

Custodial Operations Policy and Procedures

9.1 Inmate applications and requests

Policy summary

Inmates may use an *Inmate application* form to raise significant concerns and issues affecting their incarceration. Inmates may use an *Inmate request* form to raise minor inquiries or issues that can be resolved locally. Other types of applications and requests that may be made by an inmate include:

- requests for shared accommodation
- requests to renew or apply for a driver's license
- an application for marriage
- an application for change of name.

If kiosk or eforms facilities are available, inmates must be directed to use these systems for processes relating to inmate applications and requests.

Management of Public Correctional Centres Service Specifications

Service specifications	<p>Decency and respect</p> <p>Professionalism and accountability</p> <p>Safety and security</p>
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW).

It also applies to all CSNSW employees, and where relevant to other personnel such as Justice Health and Forensic Mental Health Network (JH&FMHN), contractors, subcontractors, and visitors.

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1 Inmate application

1.1 Policy

Inmates may use an *Inmate application* form to raise **significant** concerns and issues affecting their incarceration within the correctional system. This form must be used to record an official process, however must not be used to record inmate statements during a formal interview that may form part of legal proceedings beyond CSNSW jurisdiction.

An *Inmate application* **must** be recorded in the *Inmate application register* as they are an auditable document. All staff are accountable for the accuracy of recorded information to assist in the consideration and adjudication process. Note: If application or request is submitted via eforms, the ViaPath Command platform will automatically register and save these electronically within the system.

An *Inmate application* may contain personal information. Staff must within reason; ensure all information is protected against loss, unauthorised access, use, modification or disclosure, and against all other misuse.

During normal business hours, *Inmate application* forms must be issued only by the Functional Manager (FM) or an authorised officer. In all other circumstances, the most senior officer on duty will issue application forms.

Where inmate concerns or issues can be resolved locally, they should be managed initially by the supervising officer or through the use of an *Inmate request* form (refer to subsection **2 Inmate request** of this policy).

If kiosk or eforms facilities are available, inmates must be directed to use these systems for processes relating to inmate applications and requests.

1.2 Procedures

	Procedure	Responsibility
1.	Ensure that: <ul style="list-style-type: none">all staff are made aware of requirements in relation to Inmate Application formsall procedures are implemented Governor may issue appropriate Local Operating Procedures (LOP).	Governor
2.	Issue an <i>Inmate application</i> form to the inmate. The form must include: <ul style="list-style-type: none">inmate's location identified in the Offender Integrated Management System (OIMS) on the front of the form, e.g. DDL-001 Dawn De Loas Correctional Centre or CBTPOC-001 Campbelltown Police Cells.registration number in the 'registration block' on the back of the form. This number must correspond with	FM/ Authorised officer

	Procedure	Responsibility
	<p>the number recorded in the <i>Inmate application register</i> for the request.</p> <p>Note: If application is submitted via eforms, the ViaPath Command platform will automatically register and save these electronically within the system.</p> <p>If an inmate does not submit the <i>Inmate application form</i> within 7 days of it being issued to them, 'Not submitted, no further action' should be recorded against the entry for that application in the register.</p> <p>Register entries must not be ruled out or erased.</p>	
3.	<p>Record details of application issued in the <i>Inmate application register</i>, this must include:</p> <ul style="list-style-type: none"> • date application was issued • inmate name and MIN • sequential number and a prefix identifying the location, e.g. F-01 Fordwick Area, number 1 or A1-235 Area 1, number 235 • summary of application subject • area for referral (office/person, e.g. reception room, chaplain, accounts) • date of referral. <p>Note: If application is submitted via eforms, the ViaPath Command platform will automatically register and save these electronically within the system.</p> <p>Any inmate request to withdraw/discontinue the application must be noted in the register to acquit the entry.</p>	FM/ Authorised officer
4.	<p>File a copy of the application in a secure filing cabinet at the location where it was issued, or save electronically on the inmates Case Management File (CMF), where these procedures have been put in place.</p> <p>Provide a copy to the inmate where possible.</p> <p>Note: If application or request is submitted via eforms, the ViaPath Command platform will automatically save these electronically within the system. Inmates can see their submitted applications and actions taken on the offender tablets.</p>	FM/ Authorised officer
5.	Refer application to relevant office for actioning.	FM/ Authorised officer
6.	Action application and resolve within 14 days if possible.	Receiving office/ person responsible

