

In addition to the criminal law there are rules at prisons that may give rise to disciplinary action. These are determined by the Corrections Act, Corrections Regulations, Directors' Instructions, and local operating procedures. You should be made aware of the rules of the prison on admission. If not you should ask for a copy of the rules or induction booklet that will contain the rules.

According to Regulation 50 (Corrections Regulations 2009), a prison offence may be;

- (a) assault or threaten another person; or

- (b) act in a disruptive, abusive, offensive, racist, discriminatory or indecent manner, whether by language or conduct; or

- (c) engage in gambling; or

- (d) traffic in unauthorised articles or substances; or

- (e) have in his or her possession an article or substance, unless the article or substance—
 - (i) has been issued or authorised by an officer, or
 - (ii) has been prescribed by a medical officer, medical practitioner or dentist, or
 - (iii) is permitted under the Act or these Regulations; or

- (f) take or use alcohol, a drug of dependence or possess an unauthorised substance or article that has not been lawfully issued to the prisoner or take or use alcohol or a drug of dependence lawfully issued in a manner that was not prescribed or authorised; or

- (g) smoke tobacco or any other substance in an area not approved by the Governor; or

- (h) misuse telephones to threaten people receiving the calls or to speak to people who are not approved by the Governor; or

- (i) use communication devices, including radios and mobile telephones, which are not approved by the Governor; or

- (j) misuse computers or other electronic equipment accessed by installing, using or possessing hardware, programmes, software or other material which are not approved by the Commissioner; or

- (k) send a letter or parcel if the letter or parcel—
 - (i) is a threat to prison security; or
 - (ii) may be of a threatening nature; or
 - (iii) may be used to further an unlawful activity or purpose; or
 - (iv) contains indecent, abusive, threatening or offensive written or pictorial material, or material which a victim may regard as distressing or traumatic; or
 - (v) contains an indecent, obscene or offensive article or substance; or

- (l) receive a letter or parcel where the prisoner knows that the letter or parcel—
 - (i) is a threat to prison security; or
 - (ii) may be of a threatening nature; or
 - (iii) may be used to further an unlawful activity or purpose; or
 - (iv) contains indecent, abusive, threatening or offensive written or pictorial material, or material which a victim may regard as distressing or traumatic; or
 - (v) contains an indecent, obscene, offensive or unauthorised article or substance;

- (m) act in a way which is detrimental to or threatens prison property; or

- (n) without the direction or permission of an officer—
 - (i) be in a place where he or she is not permitted to be; or
 - (ii) leave the place where he or she is required to be; or

- (o) work in a careless or negligent way; or

- (p) disobey a lawful order, direction or instruction of an officer; or

- (q) fail to comply with a direction under section 29A of the Act; or

- (r) in relation to tests conducted under section 29A of the Act—
 - (i) interfere with a test or sample; or
 - (ii) adulterate or substitute a sample; or

- (s) give, sell or receive any of a prisoner's property to another prisoner; or

- (t) damage another prisoner's property; or

- (u) commit an act or omission that is contrary to the security or safety of the prison or the prisoners; or

(v) attempt any of the above.

It may also be an offence to contravene subregulation (1)(q) if you have not provided a sample of your urine within 3 hours of being directed to do so under section 29A of the Corrections Act.

A prison officer can give you a direction if they believe it necessary for prison safety or welfare. If you do not follow the direction the officer may take steps to have it dealt with as a breach of discipline. Prison officers can use “reasonable force” to maintain discipline, but must report on that use of force (see fact sheet #8: Use of force).

The general catch all ‘security and good order and management of the prison’ rule means that just about anything the prison staff say or tell you to do are the rules. If you are going to challenge the prison on what the law, rules or policies are, then you need to know what they are and you need to have a copy of them with you when the situation arises. In other words, it is very difficult to challenge the prison on what the law, rules or policies are.

Some prison libraries will have paper copies, and copies on the prisoner computer network (if they have one) of documents like:

- the Corrections Act 1986
- the Corrections Legislation 2009
- the Directors’ Instructions
- the Commissioner’s Requirements
- the Local Operating Procedures, and
- the General Manager’s Instructions of the prison you are in.

These documents make up what can be called the prison rules. They are updated regularly so make sure you request an up-to-date copy as this may not be what is in the library. You can ask staff for the Director’s Instructions or a Local Operating Procedure. If they do not provide it you can take the matter up as a complaint with a Prison Manager through the Governor’s Request system.

Further information

This fact sheet contains general information only and is not a substitute for obtaining legal advice. If you would like advice regarding a specific problem please contact one of the legal services listed in [contacts](#) or contact the Law Institute of Victoria's Legal Referral Service on 9607 9311.