

1961/161



## THE PENAL INSTITUTIONS REGULATIONS 1961

COBHAM, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 13th day of December 1961

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Penal Institutions Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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## REGULATIONS

## PART I—PRELIMINARY

1. (1) These regulations may be cited as the Penal Institutions Regulations 1961.

(2) These regulations shall come into force on the twenty-eighth day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Penal Institutions Act 1954:

“General order” means any general order issued by the Secretary under regulation 4 hereof:

“Inspector” means an Inspector of Penal Institutions appointed under the Act:

“Medical officer” means a medical officer appointed for a penal institution under the Act:

“Officers’ quarters” includes any dwellinghouse situated within an institution and occupied by any officer:

“Secretary” means the Secretary for Justice:

Expressions defined in the Act have the meanings so defined.

3. Except as otherwise provided herein, these regulations shall apply to every penal institution within the meaning of the Act, not being a police jail.

## PART II—ADMINISTRATION

*General Provisions*

4. The Secretary may from time to time issue such general orders, not inconsistent with the Act or these regulations, as are necessary or expedient for the administration of the institutions under his control, and shall take such steps as are necessary to ensure that all officers are made aware of the orders.

5. The routine for each institution shall be as approved by the Secretary from time to time.

6. (1) The Inspectors shall have access to every part of each institution and to all journals, records, and other documents therein relating to the institution or to any inmate thereof; and it shall be their duty to satisfy themselves on all aspects of the management and control of the institution and its inmates.

(2) All orders and instructions given by an Inspector during an inspection of any institution shall be entered in the Inspectors’ order book and signed by him.

7. (1) A visiting committee appointed by the Minister for any borstal institution under section 11 (1) of the Act shall consist of not more than seven persons, of whom one shall be appointed as Chairman and one as Deputy Chairman. A quorum shall consist of half the total number of members of the committee when that number is even, and a majority of those members when the number is odd.

(2) Every member of a visiting committee shall be appointed for such period not exceeding three years as the Minister may determine, but may from time to time be reappointed, or may at any time be removed from office by the Minister, or may at any time resign his appointment by writing addressed to the Minister.

(3) Every visiting committee shall have the following powers and functions in respect of the institution for which it has been appointed, namely:

- (a) To cooperate with the Secretary and the Superintendent in promoting the efficiency of the institution:
- (b) To inquire into any matter referred to the committee by the Secretary:
- (c) To report in writing to the Secretary on any such matter, or on any other matter relating to the institution, whenever the committee thinks fit or whenever it is requested to do so by the Secretary. Except where the report has been requested by the Secretary or relates to any matter referred to the committee by the Secretary, a copy of the report shall be given to the Superintendent.

(4) For the purpose of carrying out its powers and functions, any member of a visiting committee may visit the institution from time to time.

(5) Every communication made by the committee shall be forwarded through the Chairman or the Deputy Chairman.

8. (1) In an institution used for the detention of both male and female inmates the quarters set aside for female inmates shall be secured by locks different from those used in the rest of the institution.

(2) The keys of the quarters set aside for female inmates shall, with the exception of one key to the entrance which shall be held by the Superintendent, be under the control of female officers, and except in the case of fire, riot, or other emergency no male officer or departmental official shall enter the premises except on duty and in the company of a female officer.

9. (1) Every person (including every officer, and every other officer and employee of the Department of Justice) who enters an institution, and every vehicle brought into an institution, shall be liable while in the institution to be searched under this regulation.

(2) Where the Superintendent has reason to suspect that any person within the institution has any liquor, tobacco, money, or letter, or any article or thing whatsoever, in his possession in contravention or intended contravention of section 44 of the Act, the Superintendent may direct that the person be searched.

(3) Any other officer who has reason to suspect that any person (not being an officer, and not being any other officer or employee of the Department of Justice) within the institution has any liquor, tobacco, money, or letter, or any article or thing whatsoever, in his possession in contravention or intended contravention of section 44 of the Act may detain that person and, if the person consents, search him. If the person detained does not consent to be searched he shall be brought before the Superintendent, who may direct that the person be searched.

(4) Reasonable force may be used for the purpose of carrying out the search, which shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(5) No search shall be made by or in the presence of any officer of the opposite sex, or (unless the person being searched consents) in the presence of a person temporarily within the institution or of any inmate.

(6) Any vehicle brought into an institution may be searched by any officer at any time.

(7) A note with all particulars as to the result of any search shall be entered in the Superintendent's journal, and a report shall be sent immediately to the Secretary.

(8) This regulation shall not apply—

- (a) To any person visiting the officers' quarters, if that person does not enter any other part of the institution except on his way to and from those quarters; or
- (b) To any vehicle brought into an institution by any such person and driven or taken only to or from those quarters.

10. (1) Every person (including every officer, and every other officer and employee of the Department of Justice) who enters any institution shall conform to these regulations and to the other orders and rules governing the institution so far as those regulations, orders, and rules concern him.

(2) The Superintendent may refuse to admit to the institution any person who is not willing to conform as aforesaid, and may direct the removal from the institution of any person who does not so conform or whose conduct is improper, and may for that purpose use or authorise the use of such force as may be necessary.

11. In any case of emergency the Superintendent may ask any person to leave the institution, and may direct the removal of any person who does not leave when asked, and may for that purpose use or authorise the use of such force as may be necessary.

#### *Duties of Superintendent*

12. (1) The Superintendent of every institution is charged with the control, management, order, and discipline of the institution, with the safe custody of the inmates, and with the care of the journals, registers, books, warrants, and other documents and of all the Government property confided to his charge.

(2) He shall produce all journals, records, and documents for inspection by an Inspector when required.

(3) He shall see that his officers are fully instructed in their duties and that they perform them with diligence and competence.

13. (1) The Superintendent shall cause a summary approved by the Secretary of those parts of the Act and of these regulations which relate to inmates to be posted in a conspicuous and accessible part of the institution.

(2) He shall see all inmates as soon as possible after their admission and shall satisfy himself that each inmate understands the provisions of the Act and of these regulations governing the treatment of inmates, including those relating to earnings and privileges, to the remission of sentences, to the proper method of making complaints, to food, clothing, bedding, and other necessaries, and to the disciplinary requirements of the institution.

14. (1) The Superintendent shall exercise a close and constant personal supervision of the whole institution, and shall see that as far as practicable each inmate is known to him.

(2) He shall at reasonable intervals inspect all parts of the institution and shall give special attention to every inmate who is sick or under restraint or undergoing confinement in a cell or upon restricted diet No. 1.

(3) At least once a week and at uncertain hours he shall visit the institution at night and satisfy himself that all is in order.

(4) He shall satisfy himself that all gates or outer grilles are locked at the appropriate times, and that the keys are kept at the authorised place or in the possession of the authorised officers.

(5) He shall require reports accounting for all inmates to be made to him at the hour of final lock-up, at such times as inmates go and return from work, and at such other times as he considers necessary.

15. (1) The Superintendent shall cause to be prepared a set of instructions to be followed in the event of fire, and shall note these instructions and any change subsequently made to them in his order book.

(2) He shall see that all inmates are fully instructed in their duties in the event of fire, and shall ensure that the fire-fighting equipment is adequate and that it is kept in good order.

(3) He shall arrange for fire drill to be held at frequent but irregular intervals, and shall enter in his journal a note of every occasion on which fire drill is held.

