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| **Prison Libraries and Prisoner Access to Legal Resources** | | | |
| **Section** | | 4. Prisoner Services | |
| **CR Number** | 4.2.3 | **Current Issue Date** | March 2022 |
| **Legislation & Policy** | | Corrections Act 1986  Corrections Regulations 2019  Charter of Human Rights and Responsibilities Act 2006  Gender Equality Act 2020 | |
| **Standard** | | Prisoner Administration Services | |
| **Attachments** | | Legal Resources to be made available at Prison Library Locations in Victoria | |
| **Forms** | | Prisoner Request for Legal Resource | |

1. **PURPOSE**

To define the procedures to provide prisoners in Victoria with:

* opportunities to access books and materials through prison libraries; and
* legal resources for the preparation and conduct of any ongoing or likely civil or criminal legal proceedings.

1. **REQUIREMENT**

General Managers will:

* develop processes to audit books and materials available to prisoners through prison libraries to ensure that the books and materials are appropriate to the prison population; and
* establish processes and appoint dedicated staff to ensure that prisoners have access to legal resources in defined circumstances.

1. **GUIDING PRINCIPLE**

Section 25 of the *Charter of Human Rights and Responsibilities Act* 2006 provides that a person charged with a criminal offence is entitled without discrimination to have adequate time and facilities to prepare their defence.

1. **CONTEXT**

Prisoners are to be able to access prison libraries and resources in preparation for civil or criminal legal proceedings, as well as for education or recreational needs.

1. **INSTRUCTION**
   1. **Library books and materials deemed to be inappropriate**
      1. General Managers may prohibit access to books and materials which are deemed inappropriate. Consultation on the appropriateness of such books or materials may take place with Corrections Victoria units including the Operations Division, the Offender Management Division, the Sentence Management Division and the Security and Intelligence Division.
      2. Books which may be prohibited include those which:

* glorify crime or criminals; or
* are principally concerned with criminal activities, violence or drug use; or
* contain images of children where such books can be accessed by child sex offenders.
  + 1. Prisoners are not permitted to access a Melways and the White Pages telephone directory.
    2. Hard covered books are not permitted in management and high security units unless General Manager approval is provided and appropriate security measures are in place.
  1. **Legal Resources** 
     1. Prisoners with ongoing or anticipated criminal or civil legal proceedings are encouraged to seek the assistance of professional legal counsel. Where a prisoner declines the assistance of professional legal counsel, Corrections Victoria will assist as far as is practicable to ensure that the prisoner has sufficient access to legal resources.
     2. All libraries at maximum and medium-security prison locations in Victoria must maintain a standard set of recommended legal texts. Refer to the attachment Legal Resources to be made available at Prison Library Locations in Victoria. Public prisons must share paper copies of these resources with minimum-security prisons as required.
     3. The Library at the Metropolitan Remand Centre (MRC) maintains an up-to-date copy of the loose-leaf Springvale Legal Services Lawyers Practice Manual. Prisoners may make formal application for copies of specific sections from the Manual from the MRC, after referring to the index that is available at each location (refer to Prisoner Request for Legal Resource).
     4. In the event that a prisoner makes request for a specific legal resource reasonably related to their legal matters that is not available at their local prison library, arrangements may be made for a copy of the resource to be obtained from the MRC Library or the Group Services & Coordination team, Corrections & Justice Services.
     5. Charges to prisoners for loans or photocopy services are not to exceed what a prisoner might reasonably be capable of paying having regard to their prison income (for photocopying costs, refer to Commissioner’s Requirement 2.1.2 – Prisoner Computers).
     6. General Managers will establish a process and appoint responsible staff to manage access to prison library legal resources.

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| Larissa Strong ACM  **Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

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| **Acronyms** | |
| MRC | Metropolitan Remand Centre |

| **Definitions** | |
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| **Associated Commissioner’s Requirements** |
| 2.1.2 – Prisoner Computers |

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| **Document Detail** | |
| Title: | Prison Libraries and Prisoner Access to Legal Resources |
| Owner | Deputy Commissioner, Custodial Operations |

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| **Version Control** | | |
| Version | Date | Description |
| V10 | Mar-22 | Update |
| V9 | Aug-19 | Update |
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| V6 | May-16 | Update |
| V5 | Mar-16 | Update |
| V4 | Aug-14 | Update |
| V3 | May-12 | Update |
| V2 | May-09 | Update |
| V1 | Aug-08 | First Issue |

**List of Legal Resources to be made available at the primary Prison Library at maximum and medium-security prisons in Victoria and public prisons shall share these resources with minimum-security prisons as required.**

1. Annotated Criminal Law Victoria 2019, LexisNexis
2. Ross on Crime by David Ross, 9th edition, Thomson Legal & Regulatory/Law Book Co, 2021
3. Victorian Criminal Procedure: State and Federal Law by R. Fox & N. Deltondo, The Federation Press, 2019
4. Criminal Procedure in Australia by A. Hemming, F. Feld & T. Anthony, 2nd edition, LexisNexis, 2019
5. Victorian Sentencing Manual, 4th edition, Judicial College of Victoria (available at: https://resources.judicialcollege.vic.edu.au/article/669236)
6. Evidence in Australia: Commentary & Materials, Thomson Reuters, 2016
7. Uniform Evidence Law by S. Odgers, 16th edition, Thomson Reuters, 2021
8. Uniform Evidence by J. Gans, A. Palmer & A. Roberts, 3rd edition, Oxford, 2019Administrative Power and the Law: A succinct Guide to Administrative Law by F. McKenzie, Australian Law Practice, Federation Press, 2016
9. Government Accountability by M. Groves & H.P Lee, Cambridge University Press, 2014
10. Judicial Review of Administrative Action by M. Aronson, M. Groves & G. Weeks, Thomson Reuters, 2021
11. Bail Law in Victoria, 2nd edition, Federation Press, 2015
12. Civil Procedure in Australia by Stephen Colbran, Peta Spender (et al.), 7th edition, LexisNexis, 2019
13. Osborne’s Concise Law Dictionary by M. Woodley, 12th edition, Sweet and Maxwell UK, 2013
14. Concise Australian Legal Dictionary by P. Butt & D. Hamer, (eds), 5th edition, LexisNexis Australia, 2014
15. Luntz & Hambly’s Torts: Cases, Legislation and Commentary, 9th edition, LexisNexis, 2021
16. Torts: Commentary and Materials by C. Sappideen, P. Vines, & J. Eldridge, 2011, 13th edition, Thomson Legal & Regulatory/Law Book Co, 2021
17. An Annotated Guide to the Victorian Charter of Human Rights and Responsibilities by Pound & Evans, Thomson Legal & Regulatory/Law Book Co, 2018
18. Australian Charter of Human Rights: a Decade On, editors – Mathew Groves & Colin Campbell, Federation Press, 2017
19. Australian Anti-Discrimination and Equal Opportunity Law by D. Allen, N. Rees & S, Rice, 3rd edition, The Federation Press, 2019
20. Australian Constitutional Law and Theory: commentary and materials by A.R. Blackshield & G. Williams, Federation Press, 2014
21. Australian Federal Constitutional Law: Commentary and Materials, 4th edition, Thomson Legal & Regulatory/Law Book Co, 2017
22. Nemes and Coss Effective Legal Research by Bott, B., Cowley, J. & Falconer, L. 2012, 7th edition, LexisNexis, 2018
23. Easy Guide to Australian Law by P. Fairfield, New Holland, 2006 (out of print – as at August 2019)
24. Family Law by A. Dickey, 6th edition, Thomson Legal & Regulatory/Law Book Co, 2013
25. Nutshell: Family Law by Geoffrey Monahan, 5th edition, Thomson Reuters/Lawbook Co, 2019
26. The Family Law Handbook by M. Livermore, 5th edition, Lawbook Co, 2019
27. Fitzroy Legal Service, The Law Handbook, Fitzroy Legal Service, 2021
28. ANSTAT, Victorian Acts and Regulations on CD-ROM (monthly issues)
29. Victorian Law Reports – consolidated index & supplements (serial)
30. Advocacy: An Introduction by J. Curthoys & C. Kendall, LexisNexis Butterworths, 2006
31. Pizer’s Annotated VCAT Act, 7th edition, 2022 (available from June 2022)

**PRISONER REQUEST FOR LEGAL RESOURCE**

**To: General Manager**

I CRN:

hereby make an application for specific legal resources. I understand that there will be a charge for photocopy services and I agree to make payment for the services(printing costs are referred to in Commissioner’s Requirement - 2.1.2 – Prisoner Computers).

Signed: Dated:

**Details of Legal Resource or anticipated legal case:**

**General Manager’s comments:**

Name, signature and date:

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**REQUEST APPROVED / NOT APPROVED**

Action officer name and signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Resource access provided on date: \_\_/\_\_/\_\_\_\_