

*Note*

*In order to give effect to the Cross-border Justice Act, this law must be applied with the modifications mentioned in section 13 of the Cross-border Justice Act as if this law had been altered in that way.*

*For modifications of this law prescribed by regulation, see Part 3, Division 12 of the Cross-border Justice Regulations.*

**NORTHERN TERRITORY OF AUSTRALIA**

**PRISONS (CORRECTIONAL SERVICES) ACT**

As in force at 1 September 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Act as in force at 1 September 2011. Any amendments that may come into operation after that date are not included.

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## PRISONS (CORRECTIONAL SERVICES) ACT

An Act to provide for the control and conduct of prisons and prisoners,  
and for related purposes

### Part I Preliminary

#### 1 Short title

This Act may be cited as the *Prisons (Correctional Services) Act*.

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 5 Interpretation

In this Act, unless the contrary intention appears:

***chaplain*** means a person appointed to be a chaplain at a prison under section 38.

***community work order*** means a community work order made under the *Sentencing Act*.

***Director*** means the Director of Correctional Services appointed under section 6.

***home detention order*** means a home detention order made under or continued in force by the *Sentencing Act*.

***monitoring device*** means a machine, equipment or device approved by the Director as being suitable, whether or not used with any other machine, equipment or device, for the purpose of assisting in monitoring the activity of a person who has entered into a home detention order requiring the wearing or attachment of a monitoring device.

***officer*** means a prison officer appointed under section 8(1) and includes the Director and a person, other than a prisoner, employed in a prison.

***official visitor*** means a person appointed to be an official visitor under section 22.

***Ombudsman*** includes the Ombudsman appointed under the *Ombudsman Act 1976* of the Commonwealth.

***police prison*** means a police prison declared under section 10.

***prison*** means a prison declared under section 10.

***prison misconduct*** means an act or omission prescribed by the Regulations to be prison misconduct.

***prisoner*** means a person:

- (a) committed or remanded by a court and in lawful custody; or
- (b) under a sentence of imprisonment,

whether he or she was so committed or remanded, or the sentence was imposed, before or after the commencement of this Act and includes a person in custody under the *Migration Act 1958* of the Commonwealth.

***probation officer*** means a person appointed as a parole officer under the *Parole of Prisoners Act*.

***Regulations*** means the Regulations made under this Act.

***supervising officer*** means a supervising officer appointed under section 94F.

***surveillance officer*** means a surveillance officer appointed under section 94B and includes a probation officer and the Director.

***visiting medical officer*** means a medical practitioner appointed to be a visiting medical officer under section 27.

## Part II Administration

### 6 Appointment of Director

- (1) The Minister may appoint a Chief Executive Officer or employee, as defined in the *Public Sector Employment and Management Act*, to be the Director of Correctional Services.

- (2) Subject to this Act and the directions of the Minister, the Director shall have the control of all prisons and police prisons, and the custody of all prisoners, in the Territory.

## **7 Delegations**

- (1) The Director may delegate any of the Director's powers and functions under this Act to a person.
- (2) The officer in charge of a prison may delegate any of the officer's powers and functions under Part 8 to a person.

## **8 Appointment of prison officers**

- (1) The Director may appoint an employee within the meaning of the *Public Sector Employment and Management Act* to be a prison officer.
- (2) Officers shall be subject to the directions of the Director in the performance of their duties and functions and exercise of their powers.

## **9 Powers of officers**

Every officer while acting as such, shall by virtue of his or her appointment be deemed to be a member of the Police Force and to have all powers and privileges of such a member for the purposes of the performance of his or her duties as an officer.

# **Part III Prisons**

## **10 Declaration of prisons**

- (1) The Minister may, by notice in the *Gazette*, declare any place, premises or institution to be a prison or police prison.
- (2) Subject to this section, prisons and police prisons shall be used for the reception and safe keeping of prisoners or other persons who are otherwise detained in lawful custody.
- (3) The Director shall be responsible for the administration and control of police prisons only when a prisoner is received or kept in that police prison.
- (4) A member of the Police Force for the time being in charge of a police prison is an officer for the purposes of this Act.



- (5) In a prison, convicted prisoners not yet sentenced and prisoners on remand shall be kept separate and apart from prisoners under sentence, unless the Minister otherwise directs.

## **11 Lawful custody**

For the purposes of this Act, a prisoner is in lawful custody when:

- (a) being taken to or from a prison or police prison by an officer or by a member of the Police Force;
- (b) lawfully outside a prison or police prison; or
- (c) he or she is under the control of an officer or of a member of the Police Force or the sheriff within the meaning of the *Sheriff Act*.

## **13 Penalty for escaping**

Notwithstanding any law in force in the Territory, a sentence imposed on a prisoner for escaping from lawful custody shall be served at the expiration of the sentence or sentences, other than a sentence of life imprisonment, which the prisoner was serving or was liable to serve at the time of his or her escaping from lawful custody.

## **14 Arrest of escaped prisoner**

An officer or a member of the Police Force may arrest and detain without warrant a prisoner who has escaped from lawful custody.

## **15 Reception of prisoners**

- (1) Subject to subsection (3), immediately after sentencing by a court, a prisoner shall be conveyed to the reception prison closest to the place of sentence.
- (2) The Director may, by notice in the *Gazette*, declare a prison or police prison to be a reception prison for the purposes of this section.
- (3) Where a court imposes a sentence of imprisonment not exceeding 28 days, that sentence may be served in a police prison if the Director so orders.
- (4) The Director may order that a prisoner remanded or committed for trial or sentence to a police prison be removed to a reception prison.

## **Part IV                      Prisoners**

### **16                      Procedure on reception**

- (1) A prisoner shall, upon reception into a prison or police prison, submit to such procedures as the Director requires for the purpose of recording the identity of the prisoner.
- (2) An officer may use such force on a prisoner as is reasonably necessary in order to record the identity of the prisoner.

### **17                      Personal possessions**

A prisoner may retain such personal possessions in a prison or police prison as are determined by the Director to be allowable possessions.

### **18                      Disposal of possessions**

- (1) Subject to this section, a prisoner who, on reception into a prison or police prison, has in his or her possession personal possessions which are not allowable possessions under section 17 may be allowed by the Director to arrange for the disposal of those possessions.
- (2) Where a prisoner has not, within a reasonable time, disposed of his or her personal possessions as provided by subsection (1), the Director may:
  - (a) on the prisoner's behalf, arrange for the storage of the possessions at the prisoner's expense; or
  - (b) subject to the prisoner's consent, dispose of the possessions on such terms and conditions as he or she thinks fit and credit to the prisoner any money received from the disposal.

### **19                      Release at end of term of imprisonment**

Every prisoner shall be discharged on the last day of his or her sentence of imprisonment or detention at a time determined by the Director.

### **20                      Transportation on release**

- (1) The Director shall ascertain whether a prisoner requires transport on his or her discharge from prison.

- (2) The Director may, at his or her discretion, if he or she is satisfied that it is in the interest of the prisoner and the prisoner requests him or her so to do, arrange for his or her transportation to:
- (a) a place within the Territory; or
  - (b) if special circumstances require it – a place outside the Territory,
- on the discharge of the person from prison.

## **21 Youth prisoners**

- (1) Where the Minister is satisfied that adequate facilities exist in a detention centre, within the meaning of the *Youth Justice Act*, for the custody and control of a prisoner who is under the age of 18 years and that the prisoner, because of his or her age, should serve his or her sentence or part of his or her sentence in that detention centre rather than in a prison, the Minister may, by notice in writing to the Director, direct the transfer of that prisoner from a prison or other place of detention to that detention centre, there to be held on such terms and conditions as are specified in the notice, and the Director shall transfer the prisoner to that detention centre accordingly.
- (2) In relation to a prisoner transferred pursuant to subsection (1) to a detention centre, that detention centre shall be deemed to be a prison.
- (3) Where a prisoner attains the age of 18 years while being held pursuant to a notice under subsection (1) in a detention centre, the Director shall transfer that prisoner from the detention centre to a prison, there to serve the unexpired portion of the term of his or her sentence.