	Procedure	Responsibility
7.	Review progress of the application in the <i>Inmate application register</i> (at 14 day intervals from the date of submission) and record this in the register.	FM/ Authorised officer
8.	Record outcome on the form (e.g. approved return to inmate, resolved no further action), and return to FM/authorised officer, unless a request for protective custody has been made (refer to COPP section 3.2 Protective custody). Note: If application is submitted via eforms, staff will be able to inform the inmate of the outcome via the ViaPath Command platform.	Receiving office/person responsible
9.	Record a summary of outcome/response recorded on the form once it has been finalised. Note: If application is submitted via eforms, staff will be able to inform the inmate of the outcome/response via the ViaPath Command platform.	FM/ Authorised officer
10.	Advise inmate of outcome and request the inmate acknowledge this by signing. Note any refusal by inmate on the form.	FM/ Authorised officer
11.	Place the original form on the inmate's CMF, and/or save electronically if CMF is electronic A copy should be included in the inmate's warrant file if it directly affects their imprisonment status, or case notes entered.	FM/ Authorised officer
12.	Store finalised application in a secure filing cabinet, or save electronically on the CMF where these procedures have been put in place.	FM/ Authorised officer
13.	Place all stored applications in a standard storage carton at the end of each month (alphabetically), and ensure the location, centre, and dates are clearly identified. Forms must not be stored in the relevant accommodation area offices if they are more than one month old.	FM/ Authorised officer
14.	Forward stored applications two years after each audit to Corporate Records Silverwater Correctional Complex, Block P Holker Street, Silverwater NSW 2128.	FM/ Authorised officer

2 Inmate request

2.1 Policy

An *Inmate request* form must be used by inmates to resolve **minor** issues or inquiries relating to matters that can be resolved locally.

All requests must be recorded in the *Inmate request register*. This form should not be used for issues or inquiries that impact on an inmate's incarceration, or are deemed recordable (refer to subsection **1 Inmate application** of this policy).

If the request is submitted via eforms, the ViaPath Command platform will automatically register and save these electronically within the system

Examples of issues or inquiries that may be included are requests:

- for extended visits (FM/authorised officer)
- for accommodation changes (FM/authorised officer)
- for additional or extended visits (FM/authorised officer)
- to see Governor (FM/authorised officer)
- for special phone calls (FM/authorised officer)
- to exchange or obtain property (Property)
- to launder clothing (Property)
- for changes of employment or employment request (CSI)
- for wage inquiries (CSI)
- for private cash account (account balances) (Administration)
- for interviews or appointments with Offender Services and Programs (OS&P) or case management staff (OS&P/Case Management officer).

If kiosk or eforms facilities are available, inmates must be directed to use these systems for processes relating to inmate applications and requests.

2.2 Procedures

	Procedure	Responsibility
1.	Ensure that: <ul style="list-style-type: none">• all staff are made aware of requirements in relation to request forms• all procedures are implemented Governor may issue LOP.	Governor
2.	Issue <i>Inmate request</i> form to inmate.	Authorised officer/ OIC (Wing/Unit)
3.	Record all submitted requests in the <i>Inmate request register</i> for the accommodation area. Information recorded must include:	Authorised officer/ OIC (Wing/Unit)

	Procedure	Responsibility
	<ul style="list-style-type: none"> • sequential number • date of request • name and MIN of inmate • details and subject of request • destination for referral (office/person) • date request referred. <p>Note: If request is submitted via eforms, the ViaPath Command platform will automatically register and save these electronically within the system</p>	
4.	Refer request to appropriate office/person for action.	Authorised officer/ OIC (Wing/Unit)
5.	Review <i>Inmate request register</i> daily to assess progress of pending requests, wherever possible ensure request is finalised within 14 days of issue.	FM
6.	Action request form and record the resolution/outcome on the form. Once completed, return to OIC/authorised officer.	Receiving office/person
7.	Notify inmate of outcome/provide requested information if not already provided. Note: If request is submitted via eforms, staff will be able to inform the inmate of the outcome via the ViaPath Command platform.	Authorised officer/ OIC (Wing/Unit)
8.	File original form. Note: If request is submitted via eforms, the ViaPath Command platform will automatically register and save these electronically within the system	Authorised officer/ OIC (Wing/Unit)

3 Inmate request for shared accommodation

3.1 Policy

CSNSW recognises that inmates may seek to share accommodation with other inmates for company and support.

