



# Policy Directive 36

## Communications

- Relevant Instruments:** [Criminal Code Act Compilation Act 1913](#)  
[Criminal Investigation Act 2006](#)  
[Prisons Act 1981](#)  
[Parliamentary Commissioner Act 1971 s](#)  
[Restraining Orders Act 1997](#)  
[Prisons Regulations 1982](#)  
[Adult Custodial Rule 3 - Privileges](#)  
[Adult Custodial Rule 7 - Communication - Visits](#)  
[Policy Directive 3 – Hierarchy of Prisoner Management Regimes](#)  
[Policy Directive 18 – Prisoner Orientation](#)  
[Policy Directive 30 - Death of a Prisoner](#)  
[Policy Directive 69 – Management of Prisoner’s Money](#)

### Table of contents

1.	Introduction .....	1
2.	Purpose .....	2
3.	Scope.....	2
4.	Definitions and acronyms.....	2
5.	Policy .....	3
6.	Communication with external educational institutions.....	3
7.	Mail .....	3
8.	Telephone.....	3
9.	Supporting appendices .....	4
10.	Policy review.....	4
11.	Approved .....	5
12.	Policy sponsor.....	5
13.	Contact person.....	5
14.	Amendment history .....	5

### 1. Introduction

- 1.1** It is important for prisoners to maintain contact with their family, friends and community. Maintaining this contact provides support to prisoners and can assist to reduce the rate of self-harm and suicide as well as preparing prisoners for release.
- 1.2** It is also important that the Department takes measures to ensure that the system is not used to contact persons who do not wish to be contacted by prisoners or

used in any way that will pose a risk to the safety and security of the prison or any person.

## 2. Purpose

The purpose of this Policy is to:

- To help reduce the impact of imprisonment on prisoners by maintaining family, community and cultural ties.
- To facilitate access to legal representation, prisoner support groups and independent statutory government agencies.
- To ensure that prisoner communication is not used in any way that may pose a risk to the safety and security of the prison or any person.

## 3. Scope

This Policy Directive applies to both public and private prisons.

## 4. Definitions and acronyms

<b>Authorised Officer</b>	An officer authorised for the purpose of ss 67(2) and 68(3) of the <a href="#">Prisons Act 1981</a> .
<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 <a href="#">Prisons Act 1981</a> . Does not extend to the Officer in Charge of a prison.
<b>Foreign National</b>	A person who is not an Australian citizen.
<b>Mail</b>	Any letter, parcel, or object transmitted by post or courier.
<b>Officer-initiated telephone call</b>	Where an officer establishes a call through the prisoner telephone system using a generic PIN.
<b>Out of country / remote prisoner</b>	Any prisoner who is socially isolated and the prisoner's family and friends are unable to visit, generally due to the distance required to attend the prison.
<b>Privileged mail</b>	Mail that shall not be opened or read other than as prescribed in this Policy Directive and supporting procedures.
<b>PTS</b>	Prisoner Telephone System
<b>Restraining Order</b>	Means a Violence Restraining Order or Misconduct Restraining Order made under the <a href="#">Restraining Orders Act 1997</a>
<b>Superintendent</b>	The Designated Superintendent or Officer in Charge (OIC) of a public prison and the Director or OIC of a private prison.

## **5. Policy**

- 5.1** Prisoners shall be permitted to communicate with other persons using the prisoner telephone system (PTS), mail, video link or other means of communication approved by the Designated Superintendent (subject to the provisions of this Policy Directive and supporting procedures).
- 5.2** Prisoner communication must adhere to the carrier's requirements.
- 5.3** Prisoner communication must not pose a risk to the safety or security of the prison or any person and must not contravene any written law.
- 5.4** Prisoners must not be permitted to communicate with persons who indicate that they do not wish to receive communications from the prisoner (this includes any victim-offender agreement, active restraining order or a written request approved in accordance with s 67A of the [Prisons Act 1981](#)).
- 5.5** Designated Superintendents shall ensure that communication systems are appropriately monitored and action taken in accordance with this Policy and associated Procedures when required to ensure that prisoners comply with the requirements of this Section.

