1. Introduction

These Procedures operationalise Policy Directive 26 – Searches in regards to the search of visitors, to ensure consistency and application of legislated requirements.

2. Exemptions

2.1 The following parties are exempt from the search provisions of these Procedures:

2.1.1 The Inspector and staff from the Office of the Inspector of Custodial Services, including independent prison visitors, pursuant to the Inspector of Custodial Services Act 2003 and s 57 of the Prisons Act 1981 respectively, unless reliable intelligence exists and approval has been sought from the Assistant Commissioner Custodial Operations.

2.1.2 Judges of the Supreme Court or District Court in accordance with s 57 of the Prisons Act 1981, the State Coroner, the Parliamentary Commissioner and members of his investigatory staff, Judicial Officers and their Associates, undertaking hearings within the prison unless reliable intelligence exists and approval has been sought from the Assistant Commissioner Custodial Operations. Equipment necessary for the recording of these hearings may be taken into the prison. All such items are to be declared at the entrance to the prison upon entry and exit.

2.2 The following parties, while not exempt from personal searches as defined in these Procedures, are subject to amended processes as follows:
2.2.1 Members of the legal profession who are visiting clients in an official capacity may take a Dictaphone, laptop and/or documentation necessary for the interview into the prison; however, they may not bring a tablet computer into the prison. Any laptop brought into a prison must:

- be removed from any packaging
- have all external peripheral devices, removable media and SIM cards removed
- have any wi-fi capability disabled
- be placed in the Departmentally approved clear plastic bag which is available at the prison.

2.2.1a A laptop brought into a prison may not be used to display video or other photographic media, access the internet, or connect with other computers or devices except with the approval of the Designated Superintendent (after receiving prior advice from the Director Security and Response Services).

2.2.1b A laptop brought into a prison in accordance with 2.2.1 must be visually inspected by an officer who is to record its entry into, and exit from, the prison.

2.2.1c A legal representative’s failure to comply with the conditions of section 2.2.1 may result in the removal or banning of the visitor in accordance with Adult Custodial Rule 7 or Policy Directive 55 as applicable, or may result in action in accordance with section 50 Prisons Act 1981.

2.2.2 Western Australia Police (WAPol) Officers or Australian Federal Police (AFP) conducting interviews or official visits may take audio and video equipment into custodial facilities to record interviews. All such items are to be declared at the entrance to the prison upon entry and departure.

2.2.3 WAPol or AFP Officers transferring a prisoner may take into a facility all issued defensive and personal protective equipment excluding firearms, which are to be deposited in the appropriate storage location prior to entry into the facility.

2.2.4 Ambulance paramedics are permitted to possess and use mobile telephones and other electronic equipment in prisons to assist in their ability to transmit critical medical data to medical specialists. All such items are to be declared at the entrance to the prison upon entry and departure.

3. Definitions and acronyms

**AFP**
Australian Federal Police

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

**external peripheral devices**
Any device (eg mouse, keyboard, scanner, etc) which connects to, and works with, a laptop computer.

**GPS**
Global Positioning System

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1 Amended by Policy Directive Amendment 2015.001 approved by the Commissioner on 23 July 2015
2 Inserted by Policy Directive Amendment 2015.001 approved by the Commissioner on 23 July 2015
laptop computer A portable computer comprising of an in-built keyboard, and a screen of no less than 10 inches diagonally from corner to corner which is permanently hinged to the base of the laptop.

Medical officer A person who is appointed or engaged as a medical officer referred to in ss 6(3) or (4) of the Prisons Act 1981.

Official visitor In accordance with Adult Custodial Rule 7 – Communication – Visits, official visitors include appointed prison visitors, appointed visiting justices and Judges of the Supreme or District Court, 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, police officers, diplomatic or consular representatives, religious/cultural representatives approved under s 95E of the Prisons Act 1981 and other persons who are authorised under s 65 of the Prisons Act 1981 by the Commissioner. Note: Some exceptions to search and permitted property apply. Refer Section 2 for further information.

removable media Any type of storage device which can be removed from a laptop computer while the system is running (eg. USB drives, CDs, etc.).

