Adult Custodial Rule 7
Communication – Visits

Relevant Instruments:

- Adult Custodial Rule 1 – Management of Prisoners in Confinement
- Adult Custodial Rule 2 – Placement of Prisoners in the Special Handling Unit
- Adult Custodial Rule 3 – Privileges
- Adult Custodial Rule 18 – Assessment and Sentence Management of Prisoners
- ARMS Manual
- Equal Opportunity Act 1984
- Prisons Act 1981
- Prisons Regulations 1982
- Policy Directive 7 – Religious and Spiritual Activities
- Policy Directive 10 - Prisoner Mothers/Primary Caregivers and their Children
- Policy Directive 32 – Prisoners at Risk of Self Harm
- Policy Directive 55 - Visitor Bans
- Standard Guidelines for Corrections in Australia 2012

Table of contents

1. Definitions..................................................................................................................2
2. Applicability.............................................................................................................3
3. Official visits............................................................................................................3
4. Visits with family and friends................................................................................5
5. Refusal or banning of a visitor ..............................................................................6
6. Termination of visits...............................................................................................6
7. Visitors identification – non-official visitors .......................................................6
8. Documentation..........................................................................................................7
9. Photographs of visitors .........................................................................................8
10. Visits by children to prisoners charged with or convicted of violent or sexual offences against children .................................................................8
11. Records of visits ....................................................................................................10
12. Visits code of conduct and dress standards.........................................................11
13. Visits to prisoners in the prison infirmary .............................................................11
14. Interprison visits...................................................................................................11
15. Visits by video link or e-visit technology .............................................................14
16. Temporary transfers for visits ..............................................................................15
17. Concerns relating to a prisoner ..........................................................................15
1. Definitions

ACCO

Assistant Commissioner Custodial Operations

Assistant Superintendent

Any reference to Assistant Superintendent in this Rule shall be interpreted to be an Assistant Superintendent of the prison whose responsibilities include prisoner management (or similar role in privately operated prisons).

Designated Superintendent

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 1981. Does not extend to the Officer in Charge of a prison.

E-Visits

A visit that is facilitated by software packages such as Skype and Microsoft Office Communicator (OCS).

primary care giver

The main person responsible for the custody or care of a child or children at the time of imprisonment.

protected person

A person who has been granted protection under and within the terms of a restraining order.

respondent

A person against whom a restraining order was sought and made.

‘Restricted Category’ prisoner

A prisoner (remand or sentenced) who has been charged or convicted (includes previous convictions) of a violent or sexually related offence against a child aged 17 years or under.

restraining order

A Violence Restraining Order or Misconduct Restraining Order.

superintendent

The Designated Superintendent, Deputy Superintendent, Assistant Superintendent or other Prison Officer (or in the case of privately operated prisons, any person) who is, at the relevant time, in charge of a prison.

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Amended by Adult Custodial Amendment Rule 2015.004, approved on 30 December 2015.
2. **Applicability**  
This Rule applies to all public and private prisons.

3. **Official visits**

3.1 Official visitors include:

- appointed prison visitors, appointed visiting justices and Judges of the Supreme or District Court
- Aboriginal Visitors Scheme representatives
- Parliamentary Commissioner for Administrative Investigations (State Ombudsman) or an authorised person from that office
- Commonwealth Ombudsman, a Deputy Commonwealth Ombudsman, or an authorised person from that office
- Director, Office of Health Review
- Inspector of Custodial Services (OICS) or an authorised person from that office (refer Policy Directive 43 – Inspector of Custodial Services)
- members of the Prisoner Review Board
- legal practitioners/legal aid representatives
- Department of Corrective Services staff (see also Section 3.7 below)
- Police officers
- Diplomatic or consular representatives

3.2 [Appendix 3 - Visiting Times - Official Visitors](https://www.gov.au) states the days and times of official visits.