## **Part V Official visitors**

### **22 Appointment of official visitors**

- (1) The Minister may appoint a person to be an official visitor for a prison.
- (2) Subject to this section, an official visitor appointed under subsection (1) shall hold office for a period of 3 years and is eligible for reappointment.
- (3) An official visitor may resign his or her office by notice in writing to the Minister.

- (4) Official visitors shall receive such remuneration, allowances and expenses, and at such rates, as the Minister determines.

## **23 Functions of official visitors**

An official visitor shall:

- (a) having regard to this Act and the Regulations, inquire into the treatment, behaviour and conditions of the prisoners in the prison in respect of which he or she is appointed; and
  - (b) report, in writing:
    - (i) if the Minister has directed that the official visitor report in relation to a specified matter to the Director – in relation to that matter, to the Director; and
    - (ii) in any other case – to the Minister,
- as soon as practicable after each visit to a prison.

## **24 Number official visitors**

Not less than 3 official visitors shall be appointed for each prison.

## **25 Frequency of visits**

A prison shall be visited by an official visitor appointed for that prison at least once every month.

## **26 Official visitors not to interfere**

An official visitor shall not, during a visit to a prison, interfere with or give instructions to an officer regarding the management, discipline or treatment of prisoners.

# **Part VI Visiting medical officers**

## **27 Appointment of visiting medical officers**

- (1) The Minister may appoint a medical practitioner to be a visiting medical officer for a prison or police prison.
- (1A) An appointment under subsection (1) may be made personally or by reference to a medical practitioner from time to time holding or acting in a particular office.
- (2) A visiting medical officer may resign his or her office by notice in writing to the Minister.

- (3) A visiting medical officer who is not an employee as defined in the *Public Sector Employment and Management Act* shall receive such remuneration, allowances and expenses, and at such rates, as the Minister determines.

**28      Duties of visiting medical officer**

Subject to section 72, a visiting medical officer shall perform, in and in relation to the prison or police prison for which he or she is appointed, such medical duties as the Director may specify.

**Part VIII      Prison misconduct**

**30      Prison misconduct**

The Regulations may, for the purposes of this Part, prescribe an act or omission of a prisoner, while in lawful custody, to be prison misconduct.

**31      Bringing charge of prison misconduct**

- (1) A charge of prison misconduct may be brought against a prisoner by an officer.
- (2) As soon as practicable after an officer brings a charge of prison misconduct against a prisoner under subsection (1), the officer shall notify the officer in charge of the prison where the prisoner is in custody of the charge having been brought.
- (3) The officer in charge of a prison, on being notified under subsection (2), shall:
  - (a) direct that the charge be withdrawn;
  - (b) direct that a hearing of the charge be conducted under this Part;
  - (c) direct that:
    - (i) the charge be withdrawn and a different charge be brought against the prisoner; or
    - (ii) a further charge be brought against the prisoner,and that a hearing of the charge or charges be conducted under this Part; or
  - (d) refer the matter to the Commissioner of Police for investigation.

**32        Hearing charge of prison misconduct**

- (1) A charge of prison misconduct brought under this Part shall be heard and determined by the officer in charge of the prison in which the misconduct occurred, and subject to this section, shall be heard and determined in accordance with the Regulations.
- (2) A charge of prison misconduct shall not be heard or determined by the officer who brought the charge.
- (3) The officer in charge of a prison in conducting a hearing under this Part is not bound by the rules of evidence but may inform himself or herself on any matter in such manner as he or she thinks fit.
- (4) A charge of prison misconduct shall be heard and determined in the presence of the prisoner charged at the prison where it is alleged that the misconduct occurred or some other place as determined by the officer in charge of the prison.
- (5) Where, at a hearing under this Part, the officer in charge of a prison is satisfied, after making appropriate enquiries, that a prisoner charged with prison misconduct does not, for any reason, fully understand the nature or circumstances of the alleged misconduct or the nature of the proceedings, the officer may appoint a person nominated or agreed to by the prisoner, or, in the absence of such nomination or agreement, some other person, to assist the prisoner and to represent the prisoner at the hearing.
- (6) A prisoner charged with prison misconduct shall, at the hearing of the charge under this Part, be permitted to use an interpreter if the prisoner requests the assistance of an interpreter.
- (7) A prisoner charged with prison misconduct shall not, at the hearing of the charge under this Part, be represented by a legal practitioner.
- (8) Where more than one charge of prison misconduct is brought against a prisoner arising out of the same set of circumstances, the officer in charge of the prison may hear and determine the charges jointly and may impose one or more penalties under section 33 in respect of the charges that are proved.
- (9) A prisoner charged with prison misconduct at the hearing of the charge under this Part may give evidence, cross-examine and call witnesses.

**33 Penalties for prison misconduct**

Where a prisoner charged with prison misconduct admits the charge, or the charge is proved beyond reasonable doubt, the officer in charge of the prison may impose one or more of the following penalties:

- (a) order that the prisoner be kept in separate confinement for such period, not exceeding 7 days, as the officer thinks fit;
- (b) order that the prisoner not be entitled to prescribed privileges for such period, not exceeding 28 days, as the officer thinks fit;
- (c) reprimand or caution the prisoner.

**34 Appeals**

- (1) A prisoner aggrieved by a penalty imposed on him or her under this Part may appeal to the Director against the imposition of the penalty.
- (2) An appeal under this section shall be commenced, heard and determined in accordance with the Regulations.
- (2A) Where an appeal under this section is conducted by holding a hearing, the prisoner shall not be represented at the hearing by a legal practitioner.
- (3) Where an appeal is commenced under this section, the penalty appealed against shall be suspended pending the determination of the appeal.
- (4) On determining an appeal under this section, the Director may:
  - (a) affirm the penalty imposed by the officer in charge of the prison;
  - (b) subject to this Part, increase, decrease or vary the penalty imposed;
  - (c) substitute any other penalty that could have been imposed; or
  - (d) revoke the order imposing the penalty.
- (5) An appeal does not lie against an order of the Director made under subsection (4).

## **Part IX                  Chaplains**

### **38                  Appointment of Chaplain**

- (1) The Minister may appoint a minister of religion to be a chaplain at a prison.
- (2) Notwithstanding Part X, a chaplain may visit the prison at which he or she is chaplain and minister to the prisoners at such times and under such conditions as the Director allows.

## **Part X                  Prison visits**

### **39                  Certain persons may visit**

A person who is:

- (a) a Judge;
- (c) an official visitor;
- (d) an Ombudsman or person authorized by an Ombudsman, in the course of an inquiry or investigation conducted by an Ombudsman;
- (f) a member of the Legislative Assembly;
- (g) a visiting medical officer; or
- (h) a person authorized in writing by the Director,

may visit a prison at any reasonable time, subject to such terms and conditions as the Director thinks fit.

### **40                  Prisoner may receive visitors**

- (1) This section applies subject to Part XI.
- (2) Subject to this Part, a prisoner in a prison or police prison may receive visitors.
- (3) The Director may determine, either generally or in relation to a specified prisoner or class of prisoners, the number, period and times of visits under this section.



- (4) The Director may, either generally or in relation to a specified prisoner or person or a specified class of prisoners or persons, prohibit visits to a prisoner if, in the opinion of the Director:
  - (a) the security or good order of a prisoner, prison or police prison may be jeopardized by a visitor; or
  - (b) a visitor may have a detrimental influence or effect on a prisoner.
- (5) The Director or an officer may require a person to be searched before entering a prison or police prison as a visitor and that person shall not be received by a prisoner as a visitor unless he or she has been searched accordingly.
- (6) The Director may, if he or she is of the opinion that it is necessary for the maintenance of the security or good order of a prison or police prison or a prisoner, order:
  - (a) that a visit under this Part be held under supervised conditions; or
  - (b) that a conversation between a visitor and a prisoner be monitored, or recorded.
- (7) The Director may at any time, with or without warning to the prisoner or his or her visitor, order the termination of any visit to a prisoner where:
  - (a) the prisoner or visitor infringes a provision of this Act or the Regulations; or
  - (b) any direction given or determination made by the Director or a delegate of the Director for the order and good conduct of visits is infringed by the prisoner or visitor.

#### **41        Restrictions on communications**

Subject to sections 43 and 45, except with the prior approval of the Director, a prisoner or a visitor shall not give to the other of them a parcel, paper, document, written communication or any other matter during a visit to a prison or police prison.

