

TASMANIA PRISON SERVICE

DIRECTOR'S STANDING ORDER

DSO – 4.06 OFFICIAL VISITORS

STATEMENT OF PURPOSE	
<p>The purpose of the Official Visitor Program is to provide prisoners with an avenue for raising issues and having complaints investigated externally. Official Visitors are to receive and investigate complaints, and inquire into the treatment, behaviour and conditions of prisoners.</p>	
DESIRED OUTCOME	
<p>Prisoners are informed of their right to raise issues and complaints with Official Visitors in an informal and confidential manner.</p> <p>Official Visitors have unrestricted access to all prisons and prisoners in the State unless it is unsafe to do so.</p> <p>Every effort is made to resolve issues raised by Official Visitors at the lowest possible level and in a timely manner.</p>	
MANDATORY ACTIONS	
<p>All actions in this Standing Order are mandatory, unless stated otherwise.</p>	
RESOURCE IMPLICATIONS	
<p>N/A</p>	
REFERENCES	
<p><i>Corrections Act 1997</i>, sections 6(3) and 10 Standing Order 1.05 (Incident Reporting) Standing Order 4.02 (Prisoner Mail) Standing Order 5.02 (Identification Cards and Visitor Passes) Standing Order 6.02 (Operating Manuals)</p>	
Forms / Record Keeping	ID Card Application [Form 8C]
Additional Information	N/A
Access to this Standing Order	Unrestricted
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Date of Review	

(signed)

Brian Edwards
Director of Prisons

CONTENTS

1.	DEFINITIONS	4
2.	INTRODUCTION	4
3.	MANDATORY POLICY	4
4.	RESPONSIBILITIES	4
5.	GENERAL PROVISIONS	4

1. DEFINITIONS

Official Visitor – is a person appointed by the Minister to visit prisons at least once a month and inquire into the treatment, behaviour and conditions of prisoners and to receive and investigate complaints by prisoners.

Prisoner – means, unless otherwise stated, prisoners and detainees (as defined in the *Corrections Act 1997*)

State Service corrections employees - means a person, other than a correctional officer or probation officer, appointed or employed pursuant to section 5(2) of the *Corrections Act 1997*.

2. INTRODUCTION

Official Visitors provide an independent overview of the prison system and play a vital role in monitoring and reporting on the treatment and conditions of prisoners in all of the State's prisons. They also assist prisoners to raise and resolve concerns and complaints.

Official Visitors are appointed by the Minister and may report to the Minister, Director of Prisons or Director of Corrective Services on the management of discipline of a prisoner, or the conduct of correctional officers; any matter relating to the treatment of prisoners at the prison or on the state of the prison.

This Standing Order does not apply to watch-house detainees.

3. MANDATORY POLICY

- 3.1. Tasmania Prison Service staff must give full assistance and cooperation to Official Visitors, so that they may access any area of a prison facility and speak to any prisoner within the prison system, providing that such access can be facilitated safely and securely.
- 3.2. Superintendents must ensure that prisoners are advised, during the induction process, of their right to contact Official Visitors for the purpose of discussing / raising issues or lodging complaints.

4. RESPONSIBILITIES

4.1. Superintendents

Superintendents are responsible for ensuring that procedures are in place to enable Official Visitors to access prisoners and all areas of a prison facility.

Where necessary, Superintendents will incorporate provisions for visits by Official Visitors in their respective Operating Manuals.

4.2. Staff

Correctional officers and State Service corrections employees are to give full assistance and cooperation to Official Visitors.

5. GENERAL PROVISIONS

5.1. Role of Official Visitors

- 5.1.1. An Official Visitor is to inquire into the treatment, behaviour and conditions of the prisoners in any prison, and receive and investigate any complaint of a prisoner.
- 5.1.2. An Official Visitor is to visit any prison, either alone or with another visitor, once a month or at any other time. If a prisoner requests a visit, Official Visitors will endeavour to visit the prisoner on the next scheduled visit.
- 5.1.3. An Official Visitor may refer a prisoner to the Ombudsman or inform the prisoner of a particular service provider if an issue or complaint is deemed beyond the scope of the Official Visitor's role or authority.

5.2. **Coordination of Visits to Prisons by Official Visitors**

- 5.2.1. A Coordinator of the Official Visitors Scheme may be appointed by the Minister and is to ensure that each prison is visited at least once a month by an Official Visitor and, that for that purpose, may establish a system for the coordination of visits to prisons by Official Visitors.
- 5.2.2. The Office of the Ombudsman and Health Complaints Commissioner provides administrative support for the Prison Official Visitor Program.

5.3. **Access to Prisons**

- 5.3.1. An Official Visitor may access any area of a prison facility and speak to any prisoner within the prison system, providing that such access can be facilitated safely and securely.
- 5.3.2. Should a Superintendent refuse an Official Visitor access to a prisoner or entry to an area of the prison facility for safety and/or security reasons, he/she will advise the Official Visitor and provide a reason for the decision. The Superintendent will facilitate the requested access as soon as safe and practicable to do so.
- 5.3.3. If access is refused, the Superintendent is to advise the Director of Prisons via the daily reporting process.

5.4. **Restrictions**

- 5.4.1. Official Visitors do not have authority to directly interfere with, or give instructions with regard to, the management or disciplining of a correctional officer, a person or prisoner or a State Service corrections employee.

5.5. **Contact with Official Visitors**

- 5.5.1. Prisoners have the right to contact Official Visitors to discuss matters in an informal and confidential way, to raise issues and lodge complaints with Official Visitors.
- 5.5.2. Prisoners have the right to privacy and confidentiality when discussing issues with Official Visitors. Staff will not ask a prisoner for details of their contact with an Official Visitor.
- 5.5.3. Correspondence between a prisoner and an Official Visitor is exempt from being opened, except if the Director of Prisons or his/her delegate reasonably believes that any letter sent or received by a prisoner is a threat to prison security or may be of a threatening or harassing nature.
- 5.5.4. Staff may also raise issues with Official Visitors; however, staff are encouraged to discuss any issues or concerns with a TPS Manager before approaching an Official Visitor.
- 5.5.5. Where appropriate, Official Visitors will advise either the Superintendent or Director of Prisons of any concerns or issues raised by prisoners or staff during a visit.
- 5.5.6. Issues that are unable to be resolved at a local level may be referred to the Head of the Directorate Office.

5.6. **Reporting**

- 5.6.1. Official Visitors may also report to the Minister, Director of Prisons or Director of Corrective Services on any of the following issues;
 - the management or disciplining of a prisoner;
 - the conduct of correction officers or State Service correction employees, at a prison visited by the Official Visitor;
 - the state of the prison; or

- any other matter relating to the treatment or condition of prisoners at that prison.
- 5.6.2. Reports submitted to the Director of Prisons are to be reviewed by the Senior Management Team and, where applicable, referred to appropriate staff for resolution.
- 5.6.3. Issues arising out of the report are to be investigated by the assigned Superintendent / Manager and where possible, resolved. The Superintendent / Manager is to provide an update to the relevant Senior Manager on the progress of the investigation into the complaint and what action, if any, was taken.