Purpose
To provide Superintendents and prison officers a means by which they can encourage prisoners to adopt law-abiding lifestyles through the provision of privileges to those prisoners that demonstrate continued acceptable behaviour.

Definitions

<table>
<thead>
<tr>
<th>Privilege</th>
<th>a concession or item extended to a prisoner that is an addition to any entitlements provided by statute or common law.</th>
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<tbody>
<tr>
<td>Designated Superintendent</td>
<td>the Superintendent as defined in s 36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part IIIA of the Prisons Act.</td>
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<tr>
<td>Superintendent</td>
<td>as defined in the Prisons Act and refers to either the designated Superintendent or the officer in charge of a prison at a particular time.</td>
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1. Privileges and Entitlements

1.1 The superintendent may grant privileges to prisoners in accordance with this rule either under the system of hierarchical management of prisoners established at that prison under Policy Directive 3, or otherwise.

1.2 The designated Superintendent may delegate the authority to grant privileges to any officer under their authority.

1.3 Prisoners through legislation and common law maintain certain entitlements. The designated Superintendent may suspend those entitlements only for the purpose of maintaining the good order and security of the prison.

1.4 The designated Superintendent shall document a reason when removing the entitlement, including implications for the good order and security of the prison and inform the prisoner of the reasons.

2. Hierarchical Management of Prisoners

2.1 Each prison shall establish a system of hierarchical management in accordance with Policy Directive 3 that provides for an incentive system of management regimes for groups of prisoners at the prison.

2.2 The hierarchical management system shall provide a level of privilege based on the principle of rewarding good behaviour and providing reduced privileges for poor behaviour.
3. Minimum Entitlements

3.1 The superintendent or delegate may as an incentive, grant privileges above any minimum entitlement described below:

(a) Accommodation
Nil Minimum entitlement - The superintendent may at their discretion allocate accommodation to prisoners, whether in accordance with the hierarchical management system established at that prison, or otherwise.

(b) Movement and Restrictions (refer Policy Directive 1 and Policy Directive 3)
Nil Minimum entitlement - The designated Superintendent shall define the areas of the prison that prisoners (or a class of prisoners) may access and the conditions under which they may access those areas of the prison.

(c) Approved External Activity Absences
Nil Minimum entitlement - The superintendent may permit a prisoner to leave and be absent from that prison for the purpose of participating in an approved programme in accordance with Policy Directive 9 and Policy Directive 53.

(d) Providing Information to Prisoners
Where a prisoner requests, the superintendent shall, subject to Regulation 51(2), provide a prisoner the following information (refer Regulation 51(1))

(i) The contents of the warrant or other instrument instructing the prison to hold the prisoner in custody
(ii) Where the dates are available, the prisoner’s anticipated date of discharge or the date upon which they become eligible for release on parole
(iii) The information recorded on their gratuity account, and
(iv) The details contained in the records relating to the prisoners property and employment.

In addition, the superintendent may provide information to a prisoner that the superintendent deems relevant in accordance with Policy Directive 6.

(e) Canteen Access and Town Spends
Nil Minimum entitlement - A prisoner may spend from their gratuity and private cash accounts to their credit, such amounts and on such purchases as the superintendent may approve from time to time in accordance with Division 5 of the Prisons Regulations 1982 and Policy Directive 69.

A prisoner not in receipt of gratuities shall not be permitted to spend from either their gratuity or private cash. Such “no spends” order must have the express approval of the Designated Superintendent.

(f) Meals
The superintendent shall, in accordance with Policy Directive 15, provide every prisoner, at the usual hours, with food of nutritional value adequate for health and well being.

(g) Out of Cell Hours and Exercise
Minimum entitlements are established in section 43 Prisons Act (refer PD41) and regulation 59 Prisons Regulations.

Weather permitting, the superintendent shall allow prisoners access to open air for at least one hour each day.

All prisoners shall have access to recreation facilities and leisure programs.
(h) **Access to Recreation, Musical, Hobby and Sporting Equipment;**
Nil Minimum entitlement - The provision of recreation, musical, hobby and sporting equipment is at the superintendent’s discretion. (refer s 36, 37 *Prisons Act 1981*)

In accordance with [Policy Directive 42](#), the superintendent shall determine whether prisoners may be permitted to have recreation, musical, hobby and/or sporting equipment in their possession or cells.

(i) **Visits**
The minimum entitlements of a prisoner to receive visits are contained in Part VI of the *Prisons Act 1981* and Part V Division 7 of the *Prisons Regulations 1982*. Additional provisions are contained in [Adult Custodial Rule 7](#).

Superintendents may at their discretion approve visits beyond the minimum requirements.

(j) **Telephone**
Minimum entitlements for access to telephone communications are established in [Policy Directive 36](#).

The superintendent shall permit prisoners to make at least one daily call to approved social contacts.

(k) **Mail**
Minimum entitlements for prisoners to send and receive letters are contained in the *Prisons Act 1981* ss 67, 67A, 68, and [Policy Directive 36](#).

