be returned to the place of detention\*  
is not detained for other matters and may be released if so ordered by the  
court.\*  
is granted bail and may be released if so ordered by the court.\*

Name and signature of the person in charge }  
of the prison from which the prisoner is }  
removed to attend before a court or coroner }

*\*Strike out whichever is inapplicable*

**FORM 3**  
**CERTIFICATE OF SAMPLE**

Regulation [98(1)(a)]

I, *(name of analyst, prison officer or escort officer)* of *(name of employer)*

CERTIFY that—

1. On *(insert date)*  
I received a sealed container labelled
2. The sealed container contained  
*(insert description of contents including description by weight)*
3. I analysed a sample of the contents of the sealed container and found  
the sample to constitute  
*(insert analysis of sample)*

[Signature] [Qualification] Date:

**FORM 4**

**WARRANT TO ARREST AND RETURN AN UNLAWFULLY  
RELEASED PRISONER TO PRISON ISSUED BY THE  
SECRETARY UNDER SECTION 108A(2) OF THE  
CORRECTIONS ACT 1986**

Regulation [103(1)(a)]

Prisoner name:

Prisoner JAID/MNI:

Prisoner CRN:

Prisoner date of birth:

Case number/s:

**To the Chief Commissioner of Police and to all police officers in the State  
of Victoria:**

The prisoner named on this warrant is not legally entitled to be released and has been released from custody.

The Secretary to the Department of Justice and Community Safety, under section 108A(2)(a) of the **Corrections Act 1986**, authorises any police officer to break, enter and search any place where the prisoner named on this warrant is reasonably believed to be and to arrest the prisoner and return the prisoner to prison.

You must take and safely convey the prisoner named on this warrant to a prison and deliver the prisoner to the person in charge of that prison.

**To all prison officers and escort officers:**

The prisoner named on this warrant is not legally entitled to be released and has been released from custody.

The Secretary to the Department of Justice and Community Safety, under section 108A(2)(b) of the **Corrections Act 1986**, authorises any prison officer or escort officer to arrest the prisoner and return the prisoner to prison.

You must take and safely convey the prisoner named on this warrant to a prison and deliver the prisoner to the person in charge of that prison.

**To the person in charge of a prison into whose custody the prisoner  
named in this warrant is received:**

You are directed and authorised to receive the prisoner named in this warrant into custody and detain that prisoner for the period specified in the original court warrant identified by the case number above, or until that person is otherwise released from custody according to law.

Dated:

Signature of the Secretary to the Department of Justice and Community  
Safety:

**FORM 5**

**WARRANT TO ARREST AND RETURN AN UNLAWFULLY  
RELEASED PRISONER TO PRISON BY A MAGISTRATE  
UNDER SECTION 108A(3) OF THE CORRECTIONS ACT 1986**

Regulation [103(1)(b)]

Prisoner name:

Prisoner JAID/MNI:

Prisoner CRN:

Prisoner date of birth:

Case number/s:

**To the Chief Commissioner of Police and to all police officers in the State of Victoria:**

The prisoner named on this warrant is not legally entitled to be released and has been released from custody.

The Secretary to the Department of Justice and Community Safety, under section 108A(3) of the **Corrections Act 1986**, has authorised the making of an application to a magistrate for a warrant authorising any police officer to break, enter and search any place where the prisoner named on this warrant is reasonably believed to be and to arrest the prisoner and return the prisoner to prison.

This warrant authorises you to take and safely convey the prisoner named on this warrant to a prison and deliver the prisoner to the person in charge of that prison.

**To all prison officers and escort officers:**

The prisoner named on this warrant is not legally entitled to be released and has been released from custody.

The Secretary to the Department of Justice and Community Safety, under section 108A(3) of the **Corrections Act 1986**, has authorised the making of an application to a magistrate for a warrant authorising any prison officer or escort officer to arrest the prisoner and return the prisoner to prison.

This warrant authorises you to take and safely convey the prisoner named on this warrant to a prison and deliver the prisoner to the person in charge of that prison.

**To the person in charge of a prison into whose custody the prisoner named in this warrant is received:**

This warrant directs and authorises you to receive the prisoner named in this warrant into custody and detain that prisoner for the period specified in the original court warrant identified by the case number above, or until that person is otherwise released from custody according to law.