### **Part XI                Legal representatives**

#### **42        Visits from legal representative**

A prisoner may receive visits from his or her legal representative and his or her interpreter at any reasonable time.

**43 Visits not to be monitored etc.**

- (1) Subject to this section, visits to a prisoner by his or her legal representative and his or her interpreter, if any, shall not be monitored.
- (2) A document passing between a prisoner and his or her legal representative during a visit shall not be inspected or censored except as permitted under this Act.
- (3) Where the legal representative of a prisoner receives a document from a prisoner during a visit and the document or the passing of the document between them constitutes an offence against a law in force in the Territory, the legal representative shall disclose the contents of the document to the Attorney-General.
- (4) The officer in charge of a prison or police prison may direct that a visit between a prisoner and his or her legal representative to be visually monitored.

**Part XII Communications****43A Definitions**

In this Part, unless the contrary intention appears:

***authorised legal practitioner*** means a legal practitioner authorised under section 48A.

***inspect*** includes read.

***letter*** includes a document, memorandum, note, telegram, facsimile and any other electronic transmission.

**44 Application of Part**

This Part applies subject to Part XI.

**45 Receiving and sending letters**

A prisoner may receive and dispatch letters and parcels on such terms and conditions as are determined by the Director.

**46 Director may prohibit dispatch or receipt of letters**

The Director may prohibit the dispatch or receipt of letters or parcels by a prisoner when, in the opinion of the Director, it may be prejudicial to the security or good order of a prison, police prison or prisoner or may have a detrimental influence or effect on the prison or that prisoner.

**47 Letters may be intercepted**

Subject to section 48, the officer in charge of a prison or police prison may intercept, open and inspect any letter or parcel dispatched by or addressed to a prisoner.

**48 Letters to Minister etc.**

- (1) Subject to subsection (2), an officer shall not delay, intercept, open or inspect a letter dispatched by or addressed to, a prisoner when that letter is addressed to or apparently originates from the office of the Minister, the Ombudsman or the Director.
- (2) Where the officer in charge of a prison or police prison has reasonable cause to believe that a letter addressed to a prisoner and apparently originating from the office of the Minister, an Ombudsman, the Director or the prisoner's legal representative does not originate from that source, he or she may open the letter and inspect it to the extent necessary to establish its origin.
- (3) As soon as practicable after an officer in charge of a prison or police prison opens and inspects a letter under subsection (2), he or she shall advise the Director, in writing, of the action taken, his or her reason for believing that the letter did not originate from the relevant source, and his or her finding on opening and inspecting the letter.

**48A Letters to and from legal representative**

- (1) If the officer in charge of a prison or police prison is of the opinion that:
  - (a) a letter or parcel passing between a prisoner and his or her legal representative during a visit to the prisoner by the legal representative may contain material described in subsection (3)(b); or
  - (b) a letter or parcel dispatched by a prisoner to his or her legal representative or addressed to a prisoner from his or her legal representative may contain material described in subsection (3)(b),

the officer may order that the letter or parcel be intercepted, opened and inspected in accordance with this section.

- (2) As soon as practicable after giving an order under subsection (1), the officer in charge of a prison or police prison must advise the Director, in writing, of the order being made and his or her reason for making the order.
- (3) If an order is made under subsection (1), an authorised legal practitioner may open and inspect the letter or parcel in respect of which the order is made and may:
  - (a) forward the letter or parcel as addressed; or
  - (b) forward the letter or parcel to the Director if, in the opinion of the authorised legal practitioner:
    - (i) the contents may jeopardize the security or good order of a prison or police prison or a prisoner;
    - (ii) the contents contains subject-matter that would constitute a breach of this Act, the Regulations or any determination of the Director made under this Act;
    - (iii) the contents contains subject-matter that would constitute a breach of a law of the Territory, the Commonwealth, a State or another Territory of the Commonwealth;
    - (iv) the contents may be threatening or insulting to any person;
    - (v) the contents may have a detrimental influence or effect on a prisoner; or
    - (vi) the letter is written in a code or is illegible.
- (4) A letter or parcel forwarded to the Director under subsection (3) may be:
  - (a) censored by the Director and then forwarded as addressed;
  - (b) returned to the prisoner or legal representative by the Director, as the case may be;
  - (c) retained by the Director; or
  - (d) destroyed by the Director.

- (5) If action is taken under subsection (3)(b), the officer in charge of the prison or police prison must inform the prisoner and the legal representative that the action has been taken.
- (6) The Minister may, in writing, authorise a legal practitioner for the purposes of this section.
- (7) A legal practitioner cannot be authorised for the purposes of this section unless he or she has practised as a legal practitioner, either in the Territory or elsewhere, for not less than 10 years.

#### **49 Director may censor letters**

- (1) A letter or parcel intercepted, opened or inspected under section 47 by the officer in charge of a prison or police prison may, if, in the opinion of that officer:
  - (a) the contents may jeopardize the security or good order of a prison or police prison or a prisoner;
  - (b) the contents contains subject-matter that would constitute a breach of this Act, the Regulations or any determination of the Director made under this Act;
  - (ba) the contents contains subject-matter that would constitute a breach of a law of the Territory, the Commonwealth, a State or another Territory of the Commonwealth;
  - (c) the contents may be threatening or insulting to any person;
  - (d) the contents may have a detrimental influence or effect on a prisoner; or
  - (e) the letter is written in a code or is illegible,be:
  - (f) censored by the Director and then forwarded as addressed;
  - (g) returned to the prisoner by the Director;
  - (h) retained by the Director; or
  - (j) destroyed by the Director.
- (2) Where any action is taken under subsection (1), the officer in charge of the prison or police prison shall inform the prisoner that the action has been taken.

**50 Telephone calls**

The Director may allow a prisoner to make and receive telephone calls on such terms and conditions as the Director thinks fit.

**51 Information not to be disclosed**

- (1) The Director, an officer or authorised legal practitioner shall not, unless the prisoner agrees, disclose any information obtained from the supervision, monitoring or recording of a visit between a prisoner and a visitor or from the censorship of any letter or parcel dispatched by the prisoner, unless the disclosure is necessary:
  - (a) to maintain the security and good order of a prisoner, prison or police prison;
  - (b) to prevent the breach of a law in force in the Territory; or
  - (c) to obtain medical treatment for a prisoner.
- (2) The Director may disclose information that he or she obtains under section 48A to a law enforcement agency if, in the opinion of the Director, disclosing the information to the agency would assist in law enforcement generally.
- (3) An authorised legal practitioner may disclose information that he or she obtains under section 48A to the Attorney-General or to the Law Society Northern Territory if, in the opinion of the authorised legal practitioner, the information discloses conduct by a legal practitioner that may constitute professional misconduct under the *Legal Profession Act*.

**Part XIII Female prisoners****52 Meeting of male and female prisoners**

Male and female prisoners in a prison shall meet only on such terms and conditions as the Director thinks fit.

**53 Children may be accommodated**

- (1) The Director may allow a female prisoner who gives birth to a child or who has children under the age of 5 years, to have that child or those children accommodated with her in a prison.
- (2) The Director shall provide adequate accommodation for the children of a female prisoner allowed under this section to have her children accommodated with her in a prison.

**54 Medical treatment for pregnant prisoners**

Subject to section 55, a pregnant prisoner shall be provided with such medical treatment as is necessary during the course of her pregnancy.

**55 Birth to be in hospital**

Subject to section 56, a pregnant prisoner shall, wherever possible, be taken to a hospital outside a prison for the birth of her child.

**56 Director may refuse to allow pregnant prisoner to leave prison**

Subject to section 73, where, in the opinion of the Director, the security of a prisoner could not be guaranteed if she were removed to a hospital outside a prison to give birth to a child and, after taking medical advice, he or she is satisfied that reasonable facilities can be provided in the prison for the birth of the child, he or she may refuse to allow the prisoner to leave the prison to give birth to her child.

**Part XIV Removal of prisoners****58 Prisoner may be removed**

A prisoner shall:

- (a) on the order of a Judge of the Supreme Court; or
- (b) at the written direction of the Director,

be removed from a prison or police prison to another prison or police prison or be brought before a court or taken to such other place as required.

