



**Provision of Library Services – Procedures**

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**1. Introduction**

The purpose of these procedures is to implement consistent standards and processes regarding to the provision of library services within the West Australian prison system.

**2. Definitions**

<b>Designated Superintendent</b>	The Superintendent as defined in s 36 of the <i>Prisons Act 1981</i> and includes any reference to the position responsible for the management of a private prison under Part 111A of the <i>Prisons Act 1981</i> .
<b>Legal and Appellant Librarian</b>	The contracted provider of the Legal and Appellant Library Service which assists prisoners in accessing legal materials and resources
<b>Library Officer</b>	An officer nominated by the Designated Superintendent who is responsible for providing library services in a prison.
<b>Library Supervisor</b>	A Vocational Support Officer responsible for library services to all public prisons in Western Australia. Based at Casuarina Prison.
<b>Legal materials and resources</b>	Case law, legislation, unreported judgements, articles and commentary
<b>TimeBase</b>	In the context of this document, TimeBase refers to the legislation database provided by TimeBase, a legal publisher that specialises in the delivery of accurate and comprehensive legislation research tools.

### **3. Library resources**

- 3.1 The Designated Superintendent will provide and maintain adequate facilities for a library service.
- 3.2 Materials permitted in prison libraries will adhere to the requirements of [Adult Custodial Rule 11 – Permitted and Prohibited Material](#).
- 3.3 The Designated Superintendent in conjunction with the Library Supervisor, Casuarina Prison will ensure that library services, equipment and materials are organised and provided to recognised library standards.
- 3.4 The Department of Corrective Services will allocate a budget for state wide library services to Casuarina Prison. Casuarina Prison will purchase, catalogue and distribute materials to all public prisons in accordance with a formula agreed by the Assistant Commissioner Custodial Operations. Each public prison may submit specific or general recommendations to the Library Supervisor, Casuarina Prison, specifying materials required.
- 3.5 Small satellite collections may be established within accommodation areas where access to library services cannot be facilitated due to different classifications or different management regimes.
- 3.6 Prisoners, family members, staff and community organisations may donate items to the library subject to the necessary security checks being conducted.

### **4. Library privileges**

- 4.1 Abandoned library resources found within prison common areas must be returned to the library immediately.
- 4.2 Prisoners are responsible for all items loaned to them by the library and have an obligation to return books to the library by the due date.
- 4.3 If any member of staff has reason to believe that a prisoner has misused library facilities or resources, the matter should be referred to the Security Manager. Library services may be withdrawn where a rule, policy or order relating to the provision of library services has been breached. Where a prisoner requires access to the library to enable study or research to be undertaken in his/her capacity as a student enrolled in a course of study or training, only recreational use should be withdrawn.
- 4.4 Where a prisoner is found guilty of destroying, damaging, losing or defacing library material, the Designated Superintendent may order the prisoner to pay compensation for the cost of replacing or repairing the item.
- 4.5 Any library owned resource found by staff when preparing a prisoner's property for transfer or discharge must be immediately returned to the library. In the event of a cell move for management reasons within the prison, library resources are to be immediately returned to the library.
- 4.6 Staff borrowing library resources shall follow the guidelines set by the Library Officer.

### **5. Legal materials available in prison libraries**

- 5.1 All prisoners shall have access to basic law books and references including texts on criminal law, the laws of evidence, statutory interpretations and legal dictionaries. These resources shall not be removed from the Prison Library.

- 5.2 In accordance with Section 5.1 above, each prison, at a minimum, shall have the following general texts available for reference only (not for loan), and updated as new editions are published:
- Douglas, H, Everton-Moore, K Harbridge, S & Levy, L. *Criminal Process in Queensland and Western Australia* (Thomson Reuters, June 2010, ISBN 9780455227993).
  - Burton, K, Crofts, T & Tarrant, S. *Principles of criminal law in Queensland & Western Australia* (Thomson Reuters, March 2011, ISBN 9780455227818)
  - Kenny, G. *An Introduction to Criminal Law in Queensland and Western Australia* (LexisNexis, 8th edition, ISBN 9780409331981).
  - Colvin, E & McKechnie, J. *Criminal Law in Queensland and Western Australia* (LexisNexis, 6th edition, ISBN 9780409328479).
  - *Concise Australian Legal Dictionary* (LexisNexis, 4th edition, ISBN 9780409327311).
- 5.3 The Designated Superintendent shall ensure that publicly available and current copies of Adult Custodial Rules, Policy Directives and Operational Instructions, along with relevant non-restricted Standing and Local Orders and prison-specific instructions, are made available for review by prisoners in the prison library.
- 5.4 Each prison shall have up to date copies of the following legislation available in the prison library (refer also to Section 5.6 below):
- [Bail Act 1982](#)
  - [Bail Regulations 1988](#)
  - [Criminal Code Act Compilation Act 1913](#)
  - [Criminal Law \(Mentally Impaired Accused\) Act 1996](#)
  - [Evidence Act 1906](#)
  - [Police Act 1892](#)
  - [Prisons Act 1981](#)
  - [Prisons Regulations 1982](#)
  - [Sentence Administration Act 2003](#)
  - [Sentence Administration Regulations 2003](#)
  - [Sentencing Act 1995](#)
  - [Sentencing Regulations 1996](#)