(4) He shall see that all available officers and inmates attend every fire drill, and shall ensure that the fire alarm system is efficient, that the arrangements for the safety of officers and inmates are satisfactory, and that in every other respect the set of instructions prepared is adequate.

(5) He may at any time arrange for a test to be made of the arrangements in respect of any particular part of the institution, and shall enter in his journal a note of every occasion on which such a test is held.

16. At least once a month the Superintendent or a responsible officer nominated by him for the purpose shall inspect the armoury; and the Superintendent or officer so nominated, as the case may be, shall be responsible for the maintenance and safe custody of all weapons and ammunition.

17. The Superintendent shall immediately report the death of any inmate to a Coroner and to one of the Visiting Justices, and shall immediately notify the Secretary and, where practicable, the next of kin of the deceased.

18. (1) The Superintendent shall promptly notify the Secretary and, where practicable, the next of kin of the inmate, whenever any inmate—

(a) Becomes seriously ill or suffers serious injury; or

(b) Is removed to any hospital, or to any institution under the Mental Health Act 1911.

(2) The Superintendent shall at once inform an inmate of any information he receives of the death or serious illness of any near relative of the inmate.

19. The Superintendent shall report promptly to the Secretary whenever any inmate—

(a) Escapes; or

(b) Is captured after an escape; or

(c) Is placed under mechanical restraint; or

(d) Meets with an accident; or

(e) Is transferred to another institution; or

(f) Is transferred to his institution from another institution.

20. (1) The Superintendent shall not be away from the vicinity of the institution for more than twenty-four hours at a time without previously notifying the Secretary.

(2) Before leaving the institution on any occasion he shall transfer charge to the officer upon whom under these regulations the control of the institution will devolve.

(3) If he is unable through sickness to perform his duties he shall transfer charge to the officer upon whom under these regulations the control of the institution will devolve, and shall report immediately to the Secretary.

(4) He shall record any leave or unusual absence in his journal.

21. The Superintendent shall cause to be kept the books and records shown in the following list and such other books and records as may from time to time be directed by the Secretary:

Admission register:

Diary of discharges:

Inmates' property sheets:

Inspectors' order book:

Journal:

Lock-up report book:

Medical records as referred to in these regulations:

Official visitors' book:

Punishment book:

Visitors' book.

#### *Deputy Superintendent*

22. (1) Where there is a Deputy Superintendent, then, in the absence of the Superintendent,—

(a) The Deputy Superintendent shall have charge of the institution and be responsible in the same manner as the Superintendent:

(b) The Deputy Superintendent shall not by reason of this subclause be entitled to exercise the powers conferred on the Superintendent by section 34 of the Act, but he shall have all the other powers of the Superintendent.

(2) The Deputy Superintendent shall also exercise, under the direction of the Superintendent, a general supervision of the institution, and shall have such other powers (except the powers conferred on the Superintendent by section 34 of the Act), and carry out such other duties, as the Superintendent delegates to him.

#### *Officer in Charge of Women's Quarters*

23. Where part of any institution is set aside for female inmates that part shall, subject to the general control of the Superintendent, be in the charge of a female officer who, unless otherwise authorised, shall reside in the institution, and who shall have the care and superintendence of all female inmates.

24. (1) The said officer shall exercise a close and constant personal supervision over every part of the quarters set aside for female inmates, and shall see that, as far as practicable, every inmate is known to her.

(2) She shall at reasonable intervals inspect every part of those quarters, and shall give special attention to every female inmate who is sick or under restraint or undergoing confinement in a cell or upon restricted diet No. 1.



(3) At least once a week at night and at uncertain hours she shall go through those quarters and satisfy herself that all is in order.

25. (1) The said officer shall not be away from the vicinity of the institution for more than 24 hours at a time without the permission of the Superintendent.

(2) Before leaving the institution on any occasion she shall transfer charge of the said quarters to the next senior matron or assistant matron who is available.

(3) If she is unable through sickness to perform her duties she shall transfer charge to the next senior matron or assistant matron who is available, and shall report immediately to the Superintendent.

26. (1) The said officer shall keep a journal, in which she shall record all occurrences of importance within her division.

(2) She shall submit the journal to the Superintendent and any of the Inspectors when required.

#### *General Rules as to Officers*

27. (1) Unless the Secretary has directed otherwise, the control of an institution in which male inmates are detained shall in the absence of the Superintendent and the Deputy Superintendent (if any) devolve upon the next senior officer available from the following ranks, namely – assistant superintendent, first officer, second officer, third officer, prison officer grade I and prison officer grade II.

(2) Unless the Secretary has directed otherwise, the control of an institution, or any part of an institution, in which female inmates are detained shall in the absence of the Superintendent and Deputy Superintendent (if any) or the officer in charge of the quarters set aside for female inmates, as the case may be, devolve upon the next senior matron or assistant matron who is available.

(3) Any officer who is in charge of an institution or part of an institution under this regulation shall immediately transfer charge to any officer from among the ranks specified in subclause (1) or subclause (2) of this regulation, as the case may require, who is senior to him and who subsequently becomes available, and shall also transfer charge to the next senior officer from among the ranks so specified if he leaves the institution.

(4) An officer who has control of an institution under this regulation shall for the time being be responsible as if he were the Superintendent; and shall have all the powers of the Superintendent, except that he shall not by reason of this regulation have the powers conferred on the Superintendent by section 34 of the Act.

28. The Deputy Superintendent or any other officer having control of the institution may, in the absence of the Superintendent, exercise the powers conferred on the Superintendent under section 34 of the Act subject to the following conditions:

(a) That he has the prior authority of the Secretary:

(b) That he complies with any restriction imposed by the Secretary on the extent of his exercise of those powers.

29. Unless the Superintendent has directed otherwise, the control of a particular post or body of officers shall, in the absence of the officer in charge of that post or body of officers, devolve upon the senior officer present.

30. Every officer shall perform such duties as the Superintendent from time to time directs, and shall carry out any extra or special duty when directed.

31. In any case of emergency every officer is expected to act promptly, to use his own judgment, and to exercise initiative.

32. Every officer shall obey without question any lawful order given by his senior officer; but he may afterwards appeal to the Superintendent or, if the order was given by the Superintendent, to the Secretary.

33. No officer shall associate with any discharged inmate, or with the wife, husband, parents, children, brothers, or sisters of an inmate or a discharged inmate, except with the consent of the Superintendent.

34. Except in the performance of his official duties or unless he has the permission of the Superintendent, no officer shall communicate beyond the institution any occurrence within any institution, or in any way disclose the identity of any inmate or discharged inmate or the fact that any person is or has been an inmate of any institution.

35. (1) No officer shall at any time receive any money, gratuity, reward, or benefit of any kind from or on behalf of any inmate, nor shall he trade with or enter into any agreement with any inmate.

(2) Unless authorised in writing by the Superintendent or the Secretary, no officer shall purchase any article from or belonging to any inmate, or any article made in the institution, or have any work done for him by any inmate.

36. Any officer who notices that any inmate does not appear to be in good health, although he may not complain, or that his state of mind appears to be deserving of notice or care, shall inform the Superintendent in order that the opinion and instructions of the medical officer may be obtained.

37. (1) Except by permission of the Superintendent, no officer shall be permitted to receive or take personal visitors within any part of the institution other than the officers' quarters.

(2) Officers' personal visitors shall be subject to regulations 42 and 43 hereof.

(3) The Superintendent may at any time refuse to allow any person access to the quarters in which single officers are living.