**Part XV Search****59 Director may order search**

- (1) Subject to this section, a prisoner, his or her belongings and his or her cell may be searched.
- (2) A search carried out under this section:
  - (a) shall not be carried out unless approved by the Director; and
  - (b) shall be carried out in such manner as the Director determines.

- (3) A male prisoner shall be searched only by a male officer and a female prisoner shall be searched only by a female officer.

## **Part XVI              Security of prisoners and prisons**

### **60              Maintenance of security**

The Director may order that such precautions as he or she thinks fit be taken to maintain the security and good order of a prisoner, prison or police prison.

### **61              Officer to report precautions taken**

- (1) In addition to precautions he or she is required under section 60 to take, an officer may take such precautions not inconsistent with that section as he or she thinks necessary to maintain the security and good order of a prisoner, prison or police prison.
- (2) The officer in charge of a prison or police prison shall notify the Director of any precautions taken under subsection (1) as soon as practicable after they have been taken.

### **62              Firearms, &c., may be used**

- (1) This section does not affect the operation of the *Firearms Act*.
- (2) An officer may possess and use in a prison or police prison such firearms, weapons and articles of restraint as are approved by the Director as necessary to maintain the security and good order of a prisoner or a prison or police prison.
- (3) An officer may use such reasonable physical force and restraint against a prisoner as he or she considers necessary to maintain the security and good order of a prisoner or a prison or police prison.

## **Part XVII              Leave of absence**

### **Division 1              Leave of absence within Territory**

#### **63              Director may grant leave for special purposes**

The Director may, on such terms and conditions as he or she thinks fit, grant leave of absence to a prisoner from a prison or police prison for any reason he or she thinks fit, including:

- (a) the education and training of the prisoner;
- (b) the employment of the prisoner;



- (c) compassionate reasons;
- (d) the health of the prisoner;
- (e) the recreation of the prisoner;
- (f) participation in community projects by the prisoner;
- (g) the integration into the community of the prisoner; or
- (h) such other reasons as he or she thinks fit.

**64      Variation of leave**

The Director may, at any time, vary or revoke any leave of absence granted under this Division.

**65      Sentence to run**

A prisoner, whilst outside a prison or police prison pursuant to a grant of leave of absence under this Division, shall be deemed to be in lawful custody and the term of his or her sentence of imprisonment shall continue to run.

**Division 2      Supervised interstate custodial permits**

**65A      Definitions**

In this Division:

*corresponding Director*, in relation to a participating State, means the official responsible for the administration of prisons in that State.

*corresponding law* means a law of a State declared under section 65B to be a corresponding law for the purposes of this Division.

*interstate custodial permit* means a permit issued under section 65C.

*participating State* means a State in which a corresponding law is in force.

*State* means a State or another Territory of the Commonwealth.

**65B      Corresponding laws**

- (1) The Administrator may, by notice in the *Gazette*, declare a law of a State to be a corresponding law for the purposes of this Division.

- (2) The Administrator may only make a declaration if satisfied that the law substantially corresponds with this Division.

**65C      Issue of permit**

- (1) The Director may issue a permit to a prisoner permitting the prisoner to travel to the participating State specified in the permit:
- (a) for purposes relating to the health of the prisoner; or
  - (b) in exceptional personal circumstances approved by the Minister.
- (2) A permit is issued subject to:
- (a) the prescribed conditions; and
  - (b) any other conditions specified by the Director in the permit.

**65D      Effect of permit**

- (1) An interstate custodial permit:
- (a) permits the prisoner specified in the permit to be absent from the prison specified in the permit in the custody of an escort for the purpose and for the period (not exceeding 10 days) specified in the permit; and
  - (b) authorises the escort to take and keep in custody the prisoner for the purposes of:
    - (i) escorting the prisoner to the participating State (whether or not across another State) and within the participating State for the purpose specified in the permit; and
    - (ii) returning the prisoner to the prison from which the prisoner is permitted to be absent.
- (2) During his or her absence from prison under an interstate custodial permit:
- (a) a prisoner is to be taken to be in lawful custody; and
  - (b) the term of his or her sentence of imprisonment continues to run.

**65E      Appointment of escorts**

- (1) The Director may appoint in writing one or more persons to be an escort for the purposes of this Division.

(2) A person appointed under subsection (1) may be:

- (a) an officer;
- (b) a probation officer; or
- (c) any other person who the Director thinks is appropriate.

**65F      Variation or revocation of permit**

Before or at any time during the period of absence permitted under an interstate custodial permit, the Director may:

- (a) vary the period of absence specified in the permit or the conditions to which the permit is subject, including the prescribed conditions; or
- (b) revoke the permit.

**65G      Breach of permit**

A prisoner who, without reasonable excuse, fails to comply with an interstate custodial permit is guilty of an offence punishable, on being found guilty, by a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 2 years.

**65H      Notice to participating States and transit States**

On issuing an interstate custodial permit, the Director must give notice in writing of its issue and the period of absence permitted by it to:

- (a) the corresponding Director and the chief officer of police in the participating State; and
- (b) the chief officer of police of any other State through which the prisoner is to travel by land to reach the participating State.

**65J      Effect of permit issued under corresponding law**

A person who is authorised under a permit issued under a corresponding law to escort a person imprisoned in a participating State to or through the Territory is authorised while in the Territory:

- (a) to hold, take and keep custody of the person for the purposes and period of the permit; and
- (b) to hold, take and keep custody of the person for the purpose of returning the person to the participating State.

**65K      Escape from custody of interstate prisoner**

- (1) A person who escapes from the custody authorised under section 65J may be apprehended by:
  - (a) an interstate escort;
  - (b) a member of the Police Force; or
  - (c) any other person.
- (2) A person:
  - (a) who has been apprehended after escaping from the custody authorised under section 65J; or
  - (b) who attempted to escape from the custody authorised under that section,is to be taken before a Magistrate.
- (3) Despite the permit referred to in section 65J, the Magistrate may, by warrant:
  - (a) order the return of the person to the participating State in which the permit was issued; and
  - (b) order the person to be delivered to an interstate escort for that purpose.
- (4) A warrant may be executed according to its tenor.
- (5) A person who is the subject of a warrant may be detained by the Director until:
  - (a) the person is delivered into the custody of an interstate escort in pursuance of the warrant; or
  - (b) the period of 7 days after the issue of the warrant has expired,whichever occurs first.
- (6) If a person who is the subject of a warrant is not delivered into the custody of an interstate escort in pursuance of the warrant within 7 days after the issue of the warrant, the warrant ceases to have effect.
- (7) In this section, *interstate escort*, in relation to a person, means:
  - (a) a person authorised under a permit issued under a corresponding law to have the custody of the person;

- (b) a prison officer (however described) or member of the police force of the participating State in which the permit was issued; or
- (c) a person appointed in writing by the corresponding Director to escort the person to the participating State in which the permit was issued.

### **Division 3      Leave of absence to give evidence at foreign proceeding or assistance in foreign investigation**

#### **65L      Director may authorise release and grant leave**

- (1) This section applies if, under section 26 or 27 of the *Mutual Assistance in Criminal Matters Act 1987* (Cth), the Commonwealth Attorney-General makes arrangements for a prisoner to travel to a foreign country to:
  - (a) give evidence at a proceeding relating to a criminal matter; or
  - (b) give assistance in relation to an investigation relating to a criminal matter.
- (2) The Director may, in writing, authorise the release of the prisoner from prison and grant leave of absence to the prisoner:
  - (a) for the purpose of travelling to the foreign country to give evidence at the proceeding or assistance in relation to the investigation; and
  - (b) on any other conditions the Director thinks fit.

#### **65M      Variation or revocation of leave**

The Director may, at any time, vary or revoke any leave of absence granted under section 65L(2).

#### **65N      Effect of absence**

During a prisoner's absence from prison under a leave of absence granted under section 65L(2):

- (a) the prisoner is taken to be in lawful custody; and
- (b) the term of the prisoner's sentence of imprisonment continues to run.

## **Part XVIII      Employment of prisoners**

### **66      Prisoners to work**

Subject to this Part, the Director may direct prisoners to be employed in such work as he or she requires them to perform, either inside or outside the prison or police prison.