- 5.5 Annual audits of each prison library's legal materials as per sections 5.2 to 5.4 above are to be conducted at least annually. The Library Supervisor will provide documentation, which, upon its completion by the relevant prison, is to be returned to the Library Supervisor.
- 5.6 The Designated Superintendent of each prison shall ensure that there is at least one computer available for use by prisoners to facilitate the preparation of their legal representation. This computer shall provide access to current Australian legislation (via TimeBase) and appropriate word processing software for prisoners' use for bona fide legal purposes.
- 5.7 The Library Supervisor shall ensure that current versions of TimeBase are distributed to each prison on a quarterly basis (at a minimum). The Designated Superintendent is responsible for ensuring that procedures are in place for the loading and storing of the versions of TimeBase provided by the Library Supervisor.
- 5.8 Prisoners are not to be given access to the internet under any circumstances.
- 5.9 Court forms, accessible from relevant court websites, are to be provided to prisoners by the Library Officer where requested.
- 5.10 Up to date information is to be provided to prisoners from the [Legal Aid Website - General Information for Prisoners](#) in regards to appeals, parole, family law issues, prison offences and Legal Aid services where requested.
- 5.11 Costs for printing and photocopying of legal materials and resources are detailed in [Section 7](#) below.

## **6. Legal and Appellant Library**

- 6.1 The purpose of the Legal and Appellant Library is to provide prisoners with opportunities to access legal materials and resources through prison based libraries for the preparation and conduct of any ongoing or likely criminal legal proceedings.
- 6.2 Prisoners may request legal materials and authorities by completing the [Request for Legal and Appellant Library Materials Form – Appendix 1](#) and submitting it to the Library Officer for consideration and processing.
- 6.3 The Library Officer will examine each request to ensure that the request is not likely to interfere with the good order and security of the prison. If the Designated Superintendent, upon considering the advice of the Library Officer, believes that the request may interfere with the good order and security of the prison, he/she may refuse the application.
- 6.4 If a prisoner lodges a request for legal and appellant material which is excessive in itself, or if the prisoner has lodged a large number of requests in the past, then the prisoner may need to justify the request.
- 6.5 If the request is acceptable, the Library Officer will forward the request to the Library Supervisor who will forward the request to the Legal and Appellant Librarian.
- 6.6 The Legal and Appellant Librarian will review each application and, where they consider that any material is inappropriate, inapplicable or excessive, may refuse the application or modify or refer the application to the relevant prison for more information.

- 6.7 Where the Legal and Appellant Librarian refers a request to a prison in accordance with Section 6.6 above, the Designated Superintendent shall ensure the request is discussed with the prisoner to explain the reason for the refusal and assist to modify the request in such a way that the request becomes acceptable, if appropriate.
- 6.8 Where the Legal and Appellant Librarian accepts a request, the Legal and Appellant Librarian will deliver the materials to the relevant Library Officer within five (5) business days of receipt of the application wherever possible.
- 6.9 The Legal and Appellant Librarian shall retain completed requests for materials for four (4) years.
- 6.10 The relevant Library Officer may charge a prisoner a fee, where the service incurs a fee, to obtain specific material or authorities from the Legal and Appellant Librarian where excessive costs are incurred to locate or copy documents, or where the request is excessive in itself or the prisoner has lodged a large number of requests in the past. Fees charged to a prisoner are not to exceed those incurred by the Legal and Appellant Librarian.
- 6.11 The relevant Library Officer may choose to waive fees, where the fees are negligible or where a prisoner demonstrates that the material is essential to their legal matter or appeal and they are unable to pay the fees.

## **7. Photocopying and printing**

- 7.1 Prisoners may request the Library Officer to photocopy or print legal documents. The Library Officer will print or photocopy the legal documents when duties permit.
- 7.2 Prisoners will be charged for the service at 20 cents per page. Prisoners are to complete the [Request for Bona Fide Printing or Copying – Appendix 2](#) and a C63. The Request for Bona Fide Printing or Copying form is to be filed within the Prison's library and the C63 is to be sent to the Cashier for processing.
- 7.3 Documents that are considered to be inappropriate or not required for bone fide legal purposes will not be photocopied by the Library Officer. Prisoners may refer the request to the Assistant Superintendent Offender Services.
- 7.4 The Library Officer may choose to waive fees, where the fees are negligible or where a prisoner demonstrates that they are unable to pay the fees and that the material is essential to their legal case.
- 7.5 Where the prisoner requires large quantities of photocopying/printing, the prisoner may purchase a ream of paper through the prison's Canteen. The paper is to be kept by the Library Officer for the sole use by the prisoner for photocopying/printing of the prisoner's documents.
- 7.6 Photographs relevant to a prisoner's legal case will be copied upon approval from the prison's Security Manager.
- 7.7 Facsimiles shall not be sent by Library Officers.

## **8. Policy sponsor**

Deputy Commissioner Adult Custodial

## 9. Contact person

The following persons may be approached on a routine basis in relation to this policy:

Library Supervisor, Casuarina Prison

Principal Operational Policy Officer

## 10. Approved

Commissioner or delegated authority as  
per Policy Directive 21

Signature:



Date: 14 January 2014

## 11. Amendment history

Version	Approved	Effective from
1. First published	N/K	14 May 2001
2. Amended	N/K	21 September 2007
3. Amended	9 December 2013	Withdrawn before implemented
4. Amended	14 January 2014	20 January 2014