Dated:

Magistrate

## FORM 6

### NOTICE TO ATTEND A MEETING OF THE ADULT PAROLE BOARD ISSUED TO PERSON IN CUSTODY

Regulation [105(a)]

TO: *[insert name and title of person in charge of the place where person is held in custody, e.g. the Governor of the prison or the officer in charge of the police gaol]*

AT: *[insert name and address of place where person is held in custody]*

In accordance with section 71F of the **Corrections Act 1986**, I direct that *[name of person held in custody]* who is detained at *[insert name of place where person is held in custody]*—

- be brought to a place equipped with facilities to enable the person to appear before the Adult Parole Board by audio visual link; or
- be brought before the Adult Parole Board.
- Tick one of these options*

LOCATION: *[insert specified place to which person held in custody is to be brought]*

DATE: *[insert date on which person held in custody is to be brought to the specified place]* and from day to day until excused from further attendance.

TIME: *[insert time when person held in custody is to be brought to the specified place]*

for the purpose of *[insert purpose e.g. to produce documents or to give evidence in relation to a matter before the Adult Parole Board]*

and the person is to be returned to the place from which they were removed or to a police gaol each day by the direction of the Adult Parole Board.

Name: *[insert name of person giving direction]* Title: *[insert position of person giving direction]* Date: *[insert date the direction is made]*

## FORM 7

### NOTICE TO ATTEND A MEETING OF THE ADULT PAROLE BOARD

Regulation [105(b)]

TO: [*insert name of person to whom notice is directed*] OF: [*insert address*]

The Adult Parole Board may, under section 71A of the **Corrections Act 1986**, serve written notice on a person for the purposes of obtaining evidence and informing itself in the performance of its functions. This is a written notice for the purposes of section 71A of the **Corrections Act 1986**.

#### What you must do

You must—

- attend a meeting of the Adult Parole Board to produce the document/s or other thing/s specified below; or
- attend a meeting of the Adult Parole Board to give evidence from day to day until excused; or
- attend a meeting of the Adult Parole Board to give evidence from day to day until excused and produce the document/s or other thing/s specified below.
- Tick one of these options*

#### Where and when you must \*attend and/or \*produce documents and/or things

[*Insert details of where and when (including date and time) a person must attend, and/or insert details of where, when and how a person must produce the document/s and/or thing/s*]

*\*Delete if not applicable.*

#### What you must produce to the Adult Parole Board (if applicable)

[*Insert description of document/s or thing/s to be produced*]

Note:

You must bring this notice with you when you attend at the Adult Parole Board at the time and place specified in this notice.

#### Objecting to this notice

You may object to this notice under section 71B of the **Corrections Act 1986** if you have (or will have) a reasonable excuse for failing to comply with this notice. For example, it is a reasonable excuse to fail to provide a document or thing if the document or thing—

- might tend to incriminate you or make you liable to a penalty; or
- is the subject of parliamentary privilege; or
- is the subject of legal professional privilege; or
- is the subject of public interest immunity; or
- is prohibited from disclosure by a court order; or
- is prohibited from disclosure by a provision of another Act that specifically applies to the giving of information or the production of documents or other things to the Adult Parole Board.

\*You may also object to the notice by claiming that the document/s or thing/s specified in the notice are not relevant to the subject matter of the meeting of

the Adult Parole Board.

*\*Delete if not applicable.*

If you wish to object to this notice, you must do so in writing to [*insert name and contact details*] by [*insert date*]. Your written objection must outline your reasons for objecting and attach any relevant evidence or documents in support of your claim. If the Adult Parole Board is satisfied that your excuse for failure to comply is reasonable, the Adult Parole Board may vary or revoke this notice under section 71B of the **Corrections Act 1986**.

**Failure or refusal to comply with this notice without reasonable excuse may constitute a criminal offence. The maximum penalty for this offence is 30 penalty units or imprisonment for 3 months. This penalty is set out in section 71H of the Corrections Act 1986.**

Name: [*insert name of person issuing this notice*] Title: [*insert title of person issuing notice*]

Date: [*insert date*]

## FORM 8

### NOTICE TO PRODUCE DOCUMENTS AND/OR THINGS TO THE ADULT PAROLE BOARD

Regulation [106]

TO: *[insert name of person to whom notice is directed]* OF: *[insert address]*

The Adult Parole Board may, under section 71A of the **Corrections Act 1986**, serve written notice on a person for the purposes of obtaining evidence and informing itself in the performance of its functions. This is a written notice for the purposes of section 71A of the **Corrections Act 1986**.