### **67      Physical, &c., condition to be considered**

The Director, in directing under section 66 the work to be performed by a prisoner, shall take into account the prisoner's physical and mental capacity.

### **68      Remand prisoners not required to work**

A prisoner in a prison or police prison who has not been convicted of an offence shall not be required to perform any work under this Part, other than work for necessary hygiene, unless he or she so requests.

## **Part XIX      Payment to prisoners**

### **69      Prisoners to be paid**

Subject to his or her good conduct in a prison or police prison, a prisoner shall be paid by the Director, at rates determined by the Minister, for any work performed by that prisoner.

### **70      Application of money**

The Director may apply money payable to a prisoner under this Act for:

- (a) any expenses incidental to the employment of a prisoner outside a prison or police prison;
- (b) the cost of the detention of a prisoner for each week during which a prisoner is employed outside a prison or police prison;
- (c) the maintenance of any dependants of the prisoner;
- (d) any sum of money which a prisoner has been ordered to pay on his or her conviction for an offence;
- (e) any sum of money which a prisoner is required to pay by way of compensation or restitution; and

- (f) the purchase of any articles, material, facility or equipment approved by the Director as suitable for a prisoner,

on such terms and conditions as the Director thinks fit.

## **Part XX            Medical treatment**

### **71            Access to visiting medical officer**

A prisoner shall, on request to the officer in charge of a prison or police prison, be given access to a visiting medical officer for the purposes of medical consultation and treatment.

### **72            Directions of visiting medical officer**

The Director shall comply with the directions of a visiting medical officer relating to the maintenance of the health of a prisoner.

### **73            Removal to hospital**

The officer in charge of a prison or police prison shall move a prisoner to a hospital outside a prison or police prison in the event of the prisoner's illness on the order of:

- (a) the Director;
- (b) a visiting medical officer; or
- (c) a court.

### **74            Custody of prisoner in hospital**

- (1) Where a prisoner is moved to a hospital outside a prison or police prison in pursuance of section 55 or 73, the officer in charge of the prison or police prison from which the prisoner was moved shall make such arrangements with the person in charge of the hospital as are necessary to ensure the security and good order of the prisoner while he or she is in the hospital.
- (2) A prisoner who is in a hospital in accordance with an arrangement made under subsection (1) shall be deemed to be in lawful custody for the purposes of this Act.
- (3) If, upon discharge from hospital, the sentence of imprisonment of a prisoner moved to a hospital under section 55 or 73 has not expired, the prisoner shall be returned to the prison or police prison from which he or she was moved, or to another prison or police prison as directed by the Director, to serve the remainder of his or her sentence.

**75 Prisoner may be examined**

- (1) Where, in the opinion of a visiting medical officer, the life or health of a prisoner is likely to be endangered or seriously affected by the refusal of the prisoner to undergo a medical examination or to submit to medical treatment, or any other prisoner or officer is likely to be endangered or seriously affected by that prisoner's refusal, that prisoner shall submit to such medical examination or treatment as may be ordered by the Director, after the Director has consulted with the visiting medical officer.
- (2) As soon as practicable after his or her reception into a prison or police prison and at such other times as the Director, after consultation with the visiting medical officer, directs, a prisoner shall submit to the taking of such quantity of his or her blood or bodily secretion or excretion by a person qualified to take it as is reasonably necessary for the purpose of determining the medical condition of the prisoner.
- (3) An officer or a person who may under subsection (2) take the blood or bodily secretion or excretion of a prisoner, may use such force on the prisoner as is reasonably necessary to ensure that the blood or bodily secretion or excretion is taken and no action, civil or criminal, shall be commenced or lie against the officer or person in relation to his or her exercising that power.

**76 Forced feeding**

Where, in the opinion of a visiting medical officer, a prisoner's life or health is likely to be endangered or seriously affected by his or her refusal to eat or drink, the Director may order that that prisoner be forced to eat or drink under direct medical supervision.

**77 Treatment outside the Territory**

The Director may, after considering medical advice, if he or she is satisfied that it is necessary or desirable so to do, authorize a prisoner to undergo medical treatment outside the Territory on such terms and conditions as the Director thinks fit, and a prisoner shall at all times comply with those terms and conditions.

**78 Sentence continues to run**

The term of imprisonment of a prisoner shall continue to run while he or she is absent from the Territory in accordance with an authorization under section 77.



**79        Apprehension of prisoner where authorization revoked**

When an authorization under section 77 is revoked by the Director, he or she may apply to the appropriate court for a warrant of apprehension of the prisoner who was the subject of that authorization.

**80        Notification of illness**

The Director shall notify a prisoner's next of kin, close relative, legal representative or such other person as requested by a prisoner to be notified, when the prisoner is seriously ill or dies.

**81        Notification of death**

- (1) The officer in charge of a prison or police prison shall, immediately on the death of a prisoner, notify the Director of the death.
- (2) The Director shall, after receiving a notification under subsection (1), immediately notify the coroner of the death of the prisoner.

**Part XXI        Prisoner activities****82        Hobbies, &c.**

The Director may authorize a prisoner to participate in such recreational, educational, vocational or other activities as the Director thinks fit.

**83        Articles produced**

- (1) Subject to this Act, articles made or produced by a prisoner are the property of the Territory.
- (2) Articles made or produced by a prisoner during regular working time may be disposed of by the Director upon such terms and conditions as he or she thinks fit and any amount of money obtained through that disposal shall be used for the purchase of hobby, craft, garden, educational or industrial tools or material to be used by prisoners or former prisoners either inside or outside a prison.
- (3) Articles made by a prisoner during his or her leisure time may be disposed of by the Director upon such terms and conditions as he or she thinks fit and the money, if any, obtained through that disposal, after deducting therefrom the value of material used in their production supplied by the Territory, shall be held by the Director on trust for that prisoner.

**84 Disposal of articles**

The Director may allow articles produced by a prisoner in the prisoner's leisure time to be:

- (a) retained by the prisoner;
- (b) held with the prisoner's other possessions; or
- (c) disposed of in accordance with section 83(3).

**Part XXII Attendance at religious services**

**85 Prisoners may attend services**

- (1) Subject to section 86, the Director shall allow a prisoner to attend religious services and activities.
- (2) The Director may allow a prisoner to observe his or her religious rites and ceremonies.

**86 Director may prohibit attendance in certain circumstances**

- (1) The Director may direct that a prisoner be excluded from attending religious services or other religious activities if the Director is of the opinion that the prisoner should be so excluded in order to ensure the security and good order of the prison or police prison or prisoner.
- (2) A prisoner shall not be compelled to attend a religious service.

**Part XXIII Food and exercise**

**87 Alcohol, &c.**

The Director may allow a prisoner to consume alcohol for medical, therapeutic or such other reasons as are approved by the Director.

**88 Prisoners to be provided with food**

The Director shall provide a prisoner with food of a sufficient quality and quantity to maintain the good health of the prisoner.

**89 Exercise**

The Director shall allow a prisoner so much exercise in the open air as is prescribed and, on the advice of a visiting medical officer in a particular case, such additional exercise as the Director thinks fit.

## **Part XXIV      Internal management**

### **90            Internal management**

- (1) The Director may, by instrument in writing, make determinations, not inconsistent with this Act or the Regulations, for or with respect to matters which the Director may determine under this Act and the internal management of a prison or police prison.
- (2) Without limiting the generality of subsection (1), determinations made under that subsection may impose duties on an officer or a prisoner or confer privileges on a prisoner.
- (3) A determination under this section shall be published in such manner as the Director thinks fit.

### **91            Prisoners to be informed of rights**

- (1) The Director shall ensure that every prisoner, upon reception into a prison, is, so far as possible, informed in general terms of his or her rights, duties, responsibilities and liabilities under this Act and the Regulations.
- (2) The Director shall ensure:
  - (a) that a sufficient number of copies of this Act and the Regulations to satisfy the reasonable requirements of the prisoners are available for perusal at all reasonable times in a library or other place that is open to the prisoners; and
  - (b) that a copy of this Act and the Regulations is available on demand for perusal at all reasonable times by a prisoner who is not able, or not allowed, to visit the library or place referred to in paragraph (a).

