

THE NORTHERN TERRITORY OF AUSTRALIA  
PRISONS (CORRECTIONAL SERVICES) ACT  
No. 49 of 1980  
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SCHEDULE

# THE NORTHERN TERRITORY OF AUSTRALIA

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No. 49 of 1980

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## AN ACT

To provide for the control and conduct of prisons  
and prisoners, and for related purposes

[Assented to 4 June 1980]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### PART I - PRELIMINARY

#### 1. SHORT TITLE

This Act may be cited as the Prisons (Correctional Services) Act 1980.

#### 2. COMMENCEMENT

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

#### 3. AMENDMENT OF PRISONS ACT

(1) The Prisons Act is amended in the manner set out in the Schedule.

(2) This Act, whether or not amended, may be reprinted by the Government Printer with the omission from the reprint of this section and the Schedule.

#### 4. SAVINGS AND TRANSITIONAL

(1) A person who was, immediately before the commencement of this Act, a prison officer or visiting medical officer to a prison under the Prisons Act as in force immediately before that commencement, shall be deemed to be an officer appointed under this Act or a visiting medical officer appointed to that prison under this Act, as the case may be.

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(2) Subject to sub-section (3), a person who was, immediately before the date of commencement of this Act, a visiting justice within the meaning of the Prisons Act as in force immediately before that commencement shall be deemed to have been appointed an official visitor to the prison for which he was appointed a visiting justice.

(3) A magistrate who was, immediately before the date of commencement of this Act, a visiting justice within the meaning of the Prisons Act as in force immediately before that commencement for a prison shall be deemed to have been appointed a visiting magistrate for that prison under this Act.

(4) A period of partial remission of sentence earned by a prisoner in accordance with the Prisons Regulations as in force immediately before the commencement of this Act shall be deemed to have been granted to him under this Act upon that commencement, but may be lost or reduced in accordance with this Act.

(5) A place or police station that was, immediately before the commencement of this Act, a prison or police prison within the meaning of the Prisons Act as in force immediately before that commencement shall be deemed to be a prison or police prison, as the case may be, within the meaning of this Act.

### 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;

"Director" means the Director of Correctional Services appointed under section 6;

"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 offence" means an action, contravention or failure to act declared by the Regulations to be a prison offence;

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"prisoner" means a person -

(a) committed or remanded by a court and in lawful custody;  
or

(b) under a sentence of imprisonment,

whether he 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;

"Regulations" means the Regulations made under this Act;

"visiting magistrate" means a visiting magistrate appointed under section 29;

"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 an employee, within the meaning of the Public Service 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. DELEGATION

(1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers or functions under this Act, other than this power of delegation.

(2) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Director.

#### 8. APPOINTMENT OF PRISON OFFICERS

(1) The Director may, from time to time, appoint employees within the meaning of the Public Service Act, to be prison officers.

(2) Officers shall be subject to the directions of the Director in the performance of their duties and functions and exercise of their powers.

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### 9. POWERS OF OFFICERS

Every officer while acting as such, shall by virtue of his 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 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 is under the control of an officer or of a member of the Police Force.

### 12. PRISONER AT LARGE

The sentence of a prisoner shall cease to run for the period during which the prisoner is at large having escaped from lawful custody.

### 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 escaping from lawful custody.



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### 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 sub-section (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 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 personal possessions as provided by sub-section (1), the Director may -

- (a) on the prisoner's behalf, arrange for the storage of the possessions at the prisoner's expense; or

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- (b) subject to the prisoner's consent, dispose of the possessions on such terms and conditions as he thinks fit and credit to the prisoner any money received from the disposal.

19. COMMENCEMENT OF TERM OF IMPRISONMENT

(1) Subject to section 13, every term of imprisonment or detention imposed under a law in force in the Territory shall commence on the day on which the sentence is imposed, unless the court otherwise determines, and that day shall count as one full day of imprisonment.

(2) Every prisoner shall be discharged on the last day of his 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 discharge from prison.

(2) The Director may, at his discretion, if he is satisfied that it is in the interest of the prisoner and the prisoner requests him so to do, arrange for his transportation to -

- (a) a place within the Territory; or

- (b) if special circumstances require it, to a place outside the Territory,

on the discharge of the person from prison.