(4) No private person (including any member of an officer's family) shall have access to an officer on duty except by permission of the Superintendent.

38. The provisions of section 44 (1) of the Act shall not apply to any liquor, tobacco, money, or letter, or any article or thing whatsoever, that an officer brings or causes to be brought into the officers' quarters.

39. (1) Except under such restrictions as to time and place as may be specified by the Superintendent and approved by the Secretary, no officer shall have or use intoxicating liquor within any part of the institution other than the officers' quarters.

(2) The Superintendent may at any time restrict the use of intoxicating liquor in any officers' quarters that are in close proximity to inmates' quarters.

40. (1) Officers shall be entitled to make representations, either to the Superintendent or through the Superintendent to the Secretary, on any matter that affects their interests, but shall not, except as provided in subclause (4) of this regulation, make representations to any other person or organisation.

(2) Any officer wishing to bring any matter before the Secretary may make a written statement to the Superintendent, who shall forthwith forward the statement with his comments to the Secretary.

(3) Officers may hold meetings to discuss any matter that affects their interests, but no meeting shall be held for the purpose of formulating a charge against any other officer or for the purpose of instigating or inciting disobedience to orders or for any other purpose prejudicial to discipline.

(4) Any officer may join the New Zealand Public Service Association, Incorporated, and may either alone or in company with any other officer make representations to the Association on any matter relating to the salaries, allowances, uniforms, or conditions of employment of officers.

#### *Persons Viewing Institutions*

41. (1) The Superintendent may permit reputable persons or members of an organisation to view the institution.

(2) The names of persons or of organisations permitted to view the institution shall be entered in the Superintendent's journal.

42. (1) No person viewing the institution shall in any way communicate with any inmate except with the permission of the Superintendent.

(2) No inmate is to be pointed out to any such person, and no information whatever regarding any inmate is to be given to any such person.

43. (1) No person who has been permitted to view an institution shall disclose to any other person the identity or place of detention of any inmate or any information concerning any person who was an inmate at the time of the visit.

(2) Any person who commits a breach of this regulation shall be liable on summary conviction to a fine not exceeding £5.

### PART III—TREATMENT OF INMATES

44. The provisions of this Part of these regulations apply to every inmate, except so far as they are inconsistent with the special provisions of Part V hereof.

#### *Admission and Discharge*

45. No inmate shall be received or discharged before seven o'clock in the morning or after eight o'clock in the evening, except in special circumstances.

46. (1) In every institution there shall be an admission register, in which there shall be entered in respect of each inmate the following particulars:

- (a) Information concerning his identity;
- (b) The authority for his committal and the offence in respect of which he has been committed;
- (c) The day of his admission and discharge;
- (d) Such other particulars as may be directed by the Secretary by general order.

(2) Except where otherwise allowed by law, no inmate shall be received in an institution without a valid committal order of which the details shall be entered in the register.

47. (1) Every inmate upon admission shall be completely searched, and all property (other than toilet requisites, other personal articles, and books, approved by the Superintendent) shall be taken from him.

(2) The provisions of regulation 70 hereof shall apply to every search under this regulation.

(3) Any ring worn by an inmate may be cut off if it cannot be otherwise removed.

48. All property taken from any inmate on his admission, and any of his property (other than toilet requisites, other personal articles, and books, approved by the Superintendent) that is brought into the institution after his admission, shall be placed in the charge of the Superintendent:

Provided that the Superintendent may refuse to receive any article into his charge, and may in any such case, on behalf of the inmate, make arrangements for the storage of the article at the inmate's expense.

49. An inventory specifying in detail every article placed in the charge of the Superintendent and every article retained by the inmate with the Superintendent's approval shall be entered on an inmate's property sheet, which shall be signed by the inmate.

50. Every inmate, unless exempted by the Superintendent or the medical officer, shall be thoroughly washed and cleansed before being placed among other inmates.

51. Any intoxicating liquor, or any perishable, inflammable, or dangerous substance, belonging to an inmate may be poured away or destroyed in the presence of the inmate, and if that is done a note shall be made on his inmate's property sheet.

52. (1) Underclothing, and if necessary any article of outer clothing, shall be washed or cleaned before being stored.

(2) If any article of clothing is filthy or infected it may be destroyed in the presence of the inmate on the direction of the medical officer, and a note shall be made on the inmate's property sheet.

53. (1) Any inmate may see and inspect his property at any one time within one month before the date on which he is to be released, and may be allowed to check it with the original inventory or a certified copy.

(2) His property shall be returned to him on his release, and he shall sign the inmate's property sheet as a receipt.

54. Any person who is entitled to be released from an institution shall be formally discharged, but may be permitted by the Superintendent to remain in the institution so long as the medical officer certifies in writing that it is in the interests of that person's health that he should remain.

55. Any female inmate who gives birth to a child, or who on admission has a child less than six months old, may keep the child with her until proper provision is made for its care.

#### *Transfer and Removal*

56. When any inmate is transferred from one institution to another, his property, if any, and his inmate's property sheet shall be forwarded to the Superintendent of the institution to which he is transferred.

57. While any inmate is being transferred to or removed from an institution he shall be exposed to public view as little as possible.

58. (1) In the case of any inmate being transferred or removed from, or being returned to, an institution under escort, the Superintendent of the institution from which the escort is dispatched may direct that mechanical restraint shall be used.

(2) In any case where the Superintendent has not directed that mechanical restraint be used, the officer in charge of the escort may use mechanical restraint if he considers that course advisable in the circumstances.

59. When officers are dispatched on escort duty the Superintendent dispatching them shall decide whether they are to be armed or not, and shall be responsible for seeing that they have means of mechanical restraint if he considers it necessary or if the officer in charge of the escort requests it.

60. (1) Any inmate who is being transferred from one institution to another shall be completely searched immediately before, and immediately after, each day's travelling and, wherever possible, shall be searched on every occasion on which a stop is made for a meal.

(2) The provisions of regulation 70 hereof shall apply to every search under this regulation.

(3) Whenever departmental transport is being used to transfer inmates from one institution to another, it shall be searched immediately before, and immediately after, each day's travelling and on every occasion on which a stop is made for a meal.

(4) Every search required by this regulation shall be made in the presence of the officer in charge of the escort.

(5) Where any such search is made at any institution, it shall be the joint responsibility of the Superintendent of the institution and of the officer in charge of the escort to see that this regulation is complied with.

(6) Where any such search is made elsewhere it shall be the responsibility of the officer in charge of the escort to see that this regulation is complied with.

61. (1) As far as practicable an officer on escort duty shall not permit any inmate to communicate with any member of the public.

(2) An officer on escort duty shall not drink intoxicating liquor or permit any inmate to do so, and shall not enter or permit any inmate to enter any licensed premises except in case of necessity.

#### *General Provisions as to Discipline and Control*

62. (1) Discipline and order shall be maintained with firmness and fairness; and, in the control of inmates, officers shall seek to influence them through example and leadership and to enlist their willing cooperation.

(2) At all times in the treatment of inmates officers shall have regard to the aim of rehabilitation and the encouragement of self-respect and a sense of personal responsibility.

63. Every officer shall exercise the utmost care and vigilance in the custody and surveillance of the inmates under his charge, and shall not part with the custody of an inmate otherwise than in accordance with orders or by handing him over to another officer.