## **Part XXV      Remission of sentences**

### **93            Further remissions**

The Director may grant a period of remission equivalent to not more than 30 days per year of the sentence being served by a prisoner in such circumstances as the Director thinks fit.

## **Part XXVI      Offences**

### **94      Offences**

- (1) A person who is not a prisoner shall not:
- (a) knowingly harbour or aid a prisoner who has escaped from lawful custody;
  - (c) loiter in the vicinity of any prison or police prison;
  - (d) remain in the vicinity of a prison or police prison after being requested to leave by an officer or by a member of the Police Force;
  - (e) unlawfully enter or attempt to enter a prison or police prison;
  - (f) without the permission of the Director, convey or deliver or allow to be conveyed or delivered to a prisoner liquor or drugs or any money, letter, document, clothing or other article;
  - (g) without the permission of the Director, convey or deliver or receive liquor or drugs or any money, letter, document, clothing or other article out of a prison or police prison;
  - (h) without the permission of the Director, leave liquor or drugs or any money, letter, document, clothing or other article with the intention of it being received or found by a prisoner; or
  - (j) without the permission of the Director, communicate or attempt to communicate with a prisoner.

Maximum penalty:      17 penalty units or imprisonment for  
   2 years.

- (3) An officer convicted of an offence against this section or section 111, or 113 of the Criminal Code may, as well as being punished under subsection (1) or those sections of the Criminal Code, be dismissed from his or her office under this Act.

### **94A      Regulatory offences**

An offence of contravening or failing to comply with section 16(1) or 94(1)(d) is a regulatory offence.

## **Part XXVIA      Powers and procedures under Sentencing Act and Alcohol Court Act**

### **Division 1      Home detention orders**

#### **94B      Surveillance officers**

- (1) The Director may appoint a person who is not a probation officer to be a paid or unpaid surveillance officer for the purposes of the *Sentencing Act*.
- (2) A surveillance officer who is a probation officer may, at any time:
  - (a) without a warrant, enter premises or a place in or at which a person is, in accordance with a home detention order, residing and:
    - (i) search those premises or any building at that place, or the person, for the purposes of determining whether the person is in breach of the order; or
    - (ii) place, install, inspect or retrieve a monitoring device in or at those premises or that place; or
  - (b) require a person in respect of whom a home detention order is in force to undergo such tests as the surveillance officer thinks fit to determine whether the person is in breach of the order.
- (3) A surveillance officer appointed under subsection (1) may carry out or exercise such of the functions and powers of a surveillance officer under subsection (2) as directed, from time to time, by the Director.
- (4) A test under subsection (2)(b) may include a test to determine the presence of alcohol or any other drug in the offender's breath, blood or urine.

#### **94C      Breath and blood analyses and tests**

- (1) A:
  - (a) surveillance officer who is a probation officer or, if not a probation officer, has been given a direction under section 94B(3) by the Director in that behalf, may administer a breath test (within the meaning of the *Traffic Act*); or

- (b) member of the Police Force at the request of the Director may administer a breath test, carry out a breath analysis or arrange for the carrying out of a blood test (each within the meaning of the *Traffic Act*),

to or on a person in respect of whom a home detention order is in force, for a purpose specified in section 94B(4).

- (2) For the purpose of carrying out the tests under subsection (1), the provision of evidence as a consequence of the tests and for the protection of certain persons from liability in relation to the tests, the following provisions of the *Traffic Act*, with the necessary changes, apply to a person in respect of whom a home detention order is in force as if the person were a person in control of a motor vehicle:
  - (a) section 20 (except for the penalties and subsections (5) and (6));
  - (b) section 21(a);
  - (c) section 22, but read as if the reference to an event were a reference to the time at which the person was first requested to undergo a breath test or, as the case may be, breath analysis;
  - (d) section 23 (except subsections (1), (2), (3) and (4)); and
  - (e) sections 24, 25, 26, 27, 28 and 29.

#### **94D      Actions not to lie against surveillance officers**

- (1) An action or proceeding, whether civil or criminal, shall not be commenced or lie against a surveillance officer for or in respect of an act or thing done in good faith by the surveillance officer in his or her capacity as a surveillance officer.
- (2) An act or thing shall be deemed to have been done in good faith by a surveillance officer if the act or thing done was not actuated by ill-will to the person affected or by any other improper motive.
- (3) Without limiting the generality of subsection (1), an action or proceedings shall not be commenced or lie against a surveillance officer or a person assisting a surveillance officer for anything done in good faith in relation to the placing, installation, inspection or retrieval of a monitoring device by the surveillance officer, and a surveillance officer may use such force and assistance as is reasonable in the circumstances to effect the placing, installation, inspection or retrieval.

## **Division 2            Community work orders**

### **94E            Minister may establish committee**

- (1) The Minister may establish one or more community work advisory committees for the purposes of Division 4 of Part 3 of the *Sentencing Act*.
- (2) A community work advisory committee shall consist of such persons as are appointed by the Minister to be members of the committee.
- (3) A community work advisory committee shall approve work that may be performed under a community work order and shall have such other powers and duties as are prescribed.
- (4) A person appointed as a member of a community work advisory committee holds office for 3 years and is eligible to be re-appointed.
- (5) A member of a community work advisory committee may, in writing delivered to the Minister, resign from office.
- (6) The Minister shall appoint a member of a community work advisory committee to be the Chairperson of the committee.
- (7) Where the Chairperson of a community work advisory committee is absent from a meeting of the committee, the members present at the meeting shall elect one of their number to preside at the meeting.
- (8) The Chairperson of a community work advisory committee shall call a meeting of the committee at the request of the Director.
- (9) At a meeting of a community work advisory committee one-half of the members appointed to the committee constitutes a quorum.
- (10) Subject to this Act, the procedures at a meeting of a community work advisory committee are as determined by the members of the committee.

## **Division 3            Supervising officers**

### **94F            Supervising officers**

- (1) The Director may appoint a person to be a paid or unpaid supervising officer.
- (2) A supervising officer shall have such powers and duties as are prescribed under this or any other Act.

- (3) The supervising officer may, with the approval of the Director, appoint a person to act in the officer's stead on any day that the officer specifies, and the person, for the time for which the person is so appointed, shall have the powers of the supervising officer.

#### **Division 4      SMART orders requiring surveillance**

##### **94G      Surveillance of offender subject to SMART order**

- (1) Division 1 applies in relation to an offender subject to a SMART order under the *Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act* that includes a requirement for surveillance under this Division:
  - (a) as if a reference in Division 1 to a person for whom a home detention order is in force were a reference to the offender; and
  - (b) as if a reference in Division 1 to a home detention order were a reference to the SMART order.
- (2) However, only the Director or a probation officer may perform the functions and exercise the powers of a surveillance officer under Division 1 in relation to the offender.
- (3) Also, the functions and powers may be performed or exercised only within the intervals stated in the SMART order to which the offender is subject.
- (4) A reference in this section to a SMART order includes a reference to a prohibition order to which the *Alcohol Court Act* continues to apply, as mentioned in section 41 of the *Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act*.
- (5) Subsection (4) and this subsection expire 2 years after the commencement of section 41 of the *Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act*.

#### **Part XXVII      Miscellaneous**

##### **95      Compliance with other Acts relating to addresses, &c.**

Notwithstanding anything to the contrary contained in any Act, a prisoner shall not be held to have contravened or failed to comply with an Act which requires or permits him or her to state the address of his or her residence or place of living by reason only that he or she states the address of his or her residence or place of



living immediately before he or she became a prisoner.

**95A      Prisoner may be tested for drugs and alcohol**

- (1) The officer in charge of a prison may, for the purposes of the management, good order or security of the prison, direct that tests be carried out under this section to determine whether there is any drug or alcohol present in the bodies of prisoners at the prison.
- (2) Where a direction is given under subsection (1), a prisoner shall submit to the taking of such quantity of the prisoner's blood, breath or urine by a person authorised under subsection (3) as is reasonably necessary for the purpose of determining whether there is present in the prisoner's body any drug or alcohol.
- (3) For the purpose of subsection (2), but subject to subsection (4), the Director may authorise a person to take samples of a prisoner's blood, breath or urine for the purpose of determining whether there is present in the prisoner's body any drug or alcohol.
- (4) A person shall not be authorised under subsection (3) to take samples of a prisoner's blood unless the person is a medical practitioner or a registered nurse.
- (5) A person authorised under subsection (3) may, for the purposes of subsection (2), use such force on a prisoner as is reasonably necessary to ensure that the quantity of the prisoner's blood, breath or urine is taken and no action, civil or criminal, shall be commenced or lie against the person in relation to the person's exercise of the power.
- (6) In this section:

***registered nurse*** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.

**95B      Buccal swabs**

- (1) A prisoner under sentence of imprisonment for a crime must provide a sample by buccal swab to a person authorised under subsection (3) when directed to do so by the officer in charge of the prison.
- (2) A prisoner is not to be taken to have provided a sample unless the sample is sufficient to enable an analysis of it to be carried out.