#### **What you must do**

You must produce to the Adult Parole Board the document/s or other thing/s specified below.

#### **Where and when you must produce documents and/or things**

*[Insert details of where, when and how a person must produce the document/s and/or thing/s]*

#### **What you must produce to the Adult Parole Board**

*[Insert description of document/s and/or thing/s to be produced]*

#### **Objecting to this notice**

You may object to this notice under section 71B of the **Corrections Act 1986** if you have (or will have) a reasonable excuse for failing to comply with this notice. For example, it is a reasonable excuse to fail to produce a document or thing if the document or thing—

- might tend to incriminate you or make you liable to a penalty; or
- is the subject of parliamentary privilege; or
- is the subject of legal professional privilege; or
- is the subject of public interest immunity; or
- is prohibited from disclosure by a court order; or
- is prohibited from disclosure by a provision of another Act that specifically applies to the giving of information or the production of documents or other things to the Adult Parole Board.

If you wish to object to this notice, you must do so in writing to *[insert name and contact details]* by *[insert date]*. Your written objection must outline your reasons for objecting and attach any relevant evidence or documents in support of your claim. If the Adult Parole Board is satisfied that your excuse for failure to comply is reasonable, the Adult Parole Board may vary or revoke this notice under section 71B of the **Corrections Act 1986**.

**Failure or refusal to comply with this notice without reasonable excuse may constitute a criminal offence. The maximum penalty for this offence is 30 penalty units or imprisonment for 3 months. This penalty is set out in section 71H of the Corrections Act 1986.**

Name: *[insert name of person issuing this notice]* Title: *[insert title of person issuing notice]*

Date: *[insert date]*

## FORM 9

### PAROLE ORDER

Regulation [110]

TO

(Given Names) (Surname in **BLOCK** letters) of (Address)

You were convicted of

Now the Adult Parole Board orders that you be released on parole on

the day of 20 .

\*You are a prisoner released on parole in respect of:

- a sexual offence/sexual offences.
- a serious violent offence/serious violent offences.
- Tick whichever applies. \*Delete if inapplicable*

Within 2 clear working days you are required to report to the following community corrections centre:

#### **Terms and conditions of parole order**

The terms and conditions of this order apply to you for the period of your parole, except for any terms and conditions that must be completed in an intensive parole period.

You are released on parole on the following mandatory terms and conditions of this order:

1. You must not break any law.
2. You must report to the community corrections centre specified in this order within 2 clear working days after this order comes into force.
3. You must notify a community corrections officer of any change of address at least 2 clear working days before the change of address.
4. You must notify a community corrections officer of any change of employment within at least 2 clear working days of the change of employment.
5. You are under supervision of a community corrections officer.
6. You must report to, and receive visits from, a community corrections officer as and when directed by the community corrections officer.
7. You must be available for interview by a community corrections officer, the Regional Manager or the Adult Parole Board at the time and place as directed by the community corrections officer, the Regional Manager or Adult Parole Board.
8. You must attend in person at a community corrections centre as directed in writing by a community corrections officer.

9. You must not leave Victoria except with the written permission, granted either generally or in a particular case, of the [\*Regional Manager/Adult Parole Board].
10. You must comply with any direction given by a community corrections officer, the Regional Manager or the Adult Parole Board that is necessary for a community corrections officer, the Regional Manager or the Adult Parole Board (as the case requires) to give to ensure that you comply with this order.