SIM card A smart card that stores data for cellular subscribers, and which prevents cellular connection if removed.

Also known as a subscriber identity module.

Social visitor In accordance with Adult Custodial Rule 7 – Communication – Visits, social visitors include friends and relations of prisoners, including extended family and persons in de facto relationships with prisoners.

Sterile For the purposes of these Procedures, sterile refers to an area or piece of equipment that has been thoroughly searched for the presence of contraband.

Superintendent The Designated Superintendent or Officer in Charge (OIC) of a public prison, the Director or Officer in Charge of a private prison.

tablet computer A portable computer comprising of a screen which is not permanently hinged to a keyboard.

TOMS (Total Offender Management Solution) An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners.

WAPol Western Australia Police

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3 Inserted by Policy Directive Amendment 2015.001 approved by the Commissioner on 23 July 2015
4. **Searching of visitors**

4.1 The requirements of Policy Directive 26 – Procedures – General Search Requirements shall apply.

4.2 Policy Directive 26 – Searches – Appendix B – Search of a person entering/leaving a Prison shall be completed for the search of any visitor searched in accordance with these procedures.

5. **Personal property searches**

5.1 Personal property may be permitted or denied entry into a prison in accordance with these Procedures, and specifically Section 14.

5.2 Every person entering a prison must undergo a personal property examination, which involves a visual (and where available and applicable, technological) examination of all items being conveyed into the prison by a visitor member to ensure compliance with Section 14.

5.3 A general property search is to be conducted on all property that is not the personal property of a person (eg general prison stores, materials for prison industries). All items in accordance with this subsection shall be thoroughly inspected visually, and where possible, via x-ray.

5.4 Every person exiting a prison may be searched in accordance with these Procedures to ensure that property is not being removed from a prison without authorisation.

5.5 If contraband is found, refer Section 15.

5.6 The management of incoming prisoner property shall occur in accordance with Policy Directive 42 – Prisoner Property.

6. **Drug detection dogs and drug detection devices**

6.1 Drug detection dogs and drug detection devices may be used as determined by the Designated Superintendent to assist staff in the searching of visitors.

6.2 Where a positive indication is given, the Designated Superintendent shall ensure that the visitor is submitted to a rub down search as a minimum requirement (refer Section 8).

6.3 If no contraband is found, the visitor shall be interviewed by the superintendent or their delegate in relation to the cause of the initial positive indication and:

   - At maximum and medium security prisons, the visitor shall be given a non-contact visit, or if no non-contact facilities are available, the visitor shall be refused entry.
   - At minimum security prisons, the superintendent or Security Manager shall determine whether to permit entry to the visitor, on a case by case basis.
   - Consideration may be given to searching the visitor’s locker or vehicle (refer Policy Directive 26 – Procedures – Vehicle Searches).

6.4 If contraband is found, refer to Section 15.

7. **Hand held metal detectors**

7.1 Hand held metal detectors may be used on their own or in conjunction with other searches (eg along with a rub down search).
7.2 Hand-held metal detectors are used to detect metallic items on the person or within goods / property. The following procedure must be followed when conducting a hand-held metal scan of a person:

- Ask the person to stand with their arms spread out.
- Run the detector closely along the person from head to toe
- If the warning light or alarm sounds, ask the person to give an explanation for it.
- If contraband is found, refer Section 15.

8. Rub down searches

8.1 The Designated Superintendent shall determine the number of rub down searches to be carried out each day and is to ensure that the frequency of these searches is not predictable. Factors such as the prison’s total daily pedestrian movement should be used in determining the frequency of these searches. As a minimum, the Designated Superintendent shall ensure that 5% of all pedestrian movements are subjected to rub down searches upon their entry into prison.

8.2 In the event that a targeted search is required, the express permission to conduct the search shall be obtained from the Designated Superintendent or their delegate (refer also Policy Directive 26 – Procedures – General Search Requirements).

8.3 In the event of a planned search activity that involves the search of visitors, the Designated Superintendent or their delegate shall personally direct that the search of visitors be conducted (refer also Policy Directive 26 – Procedures – General Search Requirements).