64. (1) No officer shall use force in dealing with any inmate except in self-defence or in the defence of another person, or in the case of escape or attempted escape or active or passive physical resistance to a lawful order.

(2) Any officer who uses force pursuant to this regulation shall use no more force than is necessary in the circumstances. He shall report the incident to the Superintendent as soon as possible.

(3) No officer shall deliberately act or speak in a manner likely to provoke an inmate.

65. (1) Every inmate must promptly obey every lawful order that is given to him.

(2) Any inmate who considers himself aggrieved by an order must nevertheless obey, but may on the first convenient occasion complain to the Superintendent or an Inspector or a Visiting Justice.

66. Every inmate must keep himself, his sleeping quarters, and the furniture therein, in the highest state of cleanliness and tidiness.

67. No inmate shall be employed in a disciplinary capacity.

68. Female inmates shall at all times be in the charge of female officers.

#### *Searching*

69. (1) Any inmate may be searched at any time.

(2) Two inmates at least shall be selected daily to be completely searched.

(3) Every inmate shall be searched after returning from work.

(4) Every inmate shall be searched before being brought into the presence of the Secretary or an Inspector or a Visiting Justice.

(5) Every inmate shall be completely searched before being locked in a cell under report or punishment.

70. (1) The searching of an inmate shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(2) No inmate shall be searched by or in the presence of any officer of the opposite sex.

(3) Two officers shall always be present whenever any inmate is being completely searched.

(4) No other inmate shall be present while any inmate is being completely searched.

71. Every occupied cell must be searched daily, and must be locked up by the searching officer immediately afterwards.

72. (1) The Secretary may from time to time direct that all or any of the provisions of subclauses (2), (3), and (4) of regulation 69 hereof, and of regulation 71 hereof, shall not apply to any particular institution.

(2) The Secretary may from time to time authorise the Superintendent of any institution to direct that for a specified period, not exceeding the period for which authority is granted, all or any of the said provisions shall not apply to that institution.

(3) Any direction or authority given under this regulation may at any time be varied or revoked.

### *Complaints by Inmates*

73. Within a week of the application being made, the Superintendent shall hear the application of every inmate who has made a request to see him.

74. (1) Every inmate shall have the right to interview an Inspector visiting the institution.

(2) Every inmate shall have the right to interview a Visiting Justice visiting the institution.

(3) Any inmate who wishes to exercise either of the rights given by this regulation must first apply to the Superintendent to have his name placed on a list kept for the purpose.

### *Hearing of Charges*

75. When any inmate has been reported for an offence the charge against him shall be heard as soon as possible.

76. (1) Whenever any inmate is charged with an offence against discipline under section 32 of the Act, he shall be notified of the charge a sufficient time before the hearing to enable him to prepare his defence.

(2) Where the Visiting Justice or Superintendent hearing the charge is satisfied that the inmate has not had a proper opportunity to prepare his defence, the hearing of the charge shall be adjourned.

77. At the hearing of any charge against an inmate, any officer, not being the Superintendent or any other officer who is for the time being entitled under regulation 28 hereof to exercise the powers conferred on the Superintendent under section 34 of the Act, may conduct the proceedings on behalf of the person making the charge.

78. (1) At the commencement of the hearing the charge shall be read to the inmate, who shall then be asked how he pleads.

(2) If the inmate pleads guilty he shall be given an opportunity to make an explanation before any penalty is imposed.

(3) If the inmate pleads not guilty the case against him shall be presented, and he shall then be given an opportunity to present his own case and to call witnesses on his behalf. Any witnesses may be cross-examined.

(4) If after hearing all the evidence the Visiting Justice or the Superintendent, as the case may be, is satisfied that the case against the inmate is proved he shall so inform the inmate, and before imposing any penalty he shall give the inmate an opportunity to make an explanation.

### *Punishments*

79. (1) Every inmate sentenced to restricted diet under section 33 or section 34 of the Act shall be sentenced to be placed on either No. 1 diet, as prescribed by subclause (2) of this regulation, or No. 2 diet, as prescribed by subclause (3) of this regulation.

(2) No. 1 diet shall each day consist of 8 oz. of bread, 2 lbs. of potatoes, 1½ pints of milk, and 1 oz. of dripping:

Provided that where under the said section 33 the period for which No. 1 diet is ordered exceeds three days the inmate shall be given full rations on every fourth day.

(3) No. 2 diet shall each day consist of:

Food	Quantity	
	Men	Women
Bread	16 oz.	12 oz.
Oatmeal	4 oz.	3 oz.
Potatoes	12 oz.	12 oz.
Salt	$\frac{1}{2}$ oz.	$\frac{1}{2}$ oz.
Sugar	2 oz.	2 oz.
Milk	1 pint	1 pint
Cheese	2 oz.	2 oz.
Dripping	2 oz.	2 oz.

80. No sentence of restricted diet shall commence until after the medical officer has certified in writing that the inmate is in a fit condition of health to sustain it.

81. (1) Every inmate on No. 1 diet shall be confined in a punishment cell. He shall not be required to work.

(2) He shall be given one hour's exercise a day, unless the medical officer otherwise directs.

(3) He shall have all privileges withdrawn:

Provided that the Secretary may at any time by general order direct that any specified privilege shall not be withdrawn under this regulation.

(4) Except with the approval of the Superintendent in a case of emergency, he shall not be permitted to receive any visitors under regulation 112 hereof, or to write or receive any letters:

Provided that he shall be permitted to write one letter immediately after the sentence has been passed.

(5) He shall be visited at least once a day by the Superintendent, and at intervals of not more than three hours during the day by an officer appointed for that purpose.

82. No inmate who has been on No. 1 diet shall be sentenced to that diet for a fresh offence until an interval has elapsed equal to the period already spent by the inmate on No. 1 diet.

83. (1) Every inmate on No. 2 diet shall have all privileges withdrawn:

Provided that the Secretary may at any time by general order direct that any specified privilege shall not be withdrawn under this regulation.

(2) Except with the approval of the Superintendent in a case of emergency, he shall not be permitted to receive any visitors under regulation 112 hereof, or to write or receive any letters:

Provided that he shall be permitted to write one letter immediately after the sentence has been passed.

84. (1) Every inmate sentenced to confinement in a cell shall be kept in a cell by himself for the period of the confinement.

(2) He shall not work, unless work which can be done in the cell is available.

(3) He shall be given one hour's exercise a day, unless the medical officer otherwise directs.

(4) He shall not be permitted to receive any visitors under regulation 112 hereof.

(5) He shall be visited at least once a day by the Superintendent, and at intervals of not more than three hours during the day by an officer appointed for that purpose.



*Penal Grade*

85. The Secretary or an Inspector may direct the transfer to the penal grade of any inmate who has on three or more occasions been found guilty, whether by the Superintendent or a Visiting Justice or by a Court, of conduct or acts which are offences against discipline under subsection (1) of section 32 of the Act, or who has been found guilty, whether by a Visiting Justice or by a Court, of any conduct or act which is an offence against discipline under subsection (2) of the said section 32.

86. (1) Any inmate who has been transferred to the penal grade may be placed in a separate part of the institution.

(2) He shall not be allowed to associate with other inmates except when at work or at worship; and he may be excluded from association at work also if the Superintendent so directs.

(3) The value of every earnings mark allotted to him shall be the minimum rate approved from time to time under section 20 (3) of the Act.

(4) He shall not be allowed to receive any gift parcels.