Inmates must make a formal request for shared accommodation with another inmate by completing an *Inmate request* form. Requests for shared accommodation must include the names of any inmate(s) nominated as potential cell mates.

Requests for shared accommodation may be approved at the discretion of authorised officers. However, appropriate checks and risk assessments must be conducted before approval is given. This must include a review of the *Reception and accommodation checklist* and any information contained in OIMS to ensure that:

- the inmate does not require special needs management
- there are no known factors that would prohibit a request for shared accommodation
- the inmate and those nominated are suitable for shared accommodation.

Under some circumstances, family members are prohibited from sharing accommodation (**refer to COPP section 5.2 Inmate accommodation**).

3.2 Procedures

	Procedure	Responsibility
1.	Review request form and check requesting inmate's <i>Reception and accommodation checklist</i> and information in OIMS.	Authorised officer/ OIC Wing/Unit
2.	Review the <i>Reception and accommodation checklist</i> and information in OIMS for the inmate(s) nominated as potential cell mates, if satisfied that the requesting inmate can be housed in shared accommodation.	Authorised officer/ OIC Wing/Unit
3.	Record decision on the <i>Inmate request</i> form and in the <i>Inmate request register</i> .	Authorised officer/ OIC Wing/Unit
4.	File the inmate's <i>Inmate request</i> form in their CMF.	Authorised officer/ OIC Wing/Unit
5.	Advise inmate of the decision.	Authorised officer/ OIC Wing/Unit
6.	Arrange for the inmate to move into the shared cell if the request has been approved and there are no issues prohibiting shared accommodation by the inmates.	Authorised officer/ OIC Wing/Unit
7.	Record cell movement in OIMS (in the <i>Housing Location Screen</i> in OIMS by selecting <i>Institution, Movements, Bed Change</i>).	Authorised officer/ OIC Wing/Unit

4 Request to renew driver's licence

4.1 Policy

In certain circumstances, minimum-security inmates may be permitted to renew or apply for a driver's licence with the Roads and Maritime Services (RMS).

The RMS allows inmates with a driver licence that has lapsed for a period less than 5 years to automatically renew their licence on release. However, the RMS requires the inmate to provide proof of their identity and to complete an eyesight test.

If an inmate's licence has lapsed for a period of more than 5 years, in order to renew their licence on release from custody they will be required to provide proof of their identity and complete compulsory testing with the RMS. This will include an eyesight, knowledge and driving test.

If an inmate's request to attend the RMS while they are in custody is approved, a section 26 permit must be issued. If it is determined that an officer should accompany the inmate, this must be arranged.

4.2 Procedures

	Procedure	Responsibility
1.	Submit approved application to the Governor or Manager of Security (MOS) delegated to issue a section 26 permit.	Authorised officer
2.	Consult with Director, Custodial Corrections to determine whether an officer will accompany the inmate, if the application is approved.	Governor/MOS
3.	Issue a Section 26 permit for an approved inmate to attend RMS (refer to COPP section 19.2 Movement orders and permits). Attendance should be arranged, and if required, an accompanying officer arranged.	Governor/MOS

5 Inmate applications for fundraising

5.1 Policy

Inmates may make an application to undertake fundraising activities while in custody, subject to the approval of the Governor of the correctional centre. Inmates must complete an *Inmate application* form, which includes the:

- names of participants
- the reason for the fundraising activity
- where any contributions will be allocated
- the proposed period for fundraising.

Applications must only be approved if they will not compromise the safety and security of the correctional centre. Family members may also participate in fundraising activities.

5.2 Procedures

	Procedure	Responsibility
1.	Provide the inmate with an <i>Inmate application</i> form, if requested.	FM/ Authorised officer
2.	Refer completed applications to the Governor for approval.	FM/ Authorised officer
3.	Decide if application is approved.	Governor
4.	Ensure that all fundraising activities are monitored.	Governor/ Authorised officer

6 Inmate application for marriage

6.1 Policy

Inmates may apply to marry in a correctional centre by completing *section 1* of the *Application for marriage*. If kiosk facilities are available, inmates must be directed to use this system for processes relating to inmate applications for marriage. Inmates may not apply to marry another person who is also in custody.

In exceptional circumstances, marriage applications may be approved by the Governor, subject to the parties satisfying guidelines. A decision will be deferred for applications made by unconvicted inmates until their charges have been finalised by the court. If approval for marriage is given, it is recommended that inmates participate in regular interviews with the appropriate chaplain.