8.4 Rub down searches are to be conducted by a prison officer of the same gender as the visitor to be searched, in an appropriate area, as specified by the prison’s searching strategy. A second officer of either gender shall be present, unless the person being searched is female, in which case the witnessing officer shall be female and the search shall be conducted out of the sight of any male persons.

8.5 Searching officers shall wear their Department issued search gloves when conducting searches of visitors.

8.6 At a minimum, the searching prison officer shall:

- Inform the person of the officer’s authority for conducting the search (whether directed by the Designated Superintendent in accordance with Sections 8.1, 8.2 and 8.3 above).
- Inform the person that if they do not submit to a search the superintendent may refuse to admit them or may cause to have the person removed from the prison.
- Inform the person that they are permitted to have a person of the same gender present (not a prisoner) during the search.
- Inform the person of the reason for the search.
- Ask the person whether they have anything in their possession which may jeopardise the good order or security of the prison and if so, to produce the article.
- Provide the person the opportunity to respond to the above.
- Ask the person to empty his or her pockets and remove their hat or jacket. Search items removed from pockets, hat and jacket.
- Ask the person to shake out his or her hair. Ask them to untie their hair if necessary.
• Using flat, open hands, search around the top of the person’s shirt and shoulders.
• Ask the person to raise his or her arms with fingers apart and palms downwards.
• Using flat, open hands search each arm or check visually if not covered with clothing.
• Check hands visually, including between fingers.
• If the person is male, using flat, open hands, check the front of the body from neck to waist, sides from armpits to waist, to and including the waistband.
• If the person is female, using flat, open hands, check the front of the body from neck to top of bra, then from bottom of bra to waist, to and including the waistband. Check sides from armpits to waist.
• The person may be asked to turn around to assist the search.
• Check back, front and sides of each leg from crutch to ankle.
• If the person is wearing a skirt, it may be difficult to search the tops of the person’s legs. In these cases, the searching officer is to search on the outside of the person’s clothing, and if required use a hand held metal detector to search more thoroughly.
• Check the top of socks or shoes, or if necessary, ask person to remove shoes and socks. If footwear is to be removed, a mat or similar item is to be provided for the person to stand on while his or her footwear is being searched.
• Ask the person to move to one side and inspect area for items dropped. Ensure that the person is not standing on any item dropped.
• Record the details of the search and the response provided by the person being searched on Policy Directive 26 – Searches – Appendix B – Search of a person entering/leaving a Prison.
• Ensure that the particulars of the search, including the details of anything found, are entered on TOMS.

8.7 In the event that the person being searched is a child apparently under the age of 10 years, the search shall be conducted by a female prison officer and in the presence only of female persons. The person accompanying the child shall also be present unless that person refuses to be present. The person accompanying the child may give instruction to the child if necessary.

8.8 In the event a person with a disability is subject to a rub down search, the search shall be conducted in a manner which ensures decency but maintains the integrity of the searching practice.

8.9 If contraband is found, a strip search shall be conducted in accordance with Section 9, below. The further management of the visitor and contraband is detailed in Section 15.

8.10 If no contraband is found, consideration may be given by the Designated Superintendent or delegate (refer to Policy Directive 26 – Procedures – General Search Requirements) to authorising a search of the visitor’s locker or vehicle (refer Policy Directive 26 – Procedures – Vehicle Searches).

9. Strip searches

9.1 The strip search of a visitor shall be authorised by the Designated Superintendent or their delegate (refer Policy Directive 26 – Procedures – General Search...
Requirements) after they have assessed and considered whether there are sufficient grounds justifying such action.

9.2 Strip searches are to be conducted by a person of the same gender as the person to be searched in an appropriate area as specified in the prison’s searching strategy (refer also Section 9.3 below). A second person of the same gender shall witness the search.

9.3 Strip searches shall be conducted in a room where the interior of the room is not visible to anyone from the outside. A gown or towel and a Search Manual (refer Policy Directive 26 – Procedures – General Search Requirements) shall be made available.

9.4 A strip search of a visitor shall not be conducted with more than 2 officers present unless the superintendent orders otherwise in the interests of security of the prison or to overcome actual resistance to the search.