3.3 Prison keys must not be issued to Official Visitors unless required to perform the visitor’s role and function. In these cases, the Designated Superintendent shall ensure that a risk assessment pertaining to the Official Visitor is completed and retained. In the event the Official Visitor is permitted keys, the keys shall access only common areas within the prison and shall only be issued after the necessary orientation and security briefing has been conducted with the Official Visitor.

3.4 Where a restraining order is known to be in place, no visit is to be approved between a protected person and a respondent in a restraining order, unless the order specifically permits such contact to occur.

3.5 In line with Section 3.1 above, a prisoner may request to be permitted to receive visits from people who act in a religious or spiritual capacity. These people may be approved under s 95E of the [Prisons Act 1981](https://www.gov.au/legislation/prisons-act-1981) and may be permitted to attend the prison as an ‘official visitor’. The process and procedures applicable to visitors under s 95E of the Act is detailed in Policy Directive 7 – Religious and Spiritual Activities and associated Appendices.

3.6 In line with Section 3.1 above, a prisoner may request to be permitted to receive visits from a person who desires to visit a prisoner for a bona fide reason (such as
those who act in welfare and advocacy capacities). These people may be approved under s 65 of the *Prisons Act 1981* and may be permitted to attend the prison as an ‘official visitor’. Persons who wish to visit a prison(s) in a welfare or advocacy capacity may apply to visit in accordance with this section.

3.6.1 Welfare or advocacy representatives wishing to visit as an official visitor must first obtain approval by completing Appendix 1 - Application to Visit Prisoners – s 65.

3.6.2 Completed forms are to be submitted to the Justice Intelligence Services (JIS) via the relevant superintendent, who will process the application, provide clearance results and submit to the:

- relevant designated Superintendent for approval - where the application is for one prison only. A signed copy of the form showing the designated Superintendent’s decision is to be returned to JIS; or
- the Assistant Commissioner Custodial Operations for approval - where the application is for multiple prisons.

3.6.3 Welfare or advocacy representatives who wish to visit as an official visitor to more than one prison should send their application to the Manager, JIS.

3.6.4 JIS will maintain a central database of approved welfare/advocacy representatives and circulate to the relevant prisons.

3.6.5 Where there is a break in visits greater than 12 months, welfare/advocacy representatives may be removed from the central database and be required to submit another request for approval if wishing to attend the prison as an official visitor.

3.6.6 JIS will review approvals on an annual basis.

3.6.7 Designated Superintendents shall ensure that a register of approved welfare/advocacy visitors is maintained and available to Gatehouse staff to enable appropriate access.

3.6.8 Prior to permitting a visitor approved to visit under s 65 of the Prisons Act 1981 entry into the prison, Gatehouse staff shall ensure, on each occasion, that the visitor is listed on the register of approved welfare/advocacy visitors.

3.6.9 Approved welfare/advocacy representatives are still required to seek the Superintendent’s or authorised officer’s permission when wishing to attend the prison, providing details of the intended date, time and prisoner(s) to be visited.

3.6.10 Prior to commencing visits, visitors are to be provided with an orientation and security briefing at the prison(s). The briefing shall outline the relevant conditions and procedures that shall apply during their visits.

3.7 From time to time, Department of Corrective Services staff from the Victim Mediation Unit may wish to arrange for a victim to visit an offender. Subject to security considerations, such visits shall be arranged with the relevant prison and held in an appropriate area with due respect to the requirements of the victim and the intent of the mediation meeting, as determined by the Victim Mediation Unit.
3.8 A prisoner may refuse to receive a visit or to see an official visitor, other than a police officer (s 63 of the Prisons Act 1981). A written report is to be submitted by the relevant officer to the superintendent for each case of refusal by a prisoner. The officer in charge of the gate to the prison is to be informed and is responsible for notifying the visitor of the prisoner’s refusal. The designated Superintendent will keep a record of prisoners who refuse visits.

4. Visits with family and friends

4.1 The Prisons Act 1981 permits prisoners to receive visits from friends and relations. For the purposes of this section, relations include extended family and people in de-facto relationships.