(l) **Newspapers, television, radio,**
The superintendent shall permit prisoners who request such, sufficient access to keep them regularly informed of the news and current affairs by the reading of newspapers, periodicals, by radio or television transmissions as determined and authorised by the superintendent subject to provisions of [Adult Custodial Rule 11](#) (permitted and prohibited material).

(m) **Personal property in the prisoner’s cell;**
The designated Superintendent shall determine the amount and nature of articles of property, prisoners may retain in their property (stored) or in their cell (in possession) in accordance with [Policy Directive 42](#).

(n) **Computer in prisoner’s cell;**
The designated Superintendent may allow a prisoner to have in possession, a personal computer during their sentence for approved legal, educational or recreational purposes as outlined in [Adult Custodial Rule 8](#) and [Policy Directive 2](#).

(o) **Access to library**
Where possible, prisoners should have access to a library operated according to standard library practice and adequately stocked with both recreational and information resources as described in [Policy Directive 21](#).

(p) **Writing and Study**
The superintendent shall provide prisoners with a reasonable amount of writing material if requested.

The designated Superintendent shall provide prisoners with opportunities to utilise their time in prison in a constructive and beneficial manner by means of educational and occupational training programmes and other means of self improvement.
The superintendent shall make available study material in accordance with Operational Instruction 13.

(q) Employment
A superintendent may employ a prisoner who is able to work (except for a prisoner awaiting sentence on remand) as the superintendent directs, pursuant to r 43.

There is no minimum entitlement for prisoners to have access to productive work which provides the opportunity to utilise their time in prison in a constructive and beneficial manner, however as outlined in Policy Directive 25, that is a primary goal.

(r) Gratuities
The minimum entitlements to gratuities are as contained in Part V, Division 5 of the Prisons Regulations.

(s) Religion and Cultural Observance
The minimum entitlements for a prisoner in relation to the practice of religion or spiritual beliefs is as contained in s 95E of the Prisons Act and further outlined in Policy Directive 7.

(t) Personal Hygiene
The minimum entitlements are as established in Policy Directive 19.

(u) All foreign nationals are entitled to a free phone call to their relevant consulate office, upon imprisonment.

4. Granting of privileges

Hierarchical Management System
4.1 Each prison shall establish a system of hierarchical prisoner management in accordance with Policy Directive 36.

4.2 On entry to a prison, the superintendent or authorised person shall approve for a prisoner a range of privileges in accordance with the hierarchical management system for the prison or in accordance with the prison’s unit plan.

Other Privileges
4.3 The superintendent may grant privileges other than those provided for in the hierarchical management system.

4.4 The superintendent or authorised person shall record on the prisoner’s file any privilege granted outside the hierarchical management system.

5. Withdrawing privileges

Reasons for Withdrawing Privileges
5.1 Subject to the minimum entitlements, a privilege may be withdrawn from a prisoner if, in the opinion of the superintendent or authorised person

(a) it is being misused
(b) following a breach of a lawful order issued to a prisoner
(c) it constitutes a threat to, or breach of good order and the security of the prison
(d) for any other reason approved by the designated Superintendent.
5.2 The withdrawal of a privilege shall be relevant to the misconduct of the prisoner, unless the withdrawal of that privilege relates to an overall regression in the hierarchical management system or unit plan.

**Notification to Prisoner**

5.3 Before a privilege is withdrawn, the reporting officer must observe the following process:
(a) Provide an incident report
(b) Inform the prisoner of the facts relating to the event and the consequences of their behaviour
(c) The prisoner is interviewed in accordance with local procedures and may present their own facts to the superintendent or authorised person
(d) After careful consideration by the officer withdrawing the privilege, the actioning officer shall inform the prisoner of the decision.

**Recording Loss of Privileges**

5.4 The “actioning officer” must record the loss of privileges on the ‘Loss of Privilege’ module on the appropriate system (eg TOMS) and provide a copy of the LOP to the prisoner.

6. **Appeals and Grievances**

6.1 The prisoner may request a review of the withdrawal of any privilege in accordance with Adult Custodial Rule 5 except where 6.2 below applies.

6.2 If the superintendent or authorised person withdraws a range of privileges as a consequence of a change in supervision under a hierarchical management system, or unit plan then the grievance procedures identified in Policy Directive 3 shall apply.

7. **Applicability**

This policy shall apply to all prisons.

8. **References**

- Adult Custodial Rules 5, 7, 8, 11.
- Operational Instructions 13
- Policy Directives 1, 2, 3, 6, 7, 9, 15, 19, 21, 25, 36, 41, 42, 53, 69.
- *Prisons Act 1981* 36, 37, 43, 95E, Part V.
- Standard Guidelines for Corrections in Australia 1.47, 2.2, 2.3, 2.12, 2.14, 2.17, 2.22, 2.47, 2.48, 2.49, 2.50, 2.52, 3.6, 3.14, 3.16, 3.19, 3.20, 3.21, 3.22, 3.23, and 4.3
9. Approved

Rule made pursuant to s 35 of the *Prisons Act 1981* by the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister.

Commissioner:  

Minister:  

Date: 5 April 2009

**Policy Sponsor:**
Assistant Commissioner Custodial Operations

**Contact Person:**
The following person may be approached on a routine basis in relation to this policy:
Principal Operational Policy Officer