(5) He shall not be allowed to receive visitors under regulation 112 hereof more often than once in any fortnight.

(6) He shall not be allowed to make any purchase at the canteen, except one ounce of tobacco together with one box of matches and one packet of cigarette papers a week and toilet necessities.

(7) He shall wear such distinctive marks on his clothes, or such distinctive clothing, as is prescribed by the Secretary by general order.

87. Any inmate transferred to the penal grade may at any time be released from that grade by direction of the Secretary or an Inspector, and shall be so released at the end of three months if no direction has been given.

*Earnings*

88. The amount of earnings to be credited to any inmate shall be calculated on the number and the value of marks to be allotted to inmates daily in accordance with a scheme set out in general orders.

89. The number of marks allotted to each inmate and the amount of earnings for the time being standing to his credit shall be notified to him once a month on request.

90. Every inmate may be permitted to spend in the canteen such part of his earnings as the Secretary from time to time determines.

91. The part of his earnings that an inmate is not allowed to spend in the canteen shall be retained in an earnings account.

92. On the recommendation of the Superintendent, with the approval of the Secretary, there may be deducted from the earnings previously credited, or subsequently to be credited, to any inmate the value or part of the value of any article of departmental property that in the opinion of the Superintendent was wilfully damaged or destroyed, or lost through the carelessness or improper conduct of the inmate.

93. The Secretary may approve any expenditure by an inmate from the earnings previously credited or subsequently to be credited to him, and may by general order delegate to the Superintendent authority to approve expenditure up to a specified amount and on specified articles.

94. The Secretary may from time to time in special cases direct that the amount of earnings credited to any inmate, or any portion of the earnings, shall be paid to the inmate's dependants.

95. (1) On the release of any inmate on probation he shall be paid such portion of his accumulated earnings as the Superintendent approves. Any balance shall be paid through the probation officer supervising him at such times during the period of probation and in such amounts as the probation officer thinks fit.

(2) On the release of any other inmate he shall be paid the full amount of his accumulated earnings.

#### *Religion*

96. (1) The Secretary shall encourage and facilitate religious observance in each institution, and shall make all proper provision for the spiritual welfare of inmates.

(2) He may enter into any arrangement with any organisation or group of churches for the appointment to any institution of a chaplain to represent all denominations of which the organisation or group is composed.

97. (1) Where a chaplain has been appointed to an institution under section 6 (2) of the Act he shall conduct services in that institution for the denomination to which he belongs and for any other denomination which he represents, and shall minister to the spiritual needs of inmates belonging to those denominations.

(2) Any Priest of the Roman Catholic Church may at convenient times hold services in any institution in which members of that church are inmates.

(3) With the approval of the Secretary, services may be held at convenient times in each institution by any minister of religion of any other denomination to which inmates belong.

(4) Any inmate may be required to attend services of the denomination to which he belongs, or those conducted by any chaplain who represents the denomination to which the inmate belongs.

98. Any minister of religion may at convenient times visit any inmate for whom he has a pastoral responsibility:

Provided that no inmate shall be required to receive a visit from any minister of religion if he objects to the visit.

99. The denomination of any inmate shall be determined by his voluntary statement on his admission. An inmate may change his denomination from time to time by notifying the Superintendent, but no inmate under the age of 21 years shall change his denomination without prior reference to his parents or guardian or, if they are dead or cannot be communicated with readily, to the Secretary.

100. (1) Except in an emergency, no inmate shall be required to work at any tasks, other than those necessary for the service of the institution, on Sunday, Christmas Day, Good Friday, or Anzac Day.

(2) The Superintendent may in his discretion exempt any inmate from working on any of his recognised days of religious observance.

#### *Education*

101. Every inmate who wishes to improve his education shall be given such assistance as is reasonable and practicable in the circumstances.

102. In each institution there shall be provided such facilities for primary and post-primary education as the Secretary may approve from time to time.

103. Training courses shall be provided in such trades, occupations, and industries as the Secretary may approve.

104. Any inmate may, with the approval of the Secretary, undertake a course in higher education or a specialist course.

105. Any fees and other expenses of any such course in higher education or specialist course shall be paid by the inmate, except in any special case approved by the Secretary. Notwithstanding any such approval given by the Secretary, the Secretary may require that any fees or other expenses of any such course in higher education or specialist course be charged to the inmate if his conduct at classes or lectures or his diligence is not satisfactory.

106. Attendance at classes in primary education may be made compulsory for any inmate if the Superintendent is of the opinion that his standard of education is too low and that he would benefit from further education. Attendance at any other course, class, or lecture may be made compulsory for any inmate if the Superintendent considers such course, class, or lecture would be beneficial to the inmate.

107. Except with the approval of the Secretary, educational activities shall not be followed in hours prescribed for work.

108. Every teacher appointed to a teaching position in an institution shall undertake such duties, consistent with his appointment, as the Secretary determines.

#### *Library*

109. (1) There shall be a library in each institution, and every book belonging to it shall be stamped with the institution stamp.

(2) Subject to any conditions imposed by the Secretary, every inmate shall be permitted to borrow library books and to exchange them as often as practicable.

#### *Correspondence*

110. (1) Subject to the provisions of regulations 81 and 83 hereof, every inmate may in each week write three letters and receive three letters.

(2) The Superintendent may allow any inmate whose conduct is satisfactory to write or receive additional letters.

(3) Except with the written authority of the Secretary or an Inspector, no inmate shall be permitted to write to any other inmate.

(4) The Secretary or an Inspector or the Superintendent may prohibit any inmate from writing to or receiving letters from any particular person.

(5) The Superintendent may refuse to permit any inmate to send or to receive any letter not written in English, and may cause to be translated any letter not written in English.

111. (1) No inmate shall send or receive any letter, parcel, or article except through the Superintendent.

(2) Every letter or parcel sent by or intended for any inmate shall be opened, and its contents shall be examined, by the Superintendent or by a responsible officer nominated by him for the purpose:

Provided that the Secretary may from time to time direct that the provisions of this subclause shall not apply to any particular institution either wholly or to such extent as the Superintendent thinks fit or to such extent as is specified by the Secretary.

(3) The Superintendent shall retain any article which is of a type not approved by the Secretary by general order, or any letter, parcel, or article that, in the Superintendent's opinion,—

- (a) May affect the discipline or security of the institution; or
- (b) Has been brought into the institution in contravention of the Act or of any regulation; or
- (c) Consists of or contains any objectionable or illegal matter, or refers in any way to any illegal transaction; or
- (d) May adversely affect any other person.

(4) Any letter intended for an inmate and retained under this regulation shall be returned to the sender, unless it consists of or contains any illegal matter, or refers in any way to any illegal transaction.

(5) Any parcel or article intended for an inmate and retained under this regulation, unless it consists of or contains illegal matter, shall either be returned to the sender or kept with the inmate's property:

Provided that any intoxicating liquor or any perishable, inflammable, or dangerous substance shall be poured away or destroyed in the presence of the inmate instead of being returned or kept as aforesaid.

(6) Subject to the provisions of these regulations, any inmate may be permitted to receive and retain in his cell any article intended for him which is of a type approved by the Secretary by general order.

#### *Visits*

112. (1) Subject to the provisions of regulations 81, 83, 84, and 113 hereof, every inmate whose work and conduct are satisfactory, not being an inmate awaiting trial or sentence, shall be permitted to receive visitors during a period of not less than 30 minutes each Saturday, or on such part of any other day as the Secretary may approve in respect of any particular institution.