- (3) The Director may authorise a person for the purposes of subsection (1).
- (4) A person authorised under subsection (3) may use reasonable force to obtain a sample by buccal swab from a prisoner if the prisoner refuses to provide the sample when directed to do so by the officer in charge of the prison.
- (5) As soon as practicable after the sample is obtained, the officer in charge of the prison must deliver the sample to the Commissioner of Police.
- (6) No action or proceeding, civil or criminal, can be commenced against a person in relation to the exercise of the power conferred on the person by subsection (4).

**96      Arrest of escaped prisoners**

An officer may exercise any of the powers conferred on a member of the Police Force and shall, in relation to the exercise of those powers, discharge all of the duties imposed on such a member by the *Police Administration Act* in respect of the arrest and taking into custody of a prisoner who has escaped from lawful custody.

**97      Valour medal**

The Administrator may award a Correctional Services Valour Medal to an officer for conduct of conspicuous merit, or where that officer, in discharging his or her duty under this Act, performs an act of conspicuous bravery involving risk to his or her life, and may make such an award posthumously to an officer's next of kin where the case requires.

**98      Service medal**

- (1) The Administrator may award a Correctional Services Meritorious Service Medal to a person who has completed a period of 10 years continuous meritorious service in the Territory as an officer.
- (2) The Director may determine for the purposes of this section that a period of service in a prison or prison system in a place outside the Territory may be counted as part of the period referred to in subsection (1).

**99      Form of medals**

Medals granted under this Part shall be in such form and with such attachments as are determined by the Administrator.

**100      Certificate of commendation**

The Director may award to an officer a Certificate of Commendation for conduct which is, in the opinion of the Director, worthy of special merit.

**101      Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may make provision for or with respect to the conduct of appeals under Part VIII and the enforcement of the penalties specified in that Part.
- (3) Without limiting the generality of subsection (1), the Regulations may make provision for or with respect to:
  - (a) home detention orders:
    - (i) prescribing the duties of surveillance officers;
    - (ii) regulating the conduct of persons who are subject to home detention orders; and
    - (iii) providing for the health and safety of surveillance officers; and
  - (b) community work orders:
    - (i) prescribing the duties of probation officers, supervising officers and persons who are subject to community work orders;
    - (ii) regulating the conduct of persons who are subject to community work orders;
    - (iii) providing for the health and safety of probation officers, supervising officers and persons who are subject to community work orders;
    - (iv) providing for travel and transport arrangements to be made for persons who are subject to community work orders;

- (v) prescribing what effect an injury to or the illness of a person who is subject to a community work order has on the order;
- (vi) prescribing the periods to be taken into account when calculating the hours during which work has been carried out under a community work order; and
- (vii) prescribing the powers and duties of advisory committees and regulating the holding of their meetings and the procedures they are to observe at those meetings.

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## ENDNOTES

**1****KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
<i>Gaz</i> = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

**2****LIST OF LEGISLATION*****Prisons (Correctional Services) Act 1980* (Act No. 49, 1980)**

Assent date	4 June 1980
Commenced	1 June 1981 ( <i>Gaz</i> S5, 1 June 1981)

***Prisons (Correctional Services) (Criminal Code) Amendment Act 1983* (Act No. 64, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

***Criminal Law (Regulatory Offences) Act 1983* (Act No. 68, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

***Statute Law Revision Act 1984* (Act No. 28, 1984)**

Assent date	20 July 1984
Commenced	20 July 1984

***Prisons (Correctional Services) Amendment Act 1985* (Act No. 39, 1985)**

Assent date	18 September 1985
Commenced	18 September 1985

***Statute Law Revision Act 1992* (Act No. 46, 1992)**

Assent date	7 September 1992
Commenced	7 September 1992

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***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and <i>Gaz</i> S53, 29 June 1993)

***Prisons (Correctional Services) Amendment Act 1993 (Act No. 39, 1993)***

Assent date	14 September 1993
Commenced	14 September 1993

***Prisons (Correctional Services) Amendment Act 1994 (Act No. 21, 1994)***

Assent date	18 April 1994
Commenced	8 March 1995 ( <i>Gaz</i> G7, 15 February 1995, p 3)

***Prisons (Correctional Services) Amendment Act (No. 2) 1994 (Act No. 32, 1994)***

Assent date	18 May 1994
Commenced	1 July 1996 (s 2)

**Amending Legislation**

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date	19 April 1996
Commenced	1 July 1996 (s 2, s 2 <i>Sentencing Act 1995</i> (Act No. 39, 1995) and <i>Gaz</i> S15, 13 June 1996)

***Statute Law Revision Act 1995 (Act No. 14, 1995)***

Assent date	23 June 1995
Commenced	23 June 1995

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date	19 April 1996
Commenced	1 July 1996 (s 2, s 2 <i>Sentencing Act 1995</i> (Act No. 39, 1995) and <i>Gaz</i> S15, 13 June 1996)

***Births, Deaths and Marriages Registration (Consequential Amendments) Act 1996 (Act No. 27, 1996)***

Assent date	28 June 1996
Commenced	1 January 1997 (s 2, s 2 <i>Births, Deaths and Marriages Registration Act 1996</i> (Act No. 26, 1996) and <i>Gaz</i> G49, 4 December 1996, p 5)

***Prisons (Correctional Services) Amendment Act 1996 (Act No. 41, 1996)***

Assent date	17 September 1996
Commenced	17 September 1996

***Prisons (Correctional Services) Amendment Act (No. 2) 1996 (Act No. 63, 1996)***

Assent date	31 December 1996
Commenced	8 March 1997 (s 2, s 2 <i>Sentencing Amendment Act (No. 2) 1996</i> (Act No. 65, 1996) and <i>Gaz</i> S7, 7 March 1997)

***Prisons (Correctional Services) Amendment Act 1998 (Act No. 60, 1998)***

Assent date	3 September 1998
Commenced	9 February 2000 ( <i>Gaz</i> G5, 9 February 1999, p 6)

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***Prisons (Correctional Services) Amendment Act (No. 2) 1998* (Act No. 88, 1998)**

Assent date 9 December 1998  
Commenced 15 February 1999 (s 2, s 2 *Police Administration Amendment Act (No. 2) 1998* (Act No. 87, 1998) and *Gaz S6*, 15 February 1999)

***Statute Law Revision Act (No. 2) 1998* (Act No. 92, 1998)**

Assent date 11 December 1998  
Commenced 11 December 1998

***Sentencing of Juveniles (Miscellaneous Provisions) Act 2000* (Act No. 17, 2000)**

Assent date 30 May 2000  
Commenced 1 June 2000 (s 2)

***Prisons (Correctional Services) Amendment Act 2000* (Act No. 22, 2000)**

Assent date 6 June 2000  
Commenced 6 June 2000

***Prisons (Correctional Services) Amendment Act (No. 2) 2000* (Act No. 53, 2000)**

Assent date 14 November 2000  
Commenced 14 November 2000

***Sentencing (Consequential Amendments) Act 2001* (Act No. 56, 2001)**

Assent date 19 October 2001  
Commenced 22 October 2001 (s 2)

***Statute Law Revision Act 2002* (Act No. 18, 2002)**

Assent date 7 June 2002  
Commenced 7 June 2002

***Prisons (Correctional Services) Amendment Act 2002* (Act No. 27, 2002)**

Assent date 5 July 2002  
Commenced 5 July 2002

***Statute Law Revision Act (No. 2) 2002* (Act No. 59, 2002)**

Assent date 7 November 2002  
Commenced 7 November 2002

***Statute Law Revision Act 2003* (Act No. 12, 2003)**

Assent date 18 March 2003  
Commenced 16 April 2003 (*Gaz G15*, 16 April 2003, p 4)