\*The following other terms and conditions also apply to you under this order:

11. \*You must not consume any alcohol, unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
12. \*You must undergo assessment, as directed by a community corrections officer or the Regional Manager, to determine whether you are suitable for treatment for abuse of or dependency on alcohol or any drug of dependence or prohibited poison, or medical, psychological or psychiatric treatment, AND, if you are assessed as suitable, undergo or submit to that treatment.
13. \*You must submit to testing for alcohol consumption or use of a drug of dependence or prohibited poison as directed by the Secretary to the Department of Justice and Community Safety.
14. \*You must report to your supervising community corrections officer [specify reporting frequency] until [specify end of reporting period].
15. \*You must not enter in or be within [specify vicinity] of [specify area or place] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
16. \*You must remain in [specify area or place] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
17. \*You must remain at [specify area or place] between [\*am/pm] and [\*am/pm] each day unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
18. \*You must use or access the Internet for the purposes of [specify purposes], unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
19. \*You must not contact, directly or indirectly, [specify person or class of person or both], unless otherwise approved by the [\*Regional Manager/Adult Parole Board].
20. \*You must undergo assessment, as directed by a community corrections officer or the Regional Manager, to determine whether you can satisfactorily participate in [specify any suitable

program or training that addresses factors specific or related to the prisoner's offending behaviour or any other suitable program or training for any purpose including for employment, educational, cultural or personal development purposes] AND, if you are assessed as suitable, participate in that program or training.

21. \*You must undertake unpaid community work as directed by a community corrections officer or the Regional Manager, unless you are employed or participating in [program or training specified under term and condition 20].
22. \*You must not reside at [specify place of excluded residence and time of a day] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
23. \*You must reside at [specify place of required residence and time of a day] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
24. \*You must not contact, directly or indirectly, [specify person or class of person or both] without being under the supervision of a person or persons approved in writing by the [\*Regional Manager/Adult Parole Board].
25. \*You must provide to the Adult Parole Board information pertaining to your financial affairs, if directed by the Adult Parole Board.
26. \*You must submit to the auditing of data held in computers and any other devices in your possession or under your control, if directed by the Adult Parole Board.

*\*Delete if inapplicable*

\*The following additional terms and conditions also apply to you:

27.

*\*Delete if inapplicable*

**\*Electronic monitoring requirement**

28. You must be electronically monitored in relation to [specify term and condition].

*\*Delete if inapplicable*

**\*Intensive parole period**

29. You must complete [specify term(s) and condition(s)] within [specify period].

*\*Delete if inapplicable*

**WARNING TO THE PRISONER RELEASED ON PAROLE:**

The Adult Parole Board may change the terms and conditions of this parole order at any time. It is a condition of this parole order that if the Adult Parole Board does change this parole order and the changes are explained to you,

you must sign (when asked to do so) a declaration acknowledging that the changes have been explained to you.

You are still under a sentence of imprisonment. The Adult Parole Board may cancel this parole order at any time before the end of the parole period.

If you are sentenced to imprisonment in respect of one or more offences committed during the parole period (whether or not in Victoria), the Adult Parole Board may cancel this parole order even though your parole period may have ended.

You must not break any law. If you are charged with or convicted of an offence punishable by imprisonment, this parole order may be cancelled.

If this parole order is cancelled, you will be returned to prison. Your period on parole may not count as time served and you may serve the remainder of the full sentence as originally imposed, unless the Adult Parole Board orders otherwise.

You must comply with the terms and conditions of this parole order. It is a criminal offence to breach a term or condition of a parole order that is prescribed by the Corrections Regulations 2019 without reasonable excuse and the offence is punishable by up to 3 months imprisonment or a fine of up to 30 penalty units or both. You may be arrested by police and detained in custody if you are suspected of committing this offence. Unless the Court orders otherwise, the sentence of imprisonment must be served cumulatively on the remainder of your sentence (if your parole is cancelled) or any prison sentence imposed for the offence for breaching a term and condition of your parole.

Otherwise, if you comply with the terms and conditions of this parole order, your parole will expire on:

*(insert date)*.

You must comply with this order.

Dated \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

For and on behalf of the Adult Parole Board

Member/Secretary of the Adult Parole Board

**FORM 10**

**DECLARATION BY PRISONER RELEASED UNDER A  
PAROLE ORDER**

Regulations [114(2)]

I, (*name, in BLOCK letters, of prisoner released under a parole order*)  
declare that I have been given an explanation of the terms and conditions of  
my parole and I acknowledge that I must comply with this order.

Signed

Dated



9. You must not leave Victoria except with the written permission, granted either generally or in a particular case, of the [\*Regional Manager/Adult Parole Board].
10. You must comply with any direction given by a community corrections officer, the Regional Manager or the Adult Parole Board that is necessary for a community corrections officer, the Regional Manager or the Adult Parole Board (as the case requires) to give to ensure that you comply with this order.