(2) Except in special circumstances not more than three visitors shall be allowed to visit an inmate at any one time.

(3) Subject to the provisions of regulations 81, 83, 84, and 113 hereof, if the institution is isolated, or if a visitor has travelled from a distance, or if other special circumstances exist, the Superintendent may allow a visit on a day other than a Saturday.

(4) Every person wishing to visit an inmate shall give his name and address to the appropriate officer.

113. (1) The Superintendent shall refuse permission to any person to visit an inmate if he thinks that the visit may affect the security or discipline of the institution, and may refuse permission if he thinks that the character or conduct of the person applying for admission is undesirable or for any other sufficient reason.

(2) No person known to the Superintendent to be a former inmate shall be permitted to visit an inmate except where approved by the Secretary.

114. (1) A general supervision of visits shall be exercised, but at the discretion of the Superintendent they may be held in reasonable privacy.

(2) If the officer supervising any visit considers that the visit is taking a course that may affect the security or discipline of the institution, or that the conduct of either the inmate or a visitor is undesirable, he may bring the visit to a close and may report the visitor, before he leaves the institution, to the Superintendent.

115. The legal adviser of any inmate may, with the prior permission of the Superintendent, at any time interview the inmate with reference to any legal business not pertaining to the discipline of the institution, and any such visit shall be additional to those allowed under the foregoing regulations.

116. Any member of the Police may visit any inmate if the Superintendent or another officer is present at the beginning of the interview. If the inmate expresses unwillingness to see the Police, the visit may be terminated by the said Superintendent or officer.

117. A person committed to an institution in default of the payment of a sum of money which in pursuance of any conviction or order he is required to pay shall be allowed to have an interview with his friends on a week day at any reasonable hour, or to communicate by letter with them, for the purpose of providing for a payment which would procure his release.

#### *Social Relations and After Care*

118. (1) Throughout the sentence of every inmate, consideration shall be given to his rehabilitation.

(2) So far as practicable and in the opinion of the Superintendent desirable, an inmate shall be encouraged and assisted to maintain or establish such relations with persons or organisations outside the institution as may promote his rehabilitation and the best interests of his family.

(3) Where under this regulation any person is permitted to visit any inmate, the visit shall be additional to visits allowed under regulation 112 hereof.

119. No person permitted under regulation 118 hereof to enter an institution shall disclose to any other person the identity or place of detention of any inmate or any information concerning any person who was an inmate at the time of the visit, except with the consent of the inmate.

### PART IV—HEALTH

#### *Medical and Dental Facilities*

120. (1) Unless the Secretary otherwise directs in respect of any institution, there shall be provided and maintained in each institution a room suitably equipped for the carrying out of medical and dental examinations and treatment.

(2) It shall be the responsibility of the medical officer to advise the Superintendent so that the medical equipment is properly maintained and the necessary medical supplies are available.

(3) It shall be the responsibility of the dental officer to advise the Superintendent so that the dental equipment is properly maintained and the necessary dental supplies are available.

(4) It shall be their joint responsibility to advise the Superintendent so that the provisions of the Dangerous Drugs Act 1927 are observed.

#### *Duties of Medical Officer*

121. The medical officer shall visit the institution at such periods as may be specified by the Secretary, and at other times on the request of the Superintendent.

122. (1) The medical officer shall do everything necessary to maintain the good health of inmates, and shall recommend to the Superintendent any special remedial treatment or the modification of any punishment or treatment likely to affect the well-being of any inmate.

(2) The medical officer shall pay special attention to the health of anyone confined in a punishment cell.

123. (1) The medical officer shall examine every inmate as soon after admission as possible, and shall enter the required particulars on a reception medical examination record card.

(2) He shall enter on the inmate's clinical record card details of any subsequent examinations.

124. The medical officer shall keep a prescription book in which he shall enter, in duplicate, all prescriptions ordered for inmates.

125. Wherever practicable in the case of any inmate whose sentence is longer than one month, and in any other case where the medical officer considers it necessary, the medical officer shall ensure that a chest X-ray is carried out as soon as possible after the inmate's admission and, where applicable, thereafter at six-monthly intervals.

126. Where the medical officer considers that any inmate should be transferred to the medical ward of the institution, to the medical ward of another institution, or to a public hospital, he shall recommend such transfer and shall give the particulars of the case to the Superintendent.

127. In an emergency the medical officer may, without the prior consent of the Secretary, but with the knowledge of the Superintendent, call in additional medical assistance.

128. On the death of any inmate, the medical officer shall enter on the inmate's clinical record card the following particulars:

- (a) The time of onset of illness:
- (b) The time of his being advised of the illness:
- (c) The nature of the illness:
- (d) The time and date of death:
- (e) If an autopsy has been performed, an account of the findings:
- (f) Any relevant remarks.

129. (1) Whenever he has reason to believe that any inmate's mental or physical health has been or is likely to be injuriously affected by continued detention or by any conditions of detention, or that the life of any inmate will be endangered by detention, or that any sick inmate will not survive his sentence or is totally or permanently unfit for detention, the medical officer shall, without delay, report the case in writing to the Superintendent with such recommendations as he thinks fit.

(2) The Superintendent shall forward such report and recommendations to the Secretary forthwith.

130. On medical grounds, the medical officer may recommend that any inmate be excused from work, or that the nature of his work be changed.

131. The medical officer shall draw the attention of the Superintendent to any inmate who, in his opinion, has suicidal intentions, in order that the inmate may be specially watched, and the Superintendent shall without delay direct that the inmate be observed at frequent intervals.

132. (1) The medical officer shall keep under special observation every inmate whose mental condition appears to require it, and shall recommend such steps as he considers proper for the inmate's care.

(2) Where necessary, he shall recommend to the Superintendent that the inmate be examined by a psychiatrist, and thereafter, where necessary, the Superintendent shall take steps to have the inmate committed to a mental hospital under the provisions of the Mental Health Act 1911.

133. (1) The medical officer shall from time to time, as required by the Secretary, examine officers or candidates for admission to the prison service.

(2) No charge shall be made to any officer or candidate for any examination pursuant to this regulation.

134. (1) The medical officer shall attend every execution in the institution, and shall report direct to the Secretary as to the carrying out of the execution and as to any special features which in his opinion require attention.

(2) He shall also sign and deliver to the Sheriff the certificate required by section 17 of the Crimes Act 1908.

135. At least once in every three months, and whenever required by the Secretary, the medical officer shall inspect every part of the institution and shall send to the Secretary, through the Superintendent, a report on the cleanliness of the institution, the drainage, warmth, and ventilation, the quality of the provisions, the adequacy of clothing and bedding, the quantity and quality of the water, and any other matters which may affect the health of the inmates; and shall draw attention to any deficiencies.

136. (1) If he desires leave of absence from his duties, the medical officer shall make application through the Superintendent to the Secretary, and shall nominate another medical practitioner who shall, with the approval of the Secretary, act for him during his absence.

(2) In the case of sickness or other emergency preventing him from attending when required, he shall nominate a substitute.

137. The medical officer shall ensure that at each visit made by him a record is maintained in the institution of the times of his arrival and departure.

#### *Duties of Psychiatrist*

138. (1) The psychiatrist, when requested to do so by the Superintendent with the concurrence of the medical officer, shall visit the institution from time to time and conduct such initial and subsequent psychiatric examinations as may be required.

