



## Policy Directive 38

# Notification to Consulate by Non-Australian Prisoner

### 1. Context

Article 36 of the Vienna Convention is contained in the Schedule to the Commonwealth *Consular Privileges and Immunities Act 1972*. This Article refers to communication and contact between detained foreign nationals and consular officers. The purpose of this Policy Directive is to give effect to the rights accorded under Article 36.

### 2. Procedure on Initial Receipt of a Foreign National

When a prisoner identifies him/herself as other than an Australian citizen, the receiving prison officer shall:

#### 2.1 Inform the prisoner that he/she is –

- entitled to notify the nearest Consulate of his/her country of citizenship that he/she has been imprisoned
- permitted to do so by telephone or by letter at Departmental expense, subject to paragraph 3 below
- permitted to receive a visit for an official purpose from a consular representative of the country of which he/she is a citizen, subject to paragraph 4 below
- that the relevant telephone number and address is listed under 'consuls' in the White Pages Telephone Directory.

#### 2.2 Make a notation on the Reception History Sheet in the section headed "Immigration" that the prisoner has been informed of the entitlements provided under 2.1.

### 3. Letters or telephone calls to Consular Officials

3.1 Mail or telephone calls between prisoners and Consular officials shall be checked or monitored in accordance with s 67 of the *Prisons Act 1981* and [Policy Directive 36](#).

3.2 Any Standard Article, which complies with the characteristics set down from time to time by Australia Post and is addressed by a prisoner to the Consul of the overseas country of which he/she is a citizen, shall be despatched at Departmental expense and shall not be included in the monthly entitlement specified in Policy Directive 36.

3.3 A telephone call by a prisoner to a local Consular Official of the overseas country of which he/she is a citizen shall be free of charge.

#### **4. Visits by Consular Officials**

- 4.1 Pursuant to s 64 of the *Prisons Act 1981*, a prisoner shall be permitted to receive a visit for an official purpose from a consular representative of the country of which he/she is a citizen.
- 4.2 The times at which such visits may take place are those specified for each prison in [Adult Custodial Rule 7](#).