4.2 Remand class prisoners (which includes prisoners on appeal) are entitled to receive visits from friends and relatives as soon as practicable after reception, and then daily, at days and times specified in Appendix 2 - Visiting Times - Family and Friends, and in accordance with the provisions in Adult Custodial Rule 3 – Privileges.

4.3 Sentenced prisoners may receive visits as soon as practicable after admission to a prison and thereafter on a weekly basis, at days and times specified in Appendix 2 - Visiting Times - Family and Friends and in accordance with Adult Custodial Rule 3 – Privileges.

4.4 Where a restraining order is known to be in place, no visit is to be approved between a protected person and a respondent in a restraining order, unless the order specifically permits such contact to occur.

4.5 In accordance with r 53(3) of the Prisons Regulations 1982, every visit to a prisoner shall be a contact visit unless the superintendent determines that for the preservation of the good order and security of the prison, it shall be a non-contact visit.

4.6 All visits from family and friends shall be, where appropriate, arranged by appointment, at least 24 hours prior to the scheduled visit time.

4.7 When an appointment is made the visitors are to be advised that (where applicable):

4.7.1 a maximum of three (3) adult visitors and three (3) children are allowed

4.7.2 children aged 17 years or under must be accompanied by and be under the supervision of a responsible adult (unless otherwise authorised by the superintendent in accordance with Sections 4.9 and 4.10)

4.7.3 new visitors must bring suitable identification in accordance with Section 7

4.7.4 all visitors must report on arrival to the Gate Officer or an Officer nominated by the designated Superintendent.

4.8 Dual visits (i.e. a visit to two (2) prisoners at the same time by the same visitors) are not permitted except where the superintendent is satisfied that time does not permit relatives to see members of the same family individually or other extenuating circumstances exist.

4.9 A superintendent may permit an unaccompanied child aged 16 or 17 years to visit a prisoner if the child has the proven consent of their parent or legal guardian.
unless the prisoner is a ‘Restricted Category’ prisoner, in which case Section 10 applies.

4.10 In exceptional circumstances, the Designated Superintendent may permit an unaccompanied child aged 16 or 17 years to visit a prisoner without the consent of their parent or legal guardian (unless the prisoner is a ‘Restricted Category’ prisoner, in which case Section 10 applies). If permission is granted by the superintendent, a record is to be kept of the reason(s) for giving permission.

For the purpose of accompanying and/or supervising a child on a social visit in accordance with Sections 4.9 or 4.10, under s 59 of the Prisons Act 1981 a prisoner is not to be regarded as a responsible adult. Visits conducted in accordance with Policy Directive 10 - Prisoner mothers/primary caregivers and their children are exempt from this provision.

5. Refusal or banning of a visitor

5.1 Pursuant to s 66 of the Prisons Act 1981, visitors may be refused entry into a prison. All applications by people to visit prisoners must be considered on an individual basis. The superintendent must give the applicant his/her reason(s) if it is decided to refuse a person entry in to a prison.

5.2 Visitors may be banned under s 66 of the Prisons Act 1981 and rr54B and 54BA of the Prisons Regulations 1982.

5.3 The Designated Superintendent may ban a person from visiting their prison (and in certain cases, all prisons) for a specified period. Policy Directive 55 - Visitor Bans describes how bans may be imposed and how they are to be managed.

5.4 It is considered that banning a visitor will be the last option used in most instances.

5.5 Regulation 54B details the circumstances and maximum period for which a person may be banned from visiting a specified prison.

6. Termination of visits

6.1 Offensive, inappropriate or improper behaviour by prisoners or visitors will result in termination of the visit by prison staff.

6.2 A visitor or prisoner may, for the good order and security of the prison, have a visit terminated.

6.3 An Incident Report in TOMS must be submitted to the superintendent by any Officer who terminates a visit.

7. Visitors identification – non-official visitors

7.1 Non-official visitors are required to produce valid proof of identity prior to having a visit with a prisoner. Officers will undertake a signature and current address check against the documents provided.

Any one (1) of the following primary documents can be produced:

- valid passport (with photo)
- valid driver’s licence (with photo)
any identification card (with photo) issued by a Government organisation.