9.5 Searching officers shall wear their Department issued search gloves when conducting searches of prisoners.

9.6 At a minimum, the searching officer shall:

- Inform the person of the officer’s authority for conducting the search (as directed by the Designated Superintendent in accordance with Section 9.1 above)
- Inform the person that if they fail to submit to a search the superintendent may refuse to admit them or may cause to have them removed from the prison
- Inform the person that they are permitted to have a person of the same sex present (not a prisoner) during the search.
- Inform the person of the reason for the search
- Record the details of the search and the response provided by the person being searched on Policy Directive 26 – Searches – Appendix B – Search of a person entering/leaving a Prison.
- Ensure that the particulars of the search, including details of anything found, are entered on TOMS.

9.7 The superintendent may request that a medical officer is present during the strip search of a visitor.

9.8 A search of a visitor under this section shall be conducted with regard to decency and self-respect and shall be conducted in accordance with the following procedures:

- 2 officers of the same gender as the visitor being searched shall conduct the search.
- The first officer is to control the search and observe the visitor from the front. The second officer is responsible for receiving clothing and other items removed by the prisoner and searching them. The second officer should also observe the visitor from the back or side.
- Both officers are to remain alert to potential risks throughout the search to potential risks.
- The first officer is to ask the visitor if he or she has anything on his or her person which is unauthorised or may cause an injury to the searching officers.
- The first officer is to ask the visitor to empty his or her pockets and remove their hat or jacket. The second officer is to receive and search such items.
• The first officer is to ask the visitor to shake out his or her hair and to untie their hair if necessary.
• The first officer is to look around and inside his or her ears, nose and mouth. The visitor may be asked to raise his or her tongue so that a thorough search of the visitor’s mouth can be conducted.
• The first officer is to ask the visitor to remove the top half of his or her clothing (including bra, for female visitors) and pass the clothing to the second officer. The second officer is to receive and search the clothing.
• The first officer is to ask the person to hold up their arms and turn around whilst the officers observe the visitor’s upper body and hands.
• The second officer is to return the visitor’s clothing and the visitor is to be permitted to re-dress.
• The first officer is to ask the visitor to remove his or her footwear including socks, and pass them to the second officer. The first officer is to ask the person to remove the bottom half of his or her clothing, including underwear, and pass the clothing to the second officer. The second officer is to receive and search the clothing.
• The visitor is to be asked to lift his or her feet. The first officer is to visually check between the visitor’s toes.
• The first officer is to ask the visitor to raise the top half of their clothing and turn around, so the visitor’s lower half of the body can be checked.
• The officers are to ensure that the floor area is clear of any items which may have been dropped before or during the search. The first officer is to ask the person to step to one side to ensure that the visitor is not standing on anything he or she has dropped.
• Visitors shall not be required to lift breasts (females), genitals (males), nor lift skin folds unless the searching officer believes that there is something concealed in these areas. Male visitors (only) may be asked to squat if the searching officer believes there is something concealed in the anal area.
• In regard to female visitors, externally applied sanitary towels, napkins or pads are to be removed by the visitor and placed in an appropriate container for disposal. A replacement shall be provided. Staff must not remove, or ask the visitor to remove, tampons during a search.
• The visitor’s clothing is to be returned and the visitor is to be permitted to re-dress.

9.9 If the searching officers believe that the visitor is attempting to conceal any item during a search where the visitor is permitted to remain partially clothed (as detailed in Section 8.7 above), the visitor may be asked to remove all of their clothing (refer Section 9.10).

9.10 Any deviation from searching procedures as detailed in Section 9.8, including requiring a visitor to remove all clothing due to a suspicion of a concealment (refer Section 9.9) is to be recorded in the TOMS record of the search.

9.11 If the person being searched is a child apparently under the age of 10 years, the search shall be conducted by a female prison officer. A female officer shall witness the search, and the search shall only be conducted in the presence of only female persons. The person accompanying the child shall also be present unless that person refuses to be present. The person accompanying the child may give instruction to the child if necessary.
9.12 If contraband is found, refer Section 15.

