



**Mail Procedures**

- Relevant instruments:**     [Policy Directive 69: Management of Prisoner's Money](#)  
                                       [Prisons Act 1981](#) ss 67, 67A and 68  
                                       [Prisons Regulations 1982](#)  
                                       [Criminal Code Act Compilation Act 1913](#)  
                                       [Criminal Investigation Act 2006](#)  
                                       [Parliamentary Commissioner Act 1971](#) s 17A  
                                       [Restraining Orders Act 1997](#)  
                                       [Standard Guidelines for Corrections in Australia 2004](#) 1.17  
                                       and 3.21

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## 1. Purpose

These procedures support and operationalise Policy Directive 36. They aim to provide clear directions and standards to assist staff with the administration and handling of prisoner mail.

## 2. Scope

These procedures apply to both public and private prisons.

## 3. Definitions and acronyms

<b>Aerogramme</b>	A lightweight piece of foldable paper for writing a letter which folds into an envelope format. Purchased from Australia Post and the postage is prepaid. Enclosures are not permitted (i.e. photographs).
<b>Authorised Officer</b>	An officer authorised for the purpose of Sections 67(2) and 68 (3) of the <i>Prisons Act 1981</i> .
<b>Designated Superintendent</b>	The Superintendent as defined in s 36 of the <a href="#">Prisons Act 1981</a> and includes any reference to the position responsible for the management of a private prison under Part IIIA of the <i>Prisons Act 1981</i> . Does not extend to the Officer in Charge of a prison.
<b>General mail</b>	Mail that is not listed as privileged mail (includes legal mail).
<b>Legal mail</b>	Mail to/from the prisoner's registered legal adviser.
<b>Mail</b>	Any letter, parcel, or object transmitted by post or courier.
<b>MRO</b>	Misconduct Restraining Order made under the <a href="#">Restraining Orders Act 1997</a> .
<b>Order to produce</b>	An order issued under section 53 of the <a href="#">Criminal Investigation Act 2006</a> .
<b>Privileged mail</b>	Mail that shall not be opened or read other than as prescribed in these procedures.
<b>PTS</b>	Prisoner Telephone System.
<b>Remand</b>	For the purpose of these procedures, remand includes an appeal class prisoner who is appealing their current conviction.
<b>Standard Mail</b>	A standard letter, aerogramme or card complying with the dimensions as prescribed from time to time by Australia Post.
<b>Superintendent</b>	The Designated Superintendent or Officer in Charge (OIC) of a public prison and the Director or OIC of a private prison.
<b>The Act</b>	Refers to the <a href="#">Prisons Act 1981</a> .
<b>VRO</b>	Violent Restraining Order made under the <a href="#">Restraining Orders Act 1997</a> .

## 4. Privileged mail

Mail to/from a prisoner to/from the following is to be dealt with and handled as privileged mail:

- ACCESS (Admin of Complaints, Compliments and Suggestions)
- Attorney General (Commonwealth): in the case of a prisoner charged/convicted of federal offence.
- Attorney General (WA)
- Commissioner for Corrective Services
- Corruption and Crime Commission (WA)
- DCS Prisons Order – No [01/2019](#)
- Health and Disability Services Complaints Office
- Human Rights and Equal Opportunity Commission (Commonwealth)
- Minister for Corrective Services
- Office of the Inspector of Custodial Services
- Ombudsman WA (Parliamentary Commissioner for Administrative Investigations)
- Commonwealth Ombudsman
- Public Interest Disclosure Officer.

**Revoked by**  
**DCS Prisons Order – No [01/2019](#)**  
**Additional privileged mail options**

A list of privileged mail shall be displayed clearly in relevant areas of the prison.

