



Use of Prison property for marriages – Procedures

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1. Introduction

The purpose of these procedures is to provide staff with procedural information as to the process by which to manage applications regarding the use of prison property for marriages.

2. Definitions and acronyms

ACCO	Assistant Commissioner Custodial Operations
DCAJS	Deputy Commissioner Adult Justice Services
Designated Superintendent	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 IIIA of the <i>Prison Act 1981</i> .
Prisoner	Any person in lawful custody and referred to as a prisoner in s 3 of the <i>Prisons Act 1981</i>
PPS	Public Protection Strategy

3. Application

- 3.1 A prisoner seeking to marry whilst in prison is responsible for complying with the requirements of the [Marriage Act 1961](#)(Cth). This includes the production of all necessary documentation (eg passports, birth certificates, and divorce decrees) and the lodging of the relevant notices under the [Marriage Act 1961](#) (Cth) at the prisoner’s own expense.
- 3.2 A prisoner seeking to marry whilst in prison must make a written request to the Designated Superintendent at least 6 months prior to the intended marriage date. The prisoner shall be required to describe the proposed format and duration of the ceremony in his/her request.

- 3.3 The prison's Assistant Superintendent Operations (ASO) shall complete Sections 1 and 2 of [Appendix 1 – Application to conduct a marriage on prison property](#), and shall attach the prisoner's written request to the form. The ASO is to interview the prisoner to seek the information required to complete the application form.
- 3.4 The ASO may also seek information from the person conducting the marriage or any other person in order to make a recommendation. The ASO's recommendation may be supported by information received from the prison's Chaplain or Prison Counselling Service (PCS) or any other relevant sources
- 3.5 The ASO is to inform the prisoner that any costs incurred by the prison in order to facilitate the marriage (including for additional staff to supervise the ceremony, or for the provision of a cake or flowers, etc) is to be paid for by the prisoner.

4. Considerations

The recommending officer (and subsequent approving authority per [Section 5](#)) may decide not to recommend / approve a marriage taking place on prison property if in the opinion of the recommending officer or approving authority:

- there is a possibility of an adverse effect on the security, management or good order of the prison
- there are insufficient officers available to supervise the wedding
- in respect of a remand status prisoner, the marriage can be deferred until such time as the remandee's case has been determined by the courts
- in respect of a sentenced prisoner, the marriage could be deferred until such time as the sentenced prisoner is released
- there is a lack of a suitable venue

5. Approval process

- 5.1 The Designated Superintendent will consider the application and advice provided by the prison's ASO and make a recommendation to the Assistant Commissioner Custodial Operations (ACCO).
- 5.2 The ACCO will consider the application, outline whether the application is supported or otherwise, and forward the application to the Deputy Commissioner Adult Justice Services (DCAJS).
- 5.3 If the prisoner is not managed under the Public Protection Strategy (PPS), the DCAJS shall approve or not approve the application.
- 5.4 If the prisoner is managed under the PPS, the DCAJS shall make a recommendation to the Commissioner, to approve or not approve the application.
- 5.5 The DCAJS or Commissioner's decision will be returned to the Office of the Assistant Commissioner Custodial Operations for communication back to the Designated Superintendent.
- 5.6 The Designated Superintendent will arrange for the prisoner to be advised of the decision.

6. Recording change of marital status and prisoner’s name on TOMS

6.1 Following registration of the marriage, the Designated Superintendent shall ensure that the Manager Information Release is informed in writing of the change in marital status of the prisoner and the prisoner’s surname, if applicable.

7. Approved

Commissioner or delegated authority as per PD 34:

Signature:



Date:

8 December 2014

8. Policy sponsor

Assistant Commissioner Custodial Operations

9. Contact person

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

Principal Operational Policy Officer

10. Amendment history

Version	Approved	Effective from
1 First published	May 2001	14 May 2001
2 Amended	21 October 2011	21 October 2011
3 Amended	13 October 2013	25 October 2013
4 Amended	8 December 2014	15 December 2014