## **6. Communication with external educational institutions**

All prisoner communication with external educational institutions must be facilitated and supervised accordingly by the prison's education authority and be recorded in a register.

## **7. Mail**

- 7.1** Prisoner mail shall be handled and processed in an expeditious manner.
- 7.2** Prisoners shall be permitted to send and receive privileged mail in accordance with ss 67 and 68 of the [Prisons Act 1981](#) and may send and receive mail to and from other agencies as prescribed in [Appendix 1 – Mail Procedures](#).
- 7.3** Prisoners shall be provided with a reasonable amount of writing material at the prison's expense.
- 7.4** Designated Superintendents shall nominate and authorise officers to administer prisoner mail (in accordance with ss 67(2) and 68(3) of the [Prisons Act 1981](#)).
- 7.5** Authorised officers may open and read mail to or from a prisoner (other than privileged mail).
- 7.6** Authorised officers shall not communicate (either verbally or in writing) to any person or third party the contents of such mail other than as prescribed in Section 5.5 of [Appendix 1 – Mail Procedures](#).
- 7.7** Superintendents may confiscate mail as evidence in disciplinary action against a prisoner.

## **8. Telephone**

- 8.1** With the exception of those calls outlined below at Section 8.2, all prisoner telephone calls shall occur through the PTS.
- 8.2** Officer-initiated calls for official purposes (eg communication with bail sureties, recognised education providers or Department of Child Protection and Family Support) may be provided outside of the PTS where it is impracticable to

progress the call through the PTS (ie time does not permit). These calls shall be supervised accordingly and recorded in a register.

- 8.3** Each prison shall, where the PTS allows, record all prisoner telephone calls (other than those prescribed in Section 8.4 below).
- 8.4** The PTS shall provide confidential (unmonitored and unrecorded) telephone calls for the purpose of prisoners contacting:
- the prisoner's registered legal practitioner (for matters related to the prisoner's current sentence or outstanding charges), in accordance with Section 5 of [Appendix 2 – Telephone procedures](#)
  - those organisations stated in [Prison Order 02/2017 Appendix 1 – Common Telephone Numbers](#)
  - other official persons as approved by the Deputy Commissioner Operational Support
- 8.5** In the event that any prison wishes for a number to be added to the prison's list of Common Telephone Numbers, the request shall be forwarded, with relevant justification, to Adult Justice Services for consideration in accordance with this Policy Directive, and approval if suitable. Amendments to [Prison Order 02/2017 Appendix 1 – Common Telephone Numbers](#) will be made as necessary.
- 8.6** Telephone numbers included on all prisons' Common Telephone Numbers list shall be audited once per calendar year by Adult Justice Services Operations to ensure prisons' Common Telephone Numbers correspond to those approved at [Prison Order 02/2017 Appendix 1 – Common Telephone Numbers](#).
- 8.7** In accordance with [Appendix 2 – Telephone Procedures](#), out of country / remote prisoners may be provided with funds / credits at the prison's expense to maintain telephone contact with their family or friends.

## **9. Supporting appendices**

- [Appendix 1 – Mail Procedures](#)
- [Appendix 2 – Telephone Procedures](#)
- [Appendix 3 – Request for No Mail](#)
- [Appendix 4 – Mail Allowance Schedule](#)
- [Prison Order 02/2017 Appendix 1 – Common telephone numbers](#)

## **10. Policy review**

This Policy will be reviewed on a triennial basis. Supporting procedures and appendices to this Policy may be amended by the Deputy Commissioner Adult Justice Services to reflect changes to prison procedures.

## 11. Approved

Commissioner:

Signature:



Date: 29/12/14

## 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

## 14. Amendment history

Version		Approved	Effective from
1	First published	14 May 2001	14 May 2001
2	Amended	30 May 2003	5 June 2003
3	Amended	8 August 2004	12 August 2004
4	Amended	18 October 2005	28 August 2005
5	Amended	3 April 2007	4 April 2007
6	Amended	22 October 2010	27 October 2010
7	Amended	27 February 2013	8 April 2013
8	Amended	29 December 2014	12 January 2015
9	Amended	23 February 2017	27 February 2017
10	Amended	17 August 2020	21 August 2020