21. JUVENILE PRISONERS

(1) Where the Minister is satisfied that adequate facilities exist in an institution, within the meaning of the Child Welfare Act, for the custody and control of a prisoner who is under the age of 17 years and that the prisoner, because of his age, should serve his sentence or part of his sentence in that institution 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 institution, there to be held on such terms and conditions as are specified in the notice, and the Director shall transfer the prisoner to that institution accordingly.

(2) In relation to a prisoner transferred to an institution pursuant to sub-section (1), that institution shall be deemed to be a prison.

(3) Where a prisoner attains the age of 17 years while being held in an institution pursuant to a notice under sub-section (1), the Director shall transfer that prisoner from the institution to a prison, there to serve the unexpired portion of the term of his sentence.

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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 sub-section (1) shall hold office for a period of 3 years and is eligible for reappointment.

(3) An official visitor may resign his 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 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 OF 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.

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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.

(2) A visiting medical officer may resign his office by notice in writing to the Minister.

(3) A visiting medical officer who is not an employee within the meaning of the Public Service 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 is appointed, such medical duties as the Director may specify.

PART VII - VISITING MAGISTRATES

29. APPOINTMENT OF VISITING MAGISTRATES

The Minister may appoint a magistrate to be a visiting magistrate for a prison or police prison.

PART VIII - PRISON OFFENCES

30. PRISON OFFENCES

The Regulations may, for the purposes of this Part, declare that -

- (a) a specified offence against this Act or the Regulations committed by a prisoner while in lawful custody;
- (b) a specified contravention of or failure to comply with a determination made by the Director under section 90; or
- (c) a specified thing committed, done or not done by a prisoner while in lawful custody,

is a prison offence.

31. DIRECTOR TO HEAR CHARGES

The Director shall hear all charges relating to prison offences and shall dismiss the charge or, on being satisfied beyond reasonable doubt that a prisoner committed the offence, convict the prisoner of that offence and -

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- (a) order the forfeiture of not more than 3 days remission of sentence of that prisoner;
- (b) order the forfeiture of any amenities of the prisoner for a period not exceeding 30 days;
- (c) order the exclusion of that prisoner from working, or working in association with other prisoners or a specified prisoner, for a period not exceeding 14 days; or
- (d) caution the prisoner.

### 32. HEARING OF PRISON OFFENCES

(1) Subject to this section, the procedure at a hearing of a charge relating to a prison offence shall be as determined by the Director.

(2) In hearing a charge relating to a prison offence, the Director shall not be bound by the rules of evidence.

(3) A prisoner charged with a prison offence may -

- (a) cross-examine a witness who gives evidence against him;
- (b) call a witness in his defence; and
- (c) give evidence on his own behalf.

### 33. OFFENCE MAY BE REFERRED TO VISITING MAGISTRATE

(1) The Director may, at any time before or during the hearing of a charge relating to a prison offence, refer the matter to a visiting magistrate for hearing.

(2) A matter referred to a visiting magistrate for the prison or police prison under this section shall be heard by that visiting magistrate de novo.

(3) Where a matter is referred under sub-section (1) to a visiting magistrate, the visiting magistrate shall hear the matter as though he were the Director.

### 34. COMPENSATION

(1) A court or person convicting a prisoner of an offence, including a prison offence, may, in addition to imposing a penalty for the offence, order the prisoner to pay to the person specified by the court or person the amount specified by the court or person by way of compensation for damage to any property or injury to any person caused by the prisoner in the commission of the offence for which he has been convicted.

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(2) The failure of a prisoner to comply with an order under sub-section (1) is an offence punishable on conviction by imprisonment of one day for each \$25 or part thereof of the amount required to be paid but remaining unpaid at the end of the period allowed for its payment by the court or person who made the order.

(3) A term of imprisonment imposed on a prisoner under sub-section (2) shall be served at the expiration of the term or terms of imprisonment which the prisoner is or is liable to serve at the time at which the term of imprisonment first referred to was imposed.

**35. VISITING MAGISTRATE MAY REFER MATTER TO A COURT**

A visiting magistrate may -

- (a) refer any matter before him for hearing before a court; and
- (b) direct that a complaint or information in relation to the alleged offence be laid under the Justices Act.