***Youth Justice (Consequential Amendments) Act 2005* (Act No. 33, 2005)**

Assent date 22 September 2005  
Commenced 1 August 2006 (s 2, s 2 *Youth Justice Act 2005* (Act No. 32, 2005) and *Gaz G30*, 26 July 2006, p 3)

***Statute Law Revision Act 2005* (Act No. 44, 2005)**

Assent date 14 December 2005  
Commenced 14 December 2005

***Antisocial Behaviour (Miscellaneous Amendments) Act 2006* (Act No. 2, 2006)**

Assent date 8 March 2006  
Commenced 14 June 2006 (*Gaz G24*, 14 June 2006, p 3)

***Statute Law Revision Act 2008 (Act No. 6, 2008)***

Assent date 11 March 2008  
Commenced 11 March 2008

***Ombudsman Act 2009 (Act No. 5, 2009)***

Assent date 12 March 2009  
Commenced 1 July 2009 (*Gaz* G21, 27 May 2009, p 5)

***Justice and Other Legislation Amendment Act 2009 (Act No. 12, 2009)***

Assent date 26 May 2009  
Commenced 24 June 2009 (*Gaz* G25, 24 June 2009, p 2)

***Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)***

Assent date 20 May 2010  
Commenced 1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

***Health Practitioner (National Uniform Legislation) Implementation Act 2010 (Act No. 18, 2010)***

Assent date 20 May 2010  
Commenced 1 July 2010 (s 2)

***Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act 2011 (Act No. 19, 2011)***

Assent date 20 May 2011  
Commenced 1 July 2011 (*Gaz* G23, 8 June 2011, p 6)

***Justice (Corrections) and Other Legislation Amendment Act 2011 (Act No. 24, 2011)***

Assent date 31 August 2011  
Commenced ss 3, 9 to 11, 15 to 17, 19, 20, 24, 33, 42, schs 1 and 2, sch 4 pt 1 and sch 5: 31 August 2011; rem: nc (s 2)

***Traffic and Other Legislation Amendment Act 2011 (Act No. 22, 2011)***

Assent date 22 August 2011  
Commenced 1 September 2011 (*Gaz* G35, 31 August 2011, p 9)

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

s 10 *Prisons (Correctional Services) Amendment Act (No. 2) 1994* (Act No. 32, 1994)

**4 LIST OF AMENDMENTS**

s 3 rep No. 12, 2003, s 11  
s 4 amd No. 14, 1995, s 12; No. 60, 1998, s 8  
rep No. 24, 2011, s 17  
s 5 amd No. 21, 1994, s 4; No. 32, 1994, s 4; No. 14, 1995, s 12; No. 60, 1998, s 8; No. 56, 2001, s 3  
s 6 amd No. 28, 1993, s 3  
s 7 amd No. 21, 1994, s 5; No. 60, 1998, s 8  
sub No. 24, 2011, s 19  
s 8 amd No. 28, 1993, s 3; No. 22, 2000, s 2; No. 27, 2002, s 2  
s 9 amd No. 60, 1998, s 8  
s 11 amd No. 46, 1992, s 13; No. 60, 1998, s 8  
s 12 rep No. 64, 1983, s 4  
s 13 amd No. 60, 1998, s 8  
s 18 amd No. 60, 1998, s 8



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s 19	amd No. 32, 1994, s 5; No. 60, 1998, s 8
s 20	amd No. 60, 1998, s 8; No. 59, 2002, s 5
s 21	sub No. 28, 1984, s 3 amd No. 60, 1998, s 8; No. 17, 2000, s 6; No. 33, 2005, s 5
ss 22 – 23	amd No. 60, 1998, s 8
s 27	amd No. 28, 1993, s 3; No. 21, 1994, s 6; No. 60, 1998, s 8
s 28	amd No. 60, 1998, s 8
pt VII hdg	rep No. 14, 1995, s 12
s 29	rep No. 14, 1995, s 12
pt VIII hdg	sub No. 21, 1994, s 7
ss 30 – 31	sub No. 21, 1994, s 7
s 32	sub No. 21, 1994, s 7 amd No. 60, 1998, s 8
s 33	sub No. 21, 1994, s 7
s 34	sub No. 21, 1994, s 7 amd No. 41, 1996, s 2; No. 60, 1998, s 8
ss 35 – 37	rep No. 21, 1994, s 7
s 38	amd No. 60, 1998, s 8
s 39	amd No. 14, 1995, s 12; No. 17, 1996, s 6; No. 5, 2009, s 179
s 40	amd No. 60, 1998, s 8
s 42	amd No. 60, 1998, s 8
s 43	amd No. 60, 1998, s 8; No. 53, 2000, s 3
s 43A	ins No. 53, 2000, s 4
s 47	amd No. 53, 2000, s 5
s 48	amd No. 60, 1998, s 8; No. 53, 2000, s 6
s 48A	ins No. 53, 2000, s 7
s 49	amd No. 53, 2000, s 8
s 50	amd No. 53, 2000, s 9
s 51	amd No. 53, 2000, s 10; No. 18, 2002, s 6; No. 6, 2008, s 3
s 56	amd No. 60, 1998, s 8
s 57	rep No. 27, 1996, s 7
ss 59 – 62	amd No. 60, 1998, s 8
pt XVII	
div 1 hdg	ins No. 60, 1998, s 4
s 63	amd No. 60, 1998, s 8
s 64	amd No. 60, 1998, s 5
s 65	amd No. 60, 1998, s 6
pt XVII	
div 2 hdg	ins No. 60, 1998, s 7
ss 65A – 65F	ins No. 60, 1998, s 7
s 65G	ins No. 60, 1998, s 7 amd No. 24, 2011, s20
ss 65H – 65K	ins No. 60, 1998, s 7
pt XVII	
div 3 hdg	ins No. 12, 2009, s 11
ss 65L – 65N	ins No. 12, 2009, s 11
s 66	amd No. 60, 1998, s 8
ss 68 – 70	amd No. 60, 1998, s 8
s 74	amd No. 60, 1998, s 8
s 75	amd No. 39, 1985, s 2; No. 60, 1998, s 8
ss 76 – 79	amd No. 60, 1998, s 8
s 83	amd No. 60, 1998, s 8
s 85	amd No. 60, 1998, s 8
s 91	amd No. 60, 1998, s 8
s 92	rep No. 32, 1994, s 6
s 93	amd No. 32, 1994, s 7
s 94	amd No. 64, 1983, s 5; No. 60, 1998, s 8; No. 12, 2010, s 3
s 94A	ins No. 68, 1983, s 52

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pt XXVIA hdg	ins No. 32, 1994, s 8 amd No. 2, 2006, s 19
pt XXVIA	
div 1 hdg	ins No. 32, 1994, s 8
s 94B	ins No. 32, 1994, s 8 amd No. 22, 2011, s 48
ss 94C – 94D	ins No. 32, 1994, s 8
pt XXVIA	
div 2 hdg	ins No. 32, 1994, s 8 amd No. 56, 2001, s 3
s 94E	ins No. 32, 1994, s 8 amd No. 60, 1998, s 8; No. 56, 2001, s 3
pt XXVIA	
div 3 hdg	ins No. 63, 1996, s 3
s 94F	ins No. 32, 1994, s 8 amd No. 63, 1996, s 4; No. 92, 1998, s 17
pt XXVIA	
div 4 hdg	ins No. 2, 2006, s 20 sub No. 19, 2011, s 45
s 94G	ins No. 2, 2006, s 20 sub No. 19, 2011, s 45
ss 94H – 94K	ins No. 2, 2006, s 20 rep No. 19, 2011, s 45
s 95	amd No. 60, 1998, s 8
s 95A	ins No. 39, 1993, s 2 amd No. 44, 2005, s 22; No. 18, 2010, s 71
s 95B	ins No. 88, 1998, s 3
s 97	amd No. 60, 1998, s 8
s 101	amd No. 32, 1994, s 9; No. 56, 2001, s 3
sch	rep No. 12, 2003, s 11