



Youth Custodial Rule 901

Receipt of a foreign national detainee

Legislation referred to: [Consular Privileges and Immunities Act 1972](#) (Cth)
[Young Offenders Act 1994](#)
[Young Offenders Regulations 1995](#)

1. Purpose

Article 35 of the Vienna Convention on Consular Relations 1963, as cited in the schedule to the [Consular Privileges and Immunities Act 1972](#) (Cth), refers to communication and contact between detained foreign nationals and consular officers. The purpose of this Youth Custodial Rule is to give effect to the rights accorded within Article 35 and to acknowledge the special needs of a foreign national detainee.

2. Scope

This rule applies to all Youth Custodial Services staff (YCS), volunteers and contractors and should be read in conjunction with all relevant Youth Custodial Rules, Standing Orders and Departmental policies and procedures.

3. Receipt of a foreign national

3.1 When a detainee identifies themselves as other than an Australian citizen they are entitled to:

- notify by letter or telephone the nearest Consulate of their country of citizenship that they are held in a YCS facility
- receive visits for official purposes from a Consular representative from their country of citizenship
- not be disadvantaged because of cost or distance in regard to telephone calls and mail services
- the right to the services of an interpreter free of charge whenever necessary, in particular during medical examination, disciplinary or legal proceedings.

4. Special needs for a foreign national

4.1 Education requirements - Special attention shall be given by the administration of the YCS facility to the education of foreign national detainees, or to those with particular cultural or ethnic needs.

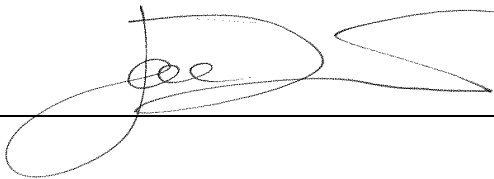
- 4.2 Religious observance - Special attention shall be given to the religious and spiritual needs of foreign national detainees, particularly those from differing cultural backgrounds.
- 4.3 Food and nutrition - Culturally appropriate diets are to be provided and religious requirements for the preparation of food are to be observed.
- 4.4 Other requirements - At any time the Superintendent or their delegate shall, wherever possible, meet any other requirement that is recognised as being essential by foreign national detainees to support them in the Youth Custodial Services facility.

Approval


Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and *Young Offenders Regulations 1995*, by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.

On the 13th day of March 2014

Minister



Commissioner



On the recommendation of the Deputy Commissioner Youth Justice Services and the Director Youth Custodial Services.



**Deputy Commissioner
Youth Justice Services**



**Director
Youth Custodial Services**

Version history

Version	Approved	Effective from
First published as Juvenile Custodial Rule 901 - Procedure upon Receipt of a Foreign National	25 April 2001	25 April 2001
Above rule amended	17 July 2008	17 July 2008
Renamed – Youth Custodial Rule 901 - Notification to consulate upon receipt of a non-Australian detainee	27 August 2012	27 August 2012
Rule updated and procedural detail moved to Standing Orders	13 March 2014	5 May 2014