Any three (3) of the following secondary documents

- Birth certificate
- Pension or other social security card or other entitlement card issued by a Government Department
- Driver’s licence (without photo)
- Western Australian Proof of Age card (with photo)
- employer/student card (with or without photo)
- Credit card, keycard or passbook issued by a financial institution
- Medicare card
- Telephone, gas, or electricity account not more than six months old
- Water or local council rate notice not more than two years old
- A signed letter from a Justice of the Peace that identifies the visitor by name and signature
- A signed letter from a member of an Aboriginal or Torres Strait Islander organisation that identifies the visitor by name and signature.

7.2 In the event that a visitor is unable to produce sufficient documents to satisfy the requirements of Section 7.1, valid proof of identity may be provided/supplemented by a member of the prison staff. The staff member shall endorse the Appendix 4 - C005 - Visitor's Identification that the visitor is personally known to him/her, under the heading 'Other Identification'. This is expected to be necessary only in such cases as visitors from remote Aboriginal communities.

7.3 In the case of an unaccompanied child aged 16 or 17 years, the 'proven consent' referred to in Section 4.9 of this Rule is sufficient for the purposes of establishing valid identification.

7.4 Notwithstanding Sections 7.1 or 7.2 of this Rule, the superintendent (or delegate) may authorise a person to visit a prisoner for social purposes where sufficient proof of identity has not been produced, but to refuse the visit would cause hardship or considerable inconvenience to the visitor or prisoner. This is expected to be limited to cases where the intending visitor:

- has travelled from overseas or interstate; or
- has travelled a considerable distance from a remote community for the purpose of a visit and is probably unaware of the identification requirements.

7.5 The superintendent (or delegate) should have due regard to the importance of visits by friends and relatives to Aboriginal prisoners.

8. Documentation

8.1 All visitors to prisoners are required to complete a written declaration before their first visit or whenever personal or contact details change (see Appendix 4 - Form 2 Prison Regulations 1982).

8.2 Officers are to ensure that all relevant information pertaining to visitors is entered on the written declaration and/or Appendix 4 - Form 2 Prison Regulations 1982 as the case may be, prior to permitting any visits to proceed.
9. **Photographs of visitors**

9.1 All visitors aged 18 years or over are required to have their photograph taken before their first visit, whenever facial features have changed to such an extent that ready identification is difficult (ie. growing a moustache) or when personal or contact details change.

9.2 A photograph will be taken of a child aged 16 or 17 years, who is visiting a prisoner, where the child is not accompanied during the visit by a parent, guardian or responsible adult (see Sections 4.9 and 4.10).

9.3 A photograph obtained in accordance with Sections 9.1 or 9.2 will be retained until the superintendent (or delegate) has approved a written request to have the photograph removed. It is expected that photographs may be removed in such cases (where confirmed to the superintendent’s satisfaction) as the death of the visitor, or where the visitor is unlikely to again visit a prison.

9.4 Where the superintendent (or delegate) has approved the removal of a visitor’s photograph from the record, email advice shall be forwarded by the superintendent (or delegate) to the Manager Information Release via email to DCSInformationRelease@correctiveservices.wa.gov.au. A copy of the e-mail advice authorising removal of a photograph is to be maintained together with Appendix 4 - Form 2 Prison Regulations 1982 to which it relates.

9.5 Notwithstanding that a photograph has been deleted in accordance with Section 9.3 above, a visitor’s personal details and details of visits will be retained.

10. **Visits by children to prisoners charged with or convicted of violent or sexual offences against children**

10.1 The Department has a duty of care to ensure that children visiting a prison are not placed at risk. The purpose of this Section is to provide for the protection of children and to act in the child’s best interests whilst allowing prisoners to receive visits from family and friends in order to maintain family and social relationships.

10.2 Where a restraining order is known to be in place, no visit is to be approved between a protected person and a respondent in a restraining order, unless the order specifically permits such contact to occur.

10.3 In all matters regarding visits involving contact by a prisoner with children, the child’s interests are paramount. The prisoner’s wishes are to be considered subordinate to the interests of the child. For the purpose of visits, a child is a person aged 17 years or under.

10.4 **Screening**

10.4.1 Upon receival to a prison, all prisoners’ current charges, convictions and prior offence histories shall be checked for violent and/or sexually related offences committed against children aged 17 years or under. Where an offence of this nature is present, the prisoner will be classified as a ‘Restricted Category’ prisoner. Until these checks are complete, no visits by child visitors will be permitted. It is generally expected that this screening check will be completed within five (5) working days of the prisoner being received.
10.4.2 Where it is identified that the prisoner meets the criteria prescribed under Section 10.4.1 determining the prisoner as a ‘Restricted Category’ prisoner, the superintendent shall ensure the ‘Restricted Visits’ alert on TOMS is applied. Specification that the prisoner is permitted NO visits with children and the justification for the application of the alert is to be recorded in the alert notes on TOMS (see also Section 10.4.3).

10.4.3 From time to time there may be prisoners that do not fall within the definition of a ‘Restricted Category’ prisoner but for whom there are areas of concern in relation to children. In these cases, where concerns are identified, the superintendent shall ensure the ‘Restricted Visits’ alert on TOMS is applied. Specification that the prisoner is permitted NO visits with children and the justification for the application of the alert is to be recorded in the alert notes on TOMS.

10.4.4 Where a prisoner is identified as meeting the criteria prescribed under Section 10.4.1 after their initial reception (ie. further charges are brought against the offender, or during the assessments process charges are identified), the superintendent shall ensure the ‘Restricted Visits’ alert on TOMS is applied. Specification that the prisoner is permitted NO visits with children and the justification for the application of the alert is to be recorded in the alert notes on TOMS.

10.5 Restricted contact

10.5.1 Prisoners who have had their visits restricted in accordance with Section 10.4 shall only be able to receive visits from adults unless approved visits with a specific child/ren in accordance with Section 10.6 and 10.7.

10.5.2 It is essential that children visiting non-Restricted Category prisoners are safeguarded from potential contact with Restricted Category prisoners. Superintendents are required to develop procedures in the prison’s Local Orders to ensure that there is an appropriate level of supervision in the visiting area(s) to safeguard children.

10.5.3 The superintendent shall ensure adequate procedures are in place in accordance with Policy Directive 36 – Communications to monitor other forms of communications by ‘Restricted Category’ prisoners, such as letters and telephone calls, to protect children from grooming and unapproved contact, as these mechanisms can be used to exert undue influence and perpetuate the fear of abuse.

10.6 Eligibility to apply to receive visits from specific child/ren

10.6.1 ‘Restricted Category’ prisoners may only apply for visits with specific child/ren where the legal guardian of the child visitor(s) is willing for visits to occur; and

   - The proposed child visitor is ‘immediate family’. This means a prisoner's son/daughter, or brother/sister by birth/marriage (ie stepchild) or adoption\(^2\). It does not include nephew/niece, cousins or other extended family; or

\(^2\) Amended by Adult Custodial Amendment Rule 2015.004, approved on 30 December 2015.
• The prisoner was the ‘primary care giver’ to the child/ren\(^3\).

10.7 Application process

10.7.1 The ‘Restricted Category’ prisoner is to advise prison staff that they wish to make an application to receive visits with a particular child/ren.

10.7.2 The Assistant Superintendent shall ensure that the relevant checklist is completed and, taking into account the relationship with the child/ren in line with Section 10.6.1, shall make a recommendation regarding visits, via the checklist, to the Director, Sentence Management.

10.7.3 The Assistant Superintendent is to then advise the Sentence Management Directorate that a checklist has been completed, via an email to the AC-SM-Child Visits distribution list. A copy of any supporting documentation should also be emailed to this distribution list.

10.7.4 Upon receiving the prisoner’s application, the Director, Sentence Management shall assess the application and either deny visits take place, or forward the application to the Department for Child Protection and Family Services (DCP&FS) for further assessment/recommendation. DCP&FS will then assess the application and make a recommendation to the Director, Sentence Management who shall assess the information provided by the DCP&FS and either approve or deny visits take place.

10.7.5 If visits are approved/denied by the Director, Sentence Management, the prison shall be notified and an Offender Note will be entered on TOMS by Sentence Management. If visits are approved, the superintendent shall ensure the ‘Restricted Visits’ alert is edited to state that the prisoner is permitted restricted visits with children. The alert notes shall also state the name(s) of the child(ren) permitted to visit with the prisoner.

10.7.6 The prisoner is to be advised by prison staff of the outcome of their application.

10.7.7 Approved visits and any other contact with children with Restricted Category prisoners may be subject to special conditions and/or supervision.

10.8 Prisoner Appeal

10.8.1 A prisoner has the right to one (1) appeal only against a decision and/or any special conditions/supervision.

10.8.2 Appeals will be considered by the next level delegated authority from the decision maker in relation to the initial application.

10.8.3 A decision by the Commissioner is considered final and there is no right of appeal.

11. Records of visits

11.1 Each prison shall, in relation to each visit to a prisoner, keep a record, in addition to the visitors bookings list, of:

• the date and time of the visit

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\(^3\) Amended by Adult Custodial Amendment Rule 2015.004, approved on 30 December 2015.
• the name of the prisoner
• the name and address of each visitor
• the relationship between each visitor and the prisoner
• the nature or purpose for the visit
• the outcome of the visit.

12. Visits code of conduct and dress standards

12.1 Visitors and prisoners are required to conduct themselves in accordance with the Visitors Code of Conduct (see Appendix 5 - Visitor Code of Conduct). Visitors are required to adhere to the minimum standards of dress (see Appendix 6 – Visitor Dress Standards).

12.2 Visitors are required to comply with all notices displayed and any instructions given by prison staff.

13. Visits to prisoners in the prison infirmary

13.1 In the case of a visit to a prisoner who cannot leave the infirmary, the visitors will be escorted to the infirmary where the visit will take place.

13.2 Visit staff will ensure that there are an adequate number of officers to properly supervise the visit, before it takes place.

14. Interprison visits

Pursuant to s 59 (2) of the Prisons Act 1981, a prisoner may be permitted by the designated Superintendent to receive visits from a friend or relation who is confined in another prison. In all cases, the continued custody of the prisoner and the protection and security of the public are the primary consideration.

Where a restraining order is known to be in place, no visit is to be approved between a protected person and a respondent in a restraining order, unless the order specifically permits such contact to occur.

14.1 Application

An application for visits shall include an assessment of the importance (to one or both of the participating prisoners) of a relationship between them. The assessment shall be made in the light of substantive evidence concerning one or all of the following criteria:

14.1.1 A degree of blood relationship (by itself the existence of a blood relationship with a mother, father, sister, brother, son or daughter is usually sufficient to recommend a visit).

14.1.2 Prisoners who are significantly isolated from their normal community or country may be approved visits with other prisoners from that region.

14.1.3 A marriage relationship – including defacto or ceremonial (by itself, this criterion is usually sufficient to recommend a visit). Note: Under the Equal Opportunity Act 1984 it is unlawful to discriminate on the ground (among others) of sexual orientation. Consequently a same sex relationship has the same standing as any other relationship. In such cases, one or more of the following shall form the basis of the assessment.
• The proven importance the relationship has been to one or both prisoners in the past;
• The commitment demonstrated to the relationship by one or both prisoners through other forms of communication; and/or
• The negative impact that non-contact is having on one or both prisoners.

14.1.4 Both prisoners must be agreeable to the visits taking place.

14.2 Security

14.2.1 A recommendation in favour of a visit shall be subject to the assessment that all arrangements for the proposed visit (including the venue) are consistent with the security ratings of the prisoners.