**36. CONVICTIONS, &c., TO BE RECORDED**

The Director and a visiting magistrate shall, in respect of each charge for a prison offence heard by him, record in a book kept for that purpose in the prison or police prison by the Director -

- (a) the details of the charge;
- (b) the name of the legal representative, if any, who represented the prisoner;
- (c) a summary of the evidence presented;
- (d) his findings; and
- (e) the penalty, if any, imposed.

**37. APPEALS FROM DIRECTOR'S DECISION**

(1) A prisoner may, not later than 14 days after the decision or order is made, by notice in writing addressed to the Director, appeal to a visiting magistrate for the prison or police prison from a decision or order of the Director under this Part.

(2) The visiting magistrate hearing an appeal under this section -

- (a) shall conduct a rehearing and may reverse or confirm the decision or order or substitute another decision or order; or
- (b) may, if the appeal relates to a penalty imposed by the Director, confirm or vary that penalty or order that no penalty be imposed.

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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 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;
- (b) a visiting magistrate;
- (c) an official visitor;
- (d) an Ombudsman or person authorized by an Ombudsman, in the course of an inquiry conducted by an Ombudsman;
- (e) a Field Officer within the meaning of the Criminal Law (Conditional Release of Offenders) Act;
- (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 -

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(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 has been searched accordingly.

(6) The Director may, if he 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 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 legal representative and his interpreter at any reasonable time.

### 43. VISITS NOT TO BE MONITORED, &c.

(1) Visits to a prisoner by his legal representative and his interpreter, if any, shall not be monitored.

(2) A document passing between a prisoner and his legal representative during a visit shall not be inspected or censored.



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(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.

PART XII - COMMUNICATIONS

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 a prisoner.

48. LETTERS TO MINISTER, &c.

(1) Subject to sub-section (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, the Director or the prisoner's legal representative.

(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 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 sub-section (2), he shall advise the Director, in writing, of the action taken, his reason for believing that the letter did not originate from the relevant source, and his finding on opening and inspecting the letter.

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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;
- (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 sub-section (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 or to send and receive telegrams on such terms and conditions as the Director thinks fit.

51. INFORMATION NOT TO BE DISCLOSED

The Director or an officer 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.

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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 is satisfied that reasonable facilities can be provided in the prison for the birth of the child, he may refuse to allow the prisoner to leave the prison to give birth to her child.

57. REGISTRATION OF BIRTH

Notwithstanding the Registration of Births, Deaths and Marriages Act, a person shall not refer to the place of birth of a child in the notification of the birth of that child required to be lodged under that Act if that child was born in a prison or police prison, other than by referring to the name of the city or town in which the prison or police prison is located or the city or town nearest to the prison or police prison.

PART XIV - REMOVAL OF PRISONERS

58. PRISONER MAY BE REMOVED

A prisoner shall -

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(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 belongings and his 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 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 is required under section 60 to take, an officer may take such precautions not inconsistent with that section as he 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 sub-section (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.

Prisons (Correctional Services)

(3) An officer may use such reasonable physical force and restraint against a prisoner as he considers necessary to maintain the security and good order of a prisoner or a prison or police prison.

PART XVII - LEAVE OF ABSENCE

63. DIRECTOR MAY GRANT LEAVE FOR SPECIAL PURPOSES

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

64. VARIATION OF LEAVE

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

65. SENTENCE TO RUN

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

## Prisons (Correctional Services)

### 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 so requests.

## PART XIX - PAYMENT TO PRISONERS

### 69. PRISONERS TO BE PAID

Subject to his 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 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.

Prisons (Correctional Services)

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 is in the hospital.

(2) A prisoner who is in a hospital in accordance with an arrangement made under sub-section (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 was moved, or to another prison or police prison as directed by the Director, to serve the remainder of his sentence.

75. PRISONER MAY BE REQUIRED TO BE EXAMINED

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.

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 refusal to eat or drink, the Director may order that that prisoner be forced to eat or drink under direct medical supervision.

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77. TREATMENT OUTSIDE THE TERRITORY

The Director may, after considering medical advice, if he 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 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 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 sub-section (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.



## Prisons (Correctional Services)

(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 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 leisure time may be disposed of by the Director upon such terms and conditions as he 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 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.

## Prisons (Correctional Services)

### 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 sub-section (1), determinations made under that sub-section 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 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

### 92. REMISSIONS

(1) The Minister may make a determination specifying the amount of remission which may be granted to a prisoner, and the circumstances in which that remission may be granted.

## Prisons (Correctional Services)

(2) Subject to an order of a court, the Minister may, on the recommendation of the officer for the time being in charge of the prison, grant a prisoner serving a total term of imprisonment of more than 28 days periods of partial remission of the sentence in accordance with a determination under sub-section (1).

(3) Sub-section (2) applies when a person is in prison or on parole, and a partial remission granted under that sub-section shall be in addition to any other partial remission of sentence granted under this Act or any other law in force in the Territory.

### 93. FURTHER REMISSIONS

Notwithstanding the power to grant remissions conferred on the Minister by section 92, the Director may grant a period of remission equivalent to not more than 7 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;
  - (b) aid a prisoner to escape 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.

Penalty: \$2,000 or imprisonment for 2 years.

## Prisons (Correctional Services)

- (2) A prisoner shall not -
- (a) escape from lawful custody; or
  - (b) aid a prisoner to escape from lawful custody.

Penalty: Imprisonment for 5 years.

(3) An officer convicted of an offence against this section may, as well as being punished under the terms of sub-section (1), be dismissed from his office under this 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 to state the address of his residence or place of living by reason only that he states the address of his residence or place of living immediately before he became a prisoner.

#### 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 duty under this Act, performs an act of conspicuous bravery involving risk to his 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 sub-section (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.

Prisons (Correctional Services)

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 sub-section (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.

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SCHEDULE

Section 3

AMENDMENTS TO THE PRISONS ACT

1. Omit the long title and substitute:

"An Act relating to the fixing of terms and conditions of service of prison officers"

2. Omit section 1 and substitute:

"1. SHORT TITLE

"This Act may be cited as the Prisons (Arbitral Tribunal) Act."

3. Omit section 3.

4. Omit section 5 and substitute the following section:

"5. INTERPRETATION

"Words and expressions used in this Act have the meanings ascribed thereto by the Prisons (Correctional Services) Act."

5. Omit Parts II, III, IV, V, VI and VII.

6. Omit from the sections specified in Column 1 of the Table at the end of this item the words specified opposite thereto in Column 2 of that Table and substitute the words, if any, specified opposite thereto in Column 3 of that Table.

Prisons (Correctional Services)

TABLE

Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
2	Ordinance	Act
11A(1)(d)	Comptroller ( <u>twice occurring</u> )	Director
11A(2)(a)	a Judge of the Supreme Court of the Northern Territory of Australia	a Judge
11A(3B)	Ordinance ( <u>wherever occurring</u> )	Act
11A(4)	Ordinance	Act
11A(5B)	such a notice, the person	a notice under sub-section (5A), the person specified in the notice
11D(1)	Administrator in Council sub-section (1) of section 11A	Administrator section 11A(1)
11D(5)	the Administrator	the Administrator, the Territory
11DA(3)	Legislative Council Council	Legislative Assembly Assembly
11F(1)	Ordinance	Act
11F(4)	Legislative Council Council	Legislative Assembly Assembly
11F(5)	Legislative Council at a meeting of the Council, comprised of one sitting day or a series of sitting days, or one of the sitting days of which a copy of the determination was laid before the Council	Legislative Assembly within 12 sitting days of the Assembly after the determination has been laid before it

Prisons (Correctional Services)

Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
11G	Ordinance Administrator ( <u>wherever occurring</u> )	Act Administrator, the Territory
11H	Ordinance <u>Ordinance</u>	Act <u>Act</u>
11J	Ordinance ( <u>twice occurring</u> )	Act
11K	Ordinance	Act
11N	Penalty: 100 dollars	Penalty: \$100.
11P	Penalty: 100 dollars	Penalty: \$100.
11R	Ordinance	Act
11S	sub-section (3A) of section 11A gaoler, deputy gaoler or chief guard	section 11A(3A) superintendent, deputy superintendent or chief prison officer