(2) He shall furnish a full report on such examinations, together with any appropriate recommendations.

(3) He shall ensure that at each visit a record is maintained in the institution of the times of his arrival and departure.

#### *Duties of Dental Officer*

139. Where dental facilities exist at the institution, the dental officer shall visit the institution at such periods as may be specified by the Secretary, and at other times on the request of the Superintendent.

140. (1) Wherever practicable, the dental officer shall examine every inmate being detained in the institution for more than three months as soon after the inmate's admission as possible, and shall enter the required particulars on a dental history sheet.

(2) He shall also enter on the dental history sheet details of any subsequent examinations and treatment.

141. (1) The dental officer shall be primarily concerned with the relief of pain, the maintenance of a reasonable dental standard, and the repair of dentures.

(2) He shall obtain the prior approval of the Secretary before doing either of the following things, namely:

- (a) Full extractions in either jaw or both;
- (b) The provision of full or partial dentures.

142. The dental officer shall ensure that at each visit a record is maintained in the institution of the times of his arrival and departure.

#### *Duties of Superintendent*

143. (1) At each visit of the medical officer to an institution the Superintendent shall supply him with a list of the names of all inmates who—

- (a) Have not been medically examined since admission; or
- (b) Complain of illness or have requested to see the medical officer; or
- (c) Appear to require medical attention or examination; or
- (d) Have been sentenced to restricted diet; or
- (e) Are confined in punishment cells.

(2) The Superintendent shall without delay draw the attention of the medical officer to any inmate whose state of body or mind appears to require examination or attention.

144. Where mechanical restraint is used in respect of any inmate, except in the case of its use during his transfer or removal or on the recommendation of the medical officer on medical grounds, the Superintendent shall inform the medical officer without delay.

145. (1) The Superintendent shall take precautions to prevent the spread of contagious or infectious disease.

(2) Every inmate suffering from or suspected to be suffering from any contagious or infectious disease, and such other inmates as may be recommended by the medical officer, shall be kept strictly separate from other inmates.

(3) All infected clothing and bedding shall on the recommendation of the medical officer be specially treated or destroyed.

146. Any written recommendation by the medical officer or a visiting specialist shall either—

- (a) Be given effect to by the Superintendent, who shall enter on the link sheet or specialist's recommendation when and how it was given effect to and any remarks he wishes to make; or
- (b) In any case where, in the Superintendent's opinion, the recommendation may affect the discipline or security of the institution, or for any other reason whatever he considers it should first be referred to the Secretary, it shall be reported to the Secretary, who shall give whatever instructions he thinks proper in the circumstances.



### *Exercise*

147. Every inmate shall be allowed at least as much fresh air and exercise as the medical officer considers necessary for the preservation of health.

### *Accommodation*

148. (1) Where sleeping accommodation is in individual cells, only one inmate shall occupy each cell.

(2) Where sleeping accommodation is not in individual cells current Health Department regulations as to accommodation standards shall be observed.

(3) Where there is a shortage of accommodation the Superintendent may, with the approval of the Secretary (given either generally or in a particular case) and with the concurrence of the medical officer in the particular case, authorise the accommodation of more than one inmate in a cell or, as the case may be, the provision of sleeping accommodation which does not comply with the standards mentioned in subclause (2) of this regulation:

Provided that in an emergency it shall not be necessary for the Superintendent to obtain the approval of the Secretary or the concurrence of the medical officer but they shall afterwards be notified as soon as possible.

### *Bedding and Clothing*

149. Every inmate shall be provided with a separate bed, and with separate bedding and an outfit of clothing adequate for warmth and health in accordance with the general scale prescribed by the Secretary and in conformity with any direction of the medical officer.

150. Every blanket and palliasse cover shall be laundered, and the straw in every palliasse renewed, at least twice in every year.

### *Food*

151. Every inmate shall be supplied with a sufficient quantity of wholesome food which, except as provided in regulation 79 hereof, shall be not less than that specified in the scale approved from time to time by the Secretary and the Director-General of Health:

Provided that for any particular inmate the medical officer may from time to time prescribe a different diet, or any variation in the approved diet.

### *Personal Hygiene*

152. Every inmate shall have a bath or a shower at least once a week.

153. (1) Every male inmate's hair may be cut on admission, and thereafter shall be kept reasonably short.

(2) Every male inmate shall shave daily or as often as is required for a reasonable appearance. He may be permitted to retain a beard or a moustache which he has on admission, but may not be permitted to grow either while he is in the institution.

(3) The Superintendent may, for any reason that he thinks sufficient, direct that all or any of the foregoing provisions of this regulation shall not apply to any inmate.

(4) No female inmate's hair shall be cut without her consent, unless the medical officer directs it on the grounds of health or cleanliness.

## PART V—TREATMENT OF SPECIAL CLASSES OF INMATES

*Inmates Awaiting Trial or on Remand*

154. In this Part of these regulations, the expression "inmate awaiting trial" means an inmate detained only by reason of the fact that he is awaiting trial or is on remand during the trial or before sentence.

155. Inmates awaiting trial shall, so far as practicable, be kept apart from other inmates.

156. So far as is consistent with discipline and the good order of the institution, the Superintendent may allow any inmate awaiting trial to have in his cell any articles that were in his possession at the time of his admission and are not required for the purposes of justice or reasonably suspected of forming part of property improperly acquired by him.

157. So far as circumstances will permit, inmates awaiting trial and committed in the same case shall be kept separate and shall not be permitted to communicate with each other.

158. Subject to regulations 113, 114, 115, and 116, and subclauses (2) and (4) of regulation 112 of these regulations, every inmate awaiting trial shall be afforded all reasonable facilities for receiving visitors at reasonable times on any day except Christmas Day, Boxing Day, New Year's Day, Anzac Day, Good Friday, Easter Monday, Queen's Birthday, Labour Day, Saturday, and Sunday, and may be afforded facilities on any such day if the Superintendent approves.

159. Any interview between an inmate awaiting trial and his legal advisers may be held in the sight, but not in the hearing, of a prison officer.

160. Where at the time of his admission to the institution any inmate awaiting trial is undergoing urgent medical or dental treatment he may, at the discretion of the Superintendent, be visited and treated by his own medical practitioner or dentist. Any expense so incurred shall be the responsibility of the inmate.

161. (1) Subject to regulation 111, and subclauses (3), (4), and (5) of regulation 110, of these regulations, every inmate awaiting trial shall be afforded all reasonable facilities for writing to or receiving letters from other persons.

(2) A confidential written communication prepared as instructions for the legal adviser of an inmate awaiting trial may be delivered personally to that legal adviser, and shall not be treated as a letter to which regulation 111 (1) hereof applies unless the Superintendent has reason to suppose that it contains matter not relating to those instructions.

(3) Paper and all other writing materials, to such an extent as appears reasonable to the Superintendent, shall be provided for any inmate awaiting trial who requires it for the purposes of preparing a defence.

162. Every inmate awaiting trial shall be permitted to procure at his own expense or receive from his friends reasonable quantities of tobacco, food, clothing and other necessaries for his own use.

163. (1) Every inmate awaiting trial may wear institution clothing if he so desires, and must do so if he volunteers to work.

(2) An inmate awaiting trial shall be required to wear institution clothing if his own clothes are insufficient or unfit for use or are required to be preserved for the purposes of justice.