\*The following other terms and conditions also apply to you under this order:

11. \*You must not consume any alcohol, unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
12. \*You must undergo assessment, as directed by a community corrections officer or the Regional Manager, to determine whether you are suitable for treatment for abuse of or dependency on alcohol or any drug of dependence or prohibited poison, or medical, psychological or psychiatric treatment, AND, if you are assessed as suitable, undergo or submit to that treatment.
13. \*You must submit to testing for alcohol consumption or use of a drug of dependence or prohibited poison as directed by the Secretary to the Department of Justice and Community Safety.
14. \*You must report to your supervising community corrections officer [specify reporting frequency] until [specify end of reporting period].
15. \*You must not enter in or be within [specify vicinity] of [specify area or place] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
16. \*You must remain in [specify area or place] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
17. \*You must remain at [specify area or place] between [\*am/pm] and [\*am/pm] each day unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
18. \*You must use or access the Internet for the purposes of [specify purposes], unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
19. \*You must not contact, directly or indirectly, [specify person or class of person or both], unless otherwise approved by the [\*Regional Manager/Adult Parole Board].
20. \*You must undergo assessment, as directed by a community corrections officer or the Regional Manager, to determine whether you can satisfactorily participate in [specify any suitable

program or training that addresses factors specific or related to the prisoner's offending behaviour or any other suitable program or training for any purpose including for employment, educational, cultural or personal development purposes] AND, if you are assessed as suitable, participate in that program or training.

21. \*You must undertake unpaid community work as directed by a community corrections officer or the Regional Manager, unless you are employed or participating in [program or training specified under term and condition 20].
22. \*You must not reside at [specify place of excluded residence and time of a day] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
23. \*You must reside at [specify place of required residence and time of a day] unless otherwise approved in writing by the [\*Regional Manager/Adult Parole Board].
24. \*You must not contact, directly or indirectly, [specify person or class of person or both] without being under the supervision of a person or persons approved in writing by the [\*Regional Manager/Adult Parole Board].
25. \*You must provide to the Adult Parole Board information pertaining to your financial affairs, if directed by the Adult Parole Board.
26. \*You must submit to the auditing of data held in computers and any other devices in your possession or under your control, if directed by the Adult Parole Board.

*\*Delete if inapplicable*

\*The following additional terms and conditions also apply to you:

27.

*\*Delete if inapplicable*

**\*Electronic monitoring requirement**

28. You must be electronically monitored in relation to [specify term and condition].

*\*Delete if inapplicable*

**\*Intensive parole period**

29. You must complete [specify term(s) and condition(s)] within [specify period].

*\*Delete if inapplicable*

**WARNING TO THE PRISONER RELEASED ON PAROLE:**

The Adult Parole Board may change the terms and conditions of this parole order at any time. It is a condition of this parole order that if the Adult Parole Board does change this parole order and the changes are explained to you,

you must sign (when asked to do so) a declaration acknowledging that the changes have been explained to you.

You are still under a sentence of imprisonment. The Adult Parole Board may cancel this parole order at any time before the end of the parole period.

If you are sentenced to imprisonment in respect of one or more offences committed during the parole period (whether or not in Victoria), the Adult Parole Board may cancel this parole order even though your parole period may have ended.

You must not break any law. If you are charged with or convicted of an offence punishable by imprisonment, this parole order may be cancelled.

If this parole order is cancelled, you will be returned to prison. Your period on parole may not count as time served and you may serve the remainder of the full sentence as originally imposed, unless the Adult Parole Board orders otherwise.

You must comply with the terms and conditions of this parole order. It is a criminal offence to breach a term or condition of a parole order that is prescribed by the Corrections Regulations 2019 without reasonable excuse and the offence is punishable by up to 3 months imprisonment or a fine of up to 30 penalty units or both. You may be arrested by police and detained in custody if you are suspected of committing this offence. Unless the Court orders otherwise, the sentence of imprisonment must be served cumulatively on the remainder of your sentence (if your parole is cancelled) or any prison sentence imposed for the offence for breaching a term and condition of your parole.

Otherwise, if you comply with the terms and conditions of this parole order, your parole will expire on:

*(insert date).*

You must comply with this order.