14.2.2 The prisoner with the lower security rating shall visit the prisoner with the higher security rating.

14.2.3 Where either of the prisoners involved in a visiting schedule are placed in separate confinement for protection, the regime for visits as described in Adult Custodial Rule 1 – Management of Prisoners in Confinement and Adult Custodial Rule 2 – Placement of Prisoners in the Special Handling Unit shall apply.

14.2.4 An application for temporary transfer to another prison for the purpose of visits under this Rule may only be permitted by the Governor if the prisoner is undergoing strict security life imprisonment or in strict custody or in safe custody (s 26(2) of the Prisons Act 1981).

14.3 Procedure

14.3.1 Applications for visits will be processed in accordance with Assessment and Unit Conference procedures.

14.3.2 An application for visits shall be made on an ‘Application for Review’ form.

14.3.3 Either party to the proposed visit may make application to the designated Superintendent of the prison in which he/she is placed.

14.3.4 The Unit Conference Chairperson shall call for reports from relevant staff, together with a report from the Unit Conference of the other prison involved. The report from the other prison shall be in the form of a brief memorandum agreeing, or otherwise, to the visit and indicating any relevant factors or restrictions involved. A Unit Conference recommendation is not to be made prior to receiving this report.

14.3.5 The decision slip from the initiating prison shall specify the frequency of the visits. Visits may be approved on a “one off” or regular basis (generally once every six (6) weeks unless circumstances warrant special consideration for an increase). In the case of regular visits, Unit Conference shall regularly monitor, review and report on the progress of visits to the designated Superintendent, by record in the Unit Conference minutes. Approval for regular visits shall continue to be effective notwithstanding the transfer of one of the prisoner participants to another prison, but shall be subject to review by the designated Superintendent and Unit Conference at that prison.
14.3.6 It is the responsibility of the Unit Conference Chairman to inform the other prison of the outcome of the application and to advise of any changes or variations to the original recommendation. The relevant form shall be completed by the sending prison and accompany the prisoner for each visit. A copy of the form shall be forwarded kept on the prisoner’s Management file and handled in accordance with records management processes.

14.4 Consideration and approvals

Interprison visits will be considered by Unit Conference and approved by:

14.4.1 Assistant Superintendent – Prisoners who are rated medium security or lower (except those prisoners undergoing strict security life imprisonment, strict custody or safe custody), are subject to the mutual agreement of the Assistant Superintendent of the receiving prison.

14.4.2 Designated Superintendent – Other approvals (except those prisoners undergoing strict security life imprisonment, strict custody or safe custody), are subject to the mutual agreement of the designated Superintendent of the receiving prison. The ACCO is to be notified of any such approval and has the power to over-ride the decision.

14.4.3 ACCO – Where there is no mutual agreement between Assistant Superintendents or designated Superintendents.

14.5 Appeals

14.5.1 The prisoner who is the applicant, has the right of one (1) appeal against the decision.

14.5.2 Assistant Superintendent decisions will be considered by the designated Superintendent.

14.5.3 Designated Superintendent decisions will be considered by the ACCO.

14.6 General Provisions

14.6.1 Unit Conference and the designated Superintendent shall, in every case, take into account the security arrangements necessary to ensure the safety of the public.

14.6.2 The ACCO may intervene in any decision or recommendation delegated by this Rule and substitute his/her recommendation or decision, as the case may be, documenting the reasons for such action.

14.6.3 The Unit Conference shall monitor and record the progress of visits.

14.6.4 Where Unit Conference is recommending suspension, cancellation or reinstatement of visits, a decision slip shall be considered by the designated Superintendent as soon as practicable. The result shall be conveyed to the designated Superintendent of the other participating prison.
15. **Visits by video link or e-visit technology**

As an added service to the normal person to person visiting arrangements, video link facilities are installed in Western Australian prisons. E-Visits (visits that are facilitated by software packages such as Skype or Microsoft Office Communicator), may be utilised where available. The use of the term ‘videolink visit’ in this section shall include e-visits, where available.

Where a restraining order is known to be in place, no visit is to be approved between a protected person and a respondent in a restraining order, unless the order specifically permits such contact to occur.