164. Except on the ground of health or cleanliness, the hair, beard, or moustache of any inmate awaiting trial shall not be cut except to such extent as may be necessary to preserve his appearance as at the time of his reception into the institution.

165. Every inmate awaiting trial shall be required to keep himself and his cell and utensils clean and in good order.

#### *Persons Committed for Default or Contempt*

166. So far as practicable, inmates who are detained only in respect of the non-payment of a sum of money, or only for non-compliance with an order of any Court, or only for contempt of Court, shall be kept apart from other inmates.

#### *Inmates Under Twenty-one*

167. So far as practicable, inmates under the age of 21 years, whether they are inmates awaiting trial or inmates detained after conviction, shall be kept apart from inmates of or over that age.

#### *Appellants*

168. (1) Subject to the provisions of this regulation, where to the knowledge of the Superintendent any inmate has appealed or applied for leave to appeal against any conviction or order, and that inmate is in custody only under the conviction or order to which the appeal or application relates, the inmate shall, pending the determination of his appeal or application, be specially treated in the same manner as an inmate awaiting trial.

(2) As soon as it comes to the knowledge of the Superintendent that any inmate to whom subclause (1) of this regulation applies has appealed or applied for leave to appeal, he shall cause the inmate to be informed that he may, if he wishes, elect not to be specially treated as an inmate awaiting trial.

(3) If the inmate so elects, he shall be treated in the manner required by his sentence, and while he is so treated the term of his detention under his sentence shall continue to run.

(4) Any inmate who has so elected as aforesaid may at any time revoke his election by informing the Superintendent that he wishes to do so; and thereafter he shall, pending the determination of his appeal or application, be specially treated as an inmate awaiting trial, and shall not be entitled to make any further election.

(5) Nothing in this regulation shall apply to any inmate who—

(a) Is under sentence of death; or

(b) Has applied for leave to appeal under the Courts Martial Appeals Act 1953.

(6) For the purposes of this regulation, an inmate shall not be deemed to be in custody only under the conviction or order to which the appeal or application relates if any other sentence or term of imprisonment is

cumulative on the sentence imposed on that conviction or order and he has not appealed or applied for leave to appeal against the conviction or order in respect of which the cumulative sentence or term was imposed.

169. (1) Subject to the provisions of this regulation, every inmate who has appealed, or applied for leave to appeal, only against a sentence imposed on him shall, pending the determination of his appeal or application, be treated in the manner required by the sentence.

(2) Any inmate who has appealed or applied for leave to appeal against a conviction or order, and is not in custody only under the conviction or order to which the appeal or application relates, shall, pending the determination of his appeal or application, be treated as if no such appeal or application had been made.

(3) For the purposes of his appeal or application the inmate may receive visits from a medical practitioner or other professional adviser selected by him, or by his friends or his legal adviser, under the same conditions as those applying to visits by his legal adviser.

(4) The provisions of subclauses (2) and (3) of regulation 161 hereof shall apply to the inmate as if he were an inmate awaiting trial and as if the preparation of the appeal or application were the preparation of his defence.

170. Where any inmate has been granted leave to be present at any proceedings before the Court of Appeal, or an order has been made that any inmate be taken to any place for the purpose of such proceedings, the inmate shall be escorted by an officer and shall, unless his release is ordered by the Court, remain in the custody of the officer while he is absent from the institution.

171. (1) Subject to the provisions of this regulation, every inmate who has appealed under the Courts Martial Appeals Act 1953 shall, pending the determination of his appeal, be treated in the manner required by his sentence.

(2) For the purposes of his appeal the inmate may receive visits from a medical practitioner or other professional adviser selected by him, or by his friends or his legal adviser, under the same conditions as those applying to visits by his legal adviser.

(3) The provisions of subclauses (2) and (3) of regulation 161 hereof shall apply to the inmate as if he were an inmate awaiting trial and as if the preparation of the appeal were the preparation of his defence.

(4) Where any inmate has been granted leave to be present at any proceedings before the Courts Martial Appeal Court, or an order has been made that any inmate be taken to any place for the purpose of such proceedings, the inmate shall be escorted by an officer, or by an escort provided by the naval, military, or air force to which the inmate belongs, and shall, unless his release is ordered by the Court, remain in the custody of the officer or other escort while he is absent from the institution.

#### *Inmates Under Sentence of Death*

172. An inmate under sentence of death shall be in the charge of the Superintendent until he is delivered to the Sheriff or Deputy Sheriff on demand on the day of execution.

173. (1) An inmate under sentence of death shall be confined in a separate cell, and shall be kept apart from all other inmates.

(2) He shall be frequently and carefully searched, and any article which the Superintendent deems it dangerous to leave in his possession shall be taken from him.

(3) He may be placed under mechanical restraint if the Superintendent considers it necessary for the inmate's safe custody.

(4) He shall be kept day and night in the constant charge of an officer or officers.

(5) He shall be allowed such diet and exercise as the medical officer recommends.

(6) He shall not be required to work.

174. (1) An inmate under sentence of death shall be allowed to receive visits at reasonable times from immediate relatives, his legal adviser, and such other persons as are authorised to visit him by the Secretary.

(2) He may be visited at any time by the Sheriff, a Visiting Justice of the institution in which he is held, and, if he desires it, a minister of religion.

175. An inmate under sentence of death shall be allowed special facilities to correspond with his legal adviser, his relatives, and his friends.

#### *Inmates Serving a Sentence of Imprisonment*

176. (1) Every inmate serving a finite sentence of imprisonment of three months or over (other than a sentence imposed by a Court Martial) shall be allotted marks regularly on the basis of his good conduct and industry.

(2) The maximum number of marks which an inmate may be allotted in respect of any day shall be five.

(3) For the purposes of the partial remission of sentences, every 15 marks allotted shall represent one day's remission:

Provided that the Secretary or, as the case may be, the Minister may, in recommending or granting any such remission, take into account any other matter he considers relevant to an assessment of the inmate's good conduct and industry during his sentence.

(4) The number of marks allotted to an inmate and the amount (if any) of remission represented by those marks and not forfeited shall be notified to him as soon as possible after the end of each month.

#### PART VI—REVOCATIONS

177. The regulations specified in the Schedule hereto are hereby revoked.

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## SCHEDULE

Reg. 177

## REGULATIONS REVOKED

Title	Gazette Reference or Statutory Regulations Serial Number
Regulations under the Prevention of Crime (Borstal Institutions Establishment) Act 1924	<i>Gazette</i> , 1925, Vol. II, p. 2123
The Prisons Regulations 1925 .....	<i>Gazette</i> , 1925, Vol. III, p. 2623
The Prisons Regulations 1932 .....	<i>Gazette</i> , 1932, Vol. II, p. 1894
The Prisons Regulations 1937 .....	1937/175
The Prisons Regulations 1940 .....	1940/129
The Prisons Regulations 1940, No. 2 .....	1940/232
The Prisons Regulations 1946 .....	1946/100
The Prisons Regulations 1946, No. 2 .....	1946/138
The Borstal Institutions Amendment Regula- tions 1949	1949/118
The Prisons Amending Regulations 1950 .....	1950/198
The Penal Institutions (Appellants) Regula- tions 1958	1958/107

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations consolidate and amend, under the Penal Institutions Act 1954, the existing regulations relating to prisons and borstal institutions.

These regulations relate to all penal institutions except police jails. They deal with the administration of institutions, the duties of officers, and the treatment of inmates.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 December 1961.

These regulations are administered in the Department of Justice.