Dated \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

For and on behalf of the Adult Parole Board

Member/Secretary of the Adult Parole Board

**FORM 12**

**NOTICE OF VARIATION OF PAROLE ORDER**

Regulation [116(2)(a)]

TO

*(Given Names) (Surname in BLOCK letters)*

*of (Address)*

On *(Date of Order)* you were granted release on a parole order by the Adult Parole Board subject to certain terms and conditions.

On *(Date of varied Order)* the Adult Parole Board varied the terms and conditions of the order, with effect from *[date]*. A copy of the varied order is attached to this notice.

TAKE NOTICE that the order has been varied as above.

Dated this day of 20

For and on behalf of the Adult Parole Board

Member/Secretary of the Adult Parole Board

**FORM 13**

**DECLARATION OF RECEIVING A VARIED PAROLE  
ORDER**

Regulation [116(4)(c) and (5)(b)]

I, (*name, in BLOCK letters, of prisoner whose parole order is varied*) declare that I have been given a copy of the varied parole order, and an explanation of the variation to the terms and conditions of my parole order and I acknowledge that I must comply with the order.

Signed

Dated

**FORM 14**

**REVOCATION OF A PAROLE ORDER**

Regulation [117]

(Given Names)

(Surname in BLOCK letters)

was convicted and sentenced to a term of imprisonment with a non-parole period for [*insert offence(s), name of Court, and date of sentence*]

and by the order of the Adult Parole Board dated [*insert date*] was to be released on parole on [*insert date*]

Now the Adult Parole Board, by further order, revokes the parole order pursuant to section 74(2) of the **Corrections Act 1986**.

[*Insert reasons for decision.*]\*

Dated \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20

For and on behalf of the Adult Parole Board Member/secretary of the Adult Parole Board\*

*\*Strike out whichever is inapplicable*

FORM 15

CANCELLATION OF A PAROLE ORDER

Regulation [118(1)]

(Given Names)

(Surname in BLOCK letters)

was convicted and sentenced to a term of imprisonment with a non-parole period for [*insert offence(s), name of Court, and date of sentence*].

By the order of the Adult Parole Board dated [*insert date*] was released on a parole order.

Now the Adult Parole Board cancels the parole order, pursuant to section 77 of the **Corrections Act 1986**.\*

[*Insert reasons for decision.*]\*

Now the parole order is taken to have been cancelled, pursuant to section 77(6) of the **Corrections Act 1986**.\*

By a warrant separately issued under the **Corrections Act 1986**, you will be returned to prison.

Your period on parole may not count as time served and you may serve the remainder of the full sentence as originally imposed, unless the Adult Parole Board orders otherwise.

Dated \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

For and on behalf of the Adult Parole Board Member/secretary of the Adult Parole Board\*

*\*Strike out whichever is inapplicable*











**FORM 21**

**NOTIFICATION TO THE SECRETARY OF LEGAL  
PROCEEDINGS AGAINST A PRISONER IN RESPECT OF A  
CRIMINAL ACT BY THE PRISONER**

Regulation [132]

Ref. No.

**DETAILS OF PERSON COMMENCING THE LEGAL  
PROCEEDINGS**

Surname:

Given names:

Address:

Postcode:

**DETAILS OF THE LEGAL PROCEEDINGS**

Name of prisoner against whom proceedings have been commenced: Parties  
to the proceedings:

Court in which proceedings commenced: Date proceedings commenced:

Court Reference Number:

**FORM 22**

**NOTIFICATION TO THE SECRETARY OF THE FINAL  
DETERMINATION OF LEGAL PROCEEDINGS AGAINST A  
PRISONER IN RESPECT OF A CRIMINAL ACT BY THE  
PRISONER**

Regulation [133]

Ref. No.

**DETAILS OF PERSON WHO COMMENCED THE LEGAL  
PROCEEDINGS**

Surname:

Given names:

Address:

Postcode:

**DETAILS OF THE FINAL DETERMINATION OF THE LEGAL  
PROCEEDINGS**

Name of prisoner against whom proceedings have been commenced:

Parties to the proceedings:

Court in which proceedings commenced:

Court Reference Number:

Date proceedings finalised:

Final determination of proceedings:

Amount awarded to the victim in those proceedings:

