

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1981, No. 9 *

Regulations under the Prisons (Correctional Services) Act

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Prisons (Correctional Services) Act.

Dated this 1st day of May, 1981.

E.E. JOHNSTON
Administrator

PRISONS (CORRECTIONAL SERVICES) REGULATIONS

1. CITATION

These Regulations may be cited as the Prisons (Correctional Services) Regulations.

2. PRISON OFFENCES

(1) For the purposes of Part VIII of the Act -

(a) an offence against section 16(1) or 41 of the Act; or

(b) a contravention of, or a failure to comply with, a Determination made by the Director in Schedule I or Part VII of Schedule II of Determination No. 1 of 1981 made under section 90 of the Act,

committed by a prisoner while in lawful custody is declared to be a prison offence.

(2) For the purposes of Part VIII of the Act, the following things committed, done or not done, as the case may be, by a prisoner while in lawful custody are declared to be prison offences:

(a) the use of profane, indecent, obscene or threatening language or behaviour to or in relation to any person;

* Notified in the Northern Territory Government Gazette on 1st June, 1981.

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- (b) being insubordinate to an officer;
- (c) refusing to work as directed by an officer;
- (d) wilfully mismanaging work;
- (e) carrying out work directed by an officer in a negligent or careless manner;
- (f) leaving work or a place of work without lawful authority;
- (g) obstructing an officer in the course of his duty;
- (h) quarrelling with another person;
- (j) hiding an article on himself or in any place;
- (k) counselling, aiding or abetting the commission of a prison offence;
- (m) doing an act or using language calculated to offend the feelings of another person;
- (n) interfering with or removing, without the approval of an officer, food not assigned to him;
- (p) destroying or throwing away, without the approval of an officer, any food;
- (q) refusing or failing to keep any article, including clothing, assigned to him;
- (r) interfering with an article, including clothing, which is not his property or is not assigned to him;
- (s) destroying or damaging any part of prison or police prison property;
- (t) committing a nuisance in any part of a prison or police prison;
- (u) failing to report to an officer any damage to prison or police prison property;
- (w) befouling any part of a prison or police prison;
- (y) being insolent or rude to any person;
- (z) having in his possession an article which is not an allowable article under section 17 of the Act;
- (aa) possessing, consuming or being under the influence of alcohol or a drug otherwise than as allowed by the Director;

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(ab) wilfully injuring or disabling himself; and

(ac) malingering.

3. ENFORCEMENT OF PENALTIES

(1) The Director shall not enforce a penalty imposed by him under section 31 of the Act before the expiration of 14 days after the decision or order imposing the penalty was made.

(2) After the expiration of the 14 days referred to in sub-regulation (1), the Director shall not enforce a penalty imposed by him under section 31 of the Act if an appeal under section 37 of the Act has been instituted in respect of the decision or order imposing the penalty unless the imposition of the penalty is confirmed.

4. PROCEDURE ON APPEALS

(1) Subject to this regulation, the procedure at a hearing of an appeal under section 37 of the Act shall be determined by the visiting magistrate hearing the appeal.

(2) In hearing an appeal under section 37 of the Act, the visiting magistrate shall not be bound by the rules of evidence.