9.13 If no contraband is found, consideration may be given by the Designated Superintendent or delegate (refer to Policy Directive 26 – Procedures – General Search Requirements) to authorising a search of the visitor’s locker or vehicle (refer Policy Directive 26 – Procedures – Vehicle Searches).

10. Searching of religious headwear

10.1 Visitors should normally be allowed to wear religious / cultural headwear. Such headwear is subject to searching and care must be taken to treat it with respect. All persons can have their religious headwear searched by a hand held metal detector.

10.2 Some female visitors will wear veils or other face coverings for religious reasons. They must not be made to uncover their faces or hair in public or in front of a man as this could cause serious offence and distress. When required for security or identification purposes, the removal of the veil or face covering must be done in private with only female persons present. Following its removal, the person must be permitted to use a mirror and to have privacy and time to put it back on.

11. Searching of persons with injuries or disabilities

11.1 Reasonable adjustments to searching processes should be made for people with injuries and disabilities. The normal routine searching procedure may need to be varied according to the particular injury / disability of the person.

11.2 Before undertaking the search, the person is to be asked if he or she is in any pain. Searching officers should consider taking advice from Heath Services staff.

11.3 It must be considered, on a case-by-case basis, whether to transfer a visitor to a sterile wheelchair (if available) for the purpose of the search. The risk assessment must take into account factors such as the level / nature of the disability of the individual, his/her size and weight etc. The transfer of individuals between chairs may require specialist assistance and aids.

11.4 In order for an effective search to take place, non-sterile wheelchairs should be collapsed and removable parts, such as the arms, closely inspected.

11.5 If a person is wearing a pacemaker, they must not be subjected to the metal detector portal or hand held metal detector. They may be asked to sit on a BOSS chair (if available).

11.6 When conducting a routine search, officers are to do so in a seemly manner with due regard to the person’s disposition.

11.7 If a visitor has an artificial limb, bandage, plaster cast, etc., and this impedes the search and/or there is suspicion or intelligence that it is being used to conceal an unauthorised item, the searching officer may seek advice about the removal of the item from Health Services where this is practical. Consideration may also be given to the use of passive drug dogs for such searches and the use of non-contact visits, as deemed appropriate by the superintendent.

11.8 Elderly visitors, or those with relevant disabilities, must be allowed to sit down for as much as possible during the search.

11.9 If a visitor is seriously ill or still recovering from major injury or recent surgery, searching procedures must be modified to ensure the least discomfort or intrusion consistent with a reasonable chance of finding anything that might be concealed. He or she must be offered the chance to sit down during the search, particularly when dressing / undressing in the case of a strip search should this be necessary.
12. Searching of babies and children

12.1 Searches of babies and children apparently under the age of 10 years shall be conducted expeditiously and only by female prison officers. Searches shall be conducted in the presence of only female persons and the person accompanying the child, unless that person refuses to be present.

12.2 If the adult accompanying the child has refused to be present (refer Section 12.1 above) the superintendent is to be notified and either the superintendent or the Security Manager shall be required to be present for the search.

12.3 The superintendent shall ensure that there is sufficient intelligence of the attempted trafficking of contraband into a prison to support the search (rub down or strip search) of a baby or child.

12.4 All children shall be rub down searched in accordance with the procedures set out in this document, in accordance with Sections 12.1 to 12.3 above.

12.5 The procedures for a strip search of a child apparently less than 10 years of age or a baby shall be conducted in accordance with Sections 12.1 to 12.3 above and the following:

- Inform the guardian of the child of the officer’s authority for conducting the search (as specifically directed by the Designated Superintendent in accordance with Section 8.2 and 8.3 above)
- Inform the person that if they do not submit the child to a search the superintendent may refuse to admit the person and the child or may cause to have the person and child removed from the prison
- Inform the adult accompanying the child of the reason for the search
- Ask the adult accompanying the child whether the child has anything in their possession which may jeopardise the good order or security of the prison and if so, ask the adult to produce the article
- Provide the adult accompanying the child the opportunity to respond to the above
- If need be (depending on the age of the child), the adult accompanying the child is to be asked to place the child on a convenient and safe surface or the child may stand on the floor. Officers should be mindful of the ambient temperature of the room, particularly when searching young children or babies.
- The first officer is to ask the adult accompanying the child to remove the child’s outer garments (jacket, beanie etc) and pass it to the second searching officer. The second officer is to search the removed items.
- Ask the adult accompanying the child to remove all clothing from the top of the child’s body. The items are to be passed to the second searching officer who will search the items while the first officer shall visually inspect the child. If a baby is being searched, the adult may be required to lift the child for the inspection to be undertaken. The clothing is then to be returned to the adult accompanying the child and the child shall be permitted to re-dress.
- Ask the adult accompanying the child to remove all clothing from the bottom of the child’s body, including the child’s nappy (if present). The items are to be passed to the second searching officer who will search the items while the first officer shall visually inspect the child. If a baby is being searched, the adult may be required to lift the child for the inspection to be undertaken. The clothing is then to be returned to the adult accompanying the child and the child shall be permitted to re-dress. The baby’s nappy, if present, shall be discarded (or if a
cloth nappy, returned to the child) and a fresh disposable nappy is to be provided.

- The area around the child and adult is to be checked to ensure that no item has been dropped during the search.

13. **Refusal to be searched**

13.1 If a person to whom this procedure applies refuses a request to have their person or personal items searched by staff, the Designated Superintendent may:

- Where the search was a matter of routine, the person shall be refused entry and the person allowed to leave the prison.
- Where the search was targeted, direct that the person be searched under s 49(3) of the **Prisons Act 1981**.
- Where the person has already entered, or refuses to leave, they may be removed from the prison.
- Any visit shall be cancelled and the prisoner is to be advised accordingly.

14. **Permitted items**

14.1 All official visitors shall be required to use clear plastic carry bags provided.

14.2 Items considered necessary for an official visitor’s function include:

- relevant documentation
- writing material and implements.

14.3 No items are considered necessary for a social visitor, therefore all personal items in a social visitor’s possession shall be considered unauthorised (refer to exceptions in Sections 14.5 and 14.6 below).

14.4 Social visitors shall be required to leave personal items in lockers provided at Outcare (visitor’s centre). Where no Outcare facilities are available, the Designated Superintendent shall ensure appropriate measures for the storage of visitors’ property, in the local Search Strategy.

14.5 Social visitors may be permitted to possess the following personal items:

- Outcare (visitor’s centre) locker key
- A dummy (pacifier), blanket and empty baby’s bottle (where a baby is attending a social visit)

14.6 Where a visitor has a life threatening allergy or illness which requires time critical medication, the visitor must notify the prison staff of this requirement. An assessment shall be conducted by the superintendent or delegate and a determination made regarding its authorisation and, where required, storage or supervision, by the superintendent or delegate.

14.7 In certain circumstances, offenders supervised in the community wearing a Department issued tracking device may be permitted to enter a prison for social visiting purposes. If such a person attends a prison, the Security Manager is to be notified of the person’s attendance to determine the legitimacy of the visit. If the visit is permitted, the GPS device and any associated personal tracking equipment will be required to enter the prison. Such equipment is to be declared on entry and exit of the prison.
15. **Contraband finds**

15.1 If contraband is located on visitor during a search officers shall:

- detain the visitor and contact WAPol to facilitate criminal proceedings
- make no attempt to search the visitor’s locker or vehicle.

15.2 If WAPol cannot attend the prison, the visitor is to be released. The contraband item and the relevant incident reports shall be provided to WAPol upon their later attendance at the prison (refer also Policy Directive 6 – Access to Information).

15.3 In all cases where contraband is found the incident must be reported in accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications.

15.4 The seizure, labelling, evidence continuity, storage and disposal of contraband shall be managed in accordance with Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory Control.

16. **Approved**

Commissioner or delegated authority in accordance with PD 26:

Signature: 

Date: 19 February 2015

17. **Policy sponsor**

Assistant Commissioner Custodial Operations

18. **Contact person**

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

Director Security and Response Services

Principal Operational Policy Officer

19. **Amendment history**

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