All videolink visits shall be recorded on the prisoner’s visit module in TOMS. The standard of behaviour, dress etc during a video visit is the same as that expected for a normal personal visit.

The procedures to be followed for assessment of a prisoner's application are as follows:

15.1 **Inter-prison visits by videolink**

15.1.1 An application requesting a videolink visit is to be completed by the prisoner. (Refer Appendix 7 – Application for Videolink Visits).

15.1.2 The Assistant Superintendent may, without the need for Unit Conference consideration, approve applications for inter-prison visits by video link after taking into consideration the factors in Section 14.1.

15.1.3 A prisoner who is given approval for an inter-prison visit by video link is to be charged $4.00 for each visit, which is of a 20 minute duration. The cost is to be paid by the prisoner originating the video link visit. This charge is subject to regular review.

15.1.4 The frequency of any ongoing video visits is to be determined by the superintendents of the 2 prisons involved in the link.

15.1.5 If the superintendent is of the opinion that exceptional circumstances apply, he/she can authorise a video visit at no cost to the prisoner. Each such case should be assessed on its individual merits.

15.2 **Video visits with family and friends in the community**

This type of visit is only available where there is a video conferencing facility (or e-visit facility) in the community that can be accessed by the prisoner’s family or friends.

15.2.1 A prisoner who is given approval for a visit from family and friends by video link is to be charged $4.00 for each visit (intrastate only), which is of a 20 minute duration. This charge is subject to regular review. Any costs associated with the video facility in the community are the responsibility of the family and/or friends.

15.2.2 If the superintendent is of the opinion that exceptional circumstances apply, he/she can authorise a video visit at no cost to the prisoner. Each such case is to be assessed on its individual merits.

15.2.3 The frequency of any ongoing video visits is to be determined by the superintendent.

15.2.4 If the prisoner’s family or friend is located overseas or interstate, the provisions of this section apply, although the cost of using this facility is
higher than an intrastate video link - 75% of the cost should be recouped from the prisoner.

16. **Temporary transfers for visits**
Prisoners may be transferred to other prisons to facilitate visits. Transfers for visits shall be processed in accordance with [Adult Custodial Rule 18 – Assessment and Sentence Management of Prisoners](#).

17. **Concerns relating to a prisoner**
17.1 Designated Superintendents are to provide a means for family/friends of prisoners, and other members of the community, to be able to register their concerns in relation to a prisoner. This particularly applies in relation to prisoners who are at-risk of self-harm. Refer also to the [ARMS Manual](#).

17.2 In order to facilitate this communication, the Designated Superintendent is to ensure that signage is placed in visits areas informing visitors of the means available to bring their concerns to the attention of prison staff. Any staff member who is advised by visitors of concerns the visitors have in relation to a prisoner is to ensure that the superintendent is informed of these concerns and that they are recorded and, where appropriate, referred for action.

18. **Supporting appendices**
- Appendix 1 - Application to visit prisoners – s 65
- Appendix 2 - Visiting Times - Family and Friends
- Appendix 3 - Visiting Times - Official Visitors
- Appendix 4 - Form 2 Prison Regulations 1982
- Appendix 5 - Visitor Code of Conduct
- Appendix 6 – Visitor Dress Standards
- Appendix 7 – Application for Videolink Visits

19. **Review**
This Rule is to be reviewed on a biennial basis. Appendices to this Rule may be varied by the Commissioner as necessary to reflect changes to prison procedures.
20. **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: [Signature]

Date: 28 October 2013

Minister: [Signature]

Date: 18 December 2013

21. **Policy sponsor**

Commissioner

22. **Contact person**

Principal Operational Policy Officer

23. **Amendment history**

<table>
<thead>
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<th>Approved</th>
<th>Effective from</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>First published</td>
<td>6 January 2005</td>
</tr>
<tr>
<td>2</td>
<td>Amended</td>
<td>18 December 2013</td>
</tr>
<tr>
<td>3</td>
<td>Amended by Adult Custodial Amendment Rule 2015.004</td>
<td>30 December 2015</td>
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