### 4.1 Outgoing privileged mail

- 4.1.1 Outgoing privileged mail shall be sent to the addressee without being opened or read.
- 4.1.2 Designated Superintendents shall provide confidential mailboxes for prisoners to deposit privileged mail. These mailboxes should be placed separate from general mail boxes and in areas away from and out of sight of unit or block control offices.
- 4.1.3 Confidential mail envelopes are to be made readily available to prisoners and should be placed adjacent to each mailbox.
- 4.1.4 The following shall be recorded for outgoing privileged mail:
  - date the mail collected from the mailbox
  - agency intended to receive the mail
  - date the mail forwarded to the agency.
- 4.1.5 Prior to being dispatched, each privileged mail envelope shall be stamped with the dispatch location (eg “Dispatched – Casuarina Prison”) and placed into a larger envelope.
- 4.1.6 Where a prisoner has incorrectly addressed privileged mail, or has addressed privileged mail to multiple addressees which include the State Ombudsman, or has

indicated no addressees, the mail shall be forwarded to the State Ombudsman who will open the mail and forward it on to the appropriate office<sup>1</sup>.

4.1.6A Where a prisoner has addressed privileged mail to multiple addressees that do not include the State Ombudsman, the mail shall be forwarded to ACCESS who will open the mail and forward it on to the appropriate office<sup>2</sup>.

4.1.7

*Removed by Policy Directive Amendment 2015.004*

4.1.8 Should outgoing privileged mail be opened in error, the authorised officer shall:

- inform the prisoner
- submit an Incident Report<sup>3</sup>.

## **4.2 Incoming privileged mail**

4.2.1 The following shall be recorded for incoming privileged mail:

- agency/name of sender
- name of receiving prisoner
- date the mail received at the prison.

4.2.2 Incoming privileged mail shall be delivered to prisoners without being opened or read unless s 4.2.3 of these procedures apply.

4.2.3 Where a prisoner receives privileged mail and the 'authorised officer' has compelling reasons to believe that the mail did not originate from any person/agency referred to as privileged mail, the officer shall forward the **unopened** letter to the Superintendent who may:

- open and inspect the letter to verify its origin; or
- return it unopened to the statutory agency that it purportedly came from.

4.2.4 Where the Superintendent opens privileged mail for this purpose, they shall:

- inform the prisoner
- submit a Security Report via Security at the prison. In accordance with s 68(2) of the act, the report shall include the reason for opening the mail and the result of the inspection, JIS will provide this information to the Assistant Commissioner Custodial Operations.

4.2.5 Should incoming privileged mail be opened in error, the authorised officer shall:

- inform the prisoner
- submit an Incident Report<sup>4</sup>.

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<sup>1</sup> Amended by Policy Directive Amendment Rule 2015.006, approved on 25 January 2016

<sup>2</sup> Amended by Policy Directive Amendment Rule 2015.006, approved on 25 January 2016

<sup>3</sup> Amended by Policy Directive Amendment Rule 2015.006, approved on 25 January 2016

<sup>4</sup> Amended by Policy Directive Amendment Rule 2015.006, approved on 25 January 2016

- 4.2.6 Where privileged mail is to be re-directed to a prisoner who has been transferred to another facility, care shall be taken not to conceal the privilege status of the mail or the intended recipient when forwarding.

## **5. General mail**

5.1 The following shall be recorded for all general mail:

- name and address of sender
- name and address of recipient
- date the mail was sent from or received at the prison.

5.2 Authorised officers may open and read general mail to or from a prisoner (general mail does not include privileged mail).

5.3 Where the mail is to/from the prisoner's registered legal adviser, the mail shall be opened in the presence of the prisoner and shall only be read to the extent necessary to verify the recipient/sender and to assess whether section 5.5 applies.

5.4 Authorised officers must not communicate (either verbally or in writing) to any person or third party the contents of such mail (other than outlined in section 5.5 below).

5.5 Where it appears that the mail:

- may jeopardise the good order or the security of the prison
- contains a threat to a person or property
- constitutes or is expressed in code

the authorised officer shall return the mail to the prisoner and submit a Security Report. The Security section at the prison shall be made aware of all such Security Reports.

Where any of the above applies, the mail may be copied and sent to the JIS.

An attempt to breach an active restraining order or an attempt to contact a person who has been approved not to receive mail (in accordance with s 67A of the act) would meet the above criteria (see [section 6 – Restricted Mail](#) for more detail).

**Note: The copying of mail for any other reason is strictly prohibited.**

5.6 Upon receipt of an Order to Produce, JIS may copy and send this mail to the police.

### **5.7 Outgoing general mail**

5.7.1 All outgoing general mail shall, on the back of the envelope, include the prisoner's name and the prison's postal address.

