



# Policy Directive 1

## Section 43 Placement

**Legislation referred to:** [Prisons Act 1981](#) s 43  
[Prisons Regulations 1982](#) r 72  
[Adult Custodial Rule 1](#)

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### 1. Authority for placement

Section 43(1) of the [Prisons Act 1981](#) is in the following terms:

“For the purpose of maintaining good government, good order or security in a prison, the chief executive officer may order, in writing, the separate confinement in prison of a prisoner for such period not exceeding 30 days as is specified in the order.”

### 2. Criteria

- a) The decision to request an order under s 43 must be reasonable in the circumstances and be justified according to the threat a prisoner poses to the good order of the prison. It is not and should not be used as punishment. Other options for managing the prisoner should be considered to the extent that the chief executive officer (or delegate) can be confident that the request for a s 43 order is considered to be the most appropriate response in the circumstances of a particular case.
- b) The maximum period for placement under s 43 is 30 days but a shorter period can be ordered if that is considered to be more appropriate. Each request will be considered on its merits.

### 3. Request for s 43 placement

The designated Superintendent of a prison or Director of Acacia Prison may request that a prisoner be separately confined under s 43 of the [Prisons Act 1981](#). All such requests are to be made to the Assistant Commissioner Custodial Operations or Director, Contracted Services on the form at [Appendix 1](#) and may be supported by additional information if necessary. The completed regimen proposed for the prisoner is also to be forwarded with the request (see [Appendix 2](#)).

A decision on the request will be provided to the designated Superintendent or Director of Acacia Prison.

### 4. Placement approvals

If approval is given for the placement of a prisoner under s 43, the designated Superintendent or Director of Acacia Prison will be provided with a copy of the separate confinement order and the regimen that applies to the prisoner. The officers

responsible for management of the prisoner and the prisoner are to be given a copy of the regimen. The prisoner is also to be advised of the reason for the placement in separate confinement.

Prisoners in separate confinement:

- a) shall be visited at least once daily by the unit manager and superintendent or Director of Acacia Prison (or a senior member of the prison administration) to ensure that the health and welfare of the prisoner is being maintained
- b) shall be visited by health services staff on a regular, preferably daily basis, to determine physical and mental wellbeing
- c) shall be visited by staff involved with the delivery of prisoner programs as necessary.

## 5. Records

A written occurrence record is to be maintained for prisoners in separate confinement. This record is to document at a minimum:

- i. regime and access to facilities and privileges
- ii. identification of officers on-duty
- iii. lockup, unlock results
- iv. night cell checks or cell openings (times)
- v. complaints relating to routine
- vi. searching times, and results
- vii. offender behaviour with a brief comment relating to reasons eg bad news, drug or alcohol consumption, misconduct
- viii. visitors to the area eg superintendent
- ix. exercise, meal and shower times
- x. movements (work, medical, offender treatment programs, religious attendance)
- xi. other observations or comments as necessary.

## 6. Review and/or exit

- a) 7 days prior to expiration of the order, a review is to be conducted to determine the prisoner's future placement and whether this can be done in a less restrictive environment or whether there is a need for the separate confinement to continue (refer to [Appendix 3](#)). If the designated Superintendent or Director of Acacia Prison considers there is a need to recommend continuation of the placement, an Individual Management Plan is to be submitted with the request.
- b) The designated Superintendent or Director of Acacia Prison may recommend to the Assistant Commissioner Custodial Operations or Director Contracted Services as the case may be, at any time during the period of a s 43 order that the prisoner be removed from the regime.

**7. Approved**

Commissioner:

Minister:

Date: **4 June 2003**