5.7.2 Mail relating to an approved course of external study shall be sent via the prison's education authority.

5.7.3 Prisoners shall not be permitted to send photographs unless approved by the Superintendent.

## **6. Restricted mail**

### **6.1 Restraining Orders**

Where a prisoner who is the subject of a current VRO or MRO:

- addresses mail to a protected person, in contravention of a restraining order, the authorised officer shall submit a Security Report and provide JIS with a copy of the letter.
- attempts to send a letter where the content of the letter indicates a possible (but not clear) attempt to contact a protected person in contravention of a restraining order, by way of a third party, the authorised officer shall return the letter to the prisoner, provide JIS with a copy where required and submit a Security Report.  
The prisoner shall also be cautioned that an attempt to make contact via a third party may constitute a breach of the Restraining Orders Act 1997 or the Criminal Code Act Compilation Act 1913.
- attempts to send a letter where the content of the letter indicates a clear attempt to contact a protected person in contravention of a restraining order, by way of a third party, the authorised officer shall submit a Security Report and provide JIS with a copy of the letter.

**Note: The security section at the prison should be made aware of the above in all instances.**

### **6.2 Requests for no contact from a prisoner**

- 6.2.1 In accordance with section 67A of the act, a person, or agent of a person, may express that they do not wish to receive mail from a prisoner.
- 6.2.2 Persons wishing to make such a request should be provided with a copy of the [Request for No Mail Form \(Appendix 3\)](#) and offered assistance with completion of the form where required.
- 6.2.3 Applicants may send completed forms directly to the Office of the Director Security Services (as per the directions on the form), or where requested, the prison shall send completed forms on behalf of the applicant.
- 6.2.4 The Director Security Services shall be notified of such requests and if satisfied that the reasons put forward are appropriate, will ensure that the relevant Superintendent is made aware of the notification.
- 6.2.5 The Director Security Services shall advise the applicant of the outcome of the request in writing.
- 6.2.6 Upon notification, Superintendents shall take appropriate measures to ensure that the applicant does not receive mail from the prisoner as requested.

- 6.2.7 Where a prisoner addresses mail to a person approved not to receive mail from that prisoner, or, attempts to contact that person via a third party, the authorised officer shall return the mail to the prisoner and submit a Security Report.
- 6.2.8 Where a prisoner sends mail to a person on behalf of another prisoner in an attempt to contravene a request under this section, the authorised officer shall return the mail to the prisoner and submit a Security Report.
- 6.2.9 Prisoners shall be advised that if they continue to disregard an order not to send mail to persons approved under this section, they may be charged under s 69 of the act.

**Note: The security section at the prison should be made aware of the Security Reports discussed above.**

## **7. Mail allowance**

Refer to the [Mail Allowance Schedule \(Appendix 4\)](#) for instructions on specific types of mail, who is to incur the cost of sending mail and any limits that may apply.

## **8. Funds received**

Any credit, cheques, cash or money orders contained in mail shall be credited to the prisoner in accordance with [PD 69: Management of Prisoner's Money](#). The prisoner is then responsible for notifying the sender of the receipt of the money.

## **9. Prisoners no longer in custody**

Mail received for released, escaped or deceased prisoners shall be redirected to a forwarding address (if known) or returned unopened to the sender.

## **10. International mail**

Mail sent at the prison's expense (refer to [Appendix 4 – Mail Allowance Schedule](#)) may be sent internationally if using an Aerogramme. The designated Superintendent may, in exceptional circumstances, approve other forms of international mail to be sent at the prison's expense.

## 11. Approved

Commissioner:

Signature:



Date: 27 February 2013

## 12. Policy sponsor

Assistant Commissioner Custodial Operations

## 13. Contact person

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

Principal Operational Policy Officer

Telephone: 9264 6363

## 14. Version history

Version		Approved	Effective from
1	First published (previously part of PD, now updated and published separately as appendix)	27 February 2013	8 April 2013
1.1	Privileged mail procedures updated by Policy Directive Amendment 2015.006.	25 January 2016	4 February 2016
1.2	Section 4 amended – list of privileged mail recipients revoked	18 April 2019	22 April 2019