Inmates must pay any additional costs incurred by CSNSW in facilitating the marriage, such as arranging for the ceremony to take place. The inmate and spouse will not be entitled to any special or additional privileges in the correctional centre, other than those available to other inmates. Inmates with approved marriage applications will be permitted:

- a marriage service
- a suitable venue
- approved guests
- an after ceremony gathering.

6.2 Procedures

	Procedure	Responsibility
1.	Assist inmate complete <i>section 1, 2 and 3</i> of the <i>Application for marriage</i> if requested.	OS&P staff
2.	Instigate verification process for credentials of witnesses/guests involved in the marriage ceremony, and refer application to the MOS/FM.	OS&P staff
3.	Complete <i>section 4</i> of the application and refer to the appropriate correctional centre chaplain (depending on the inmate's denomination).	MOS/FM/ Authorised officer
4.	Interview inmate and explain procedures of marriage within the correctional centre and confirm: <ul style="list-style-type: none">• denomination of inmate and intended spouse• whether the inmate and spouse are seeking to be married by a chaplain or other authorised celebrant• the date and time suitable to all parties to marry.	Chaplain
5.	Confirm with intended spouse the desire to get married	Chaplain
6.	Conduct premarital counselling with the inmate as deemed appropriate (this may continue for duration of time in custody).	Chaplain

	Procedure	Responsibility
7.	Complete <i>section 5</i> of the <i>Application for marriage</i> , recommending whether the marriage should/should not take place and notify the Governor.	Chaplain
8.	Check that the information obtained by the chaplain and OS&P staff is sufficient for the application to be considered.	MOS/FM/ Authorised officer
9.	Obtain approval from the Governor to organise the purchase of supplies, such as a wedding cake, flowers etc. and complete <i>section 6</i> of the form.	OS&P staff
10.	Consider all comments on the application form and the practicality of the marriage in terms of the effect on the management and security of the correctional centre.	Governor
11.	Advise inmate of decision.	Governor
12.	If approved complete <i>section 7</i> of the form and: <ul style="list-style-type: none"> • arrange and ensure custodial supervision and all other matters related to security have been dealt with for the wedding ceremony and celebrations • facilitate the availability of a suitable venue, in consultation with the Chaplain Organising of non-pastoral aspects for the marriage may be allocated to OS&P staff.	Governor
13.	Notify appropriate OS&P staff if the marriage is to be performed by a marriage celebrant, rather than religious personnel.	Chaplain
14.	Arrange and manage all legal requirements of the marriage.	Chaplain
15.	Complete <i>section 8</i> of the form.	Supervising officer
16.	Store record and complete <i>section 9</i> of the form.	Administrative officer

7 Inmate application for change of name

7.1 Policy

The NSW Registry of Births Deaths and Marriages (BDM) is responsible for registering all changes of name in NSW in accordance with the *Births Deaths and Marriages Registration Act 1995*. An application for change of name may be made if the persons:

- birth is registered in NSW; or
- was born overseas however have been a resident in NSW for at least 3 consecutive years before the date of the application; or
- birth was not registered in NSW and a protection order has been made for the applicant and/or their children from domestic violence.

7.2 Restricted Persons

Restricted persons are not permitted to change their name unless they have received approval from the relevant supervising authority. Restricted persons in NSW include:

- inmates
- person on remand
- parolee
- periodic detainee
- person subject to a supervision order
- forensic patient
- correctional patient
- person otherwise defined as a restricted person.

Supervising authorities include the Commissioner of Corrective Services (the Commissioner), NSW Police Commissioner, and the Mental Health Review Tribunal (MHRT).

It is an offence for a restricted person to make an application for a change of name to the NSW BDM Registrar (or an interstate, or equivalent, BDM Registrar) without first obtaining the written approval of the supervising authority. This applies even if the application is submitted on the inmate's behalf.

The Commissioner is the supervising authority for all persons lawfully held within NSW correctional centres, other than forensic patients (also refer to *Community Corrections Policy and Procedures Manual* for offenders in the community).

As the supervising authority for **forensic patients** is the MHRT, forensic patients are not required to complete this application process. However, the MHRT must not approve an application being made to the BDM Registrar for the change of name by a restricted person who is both a forensic patient and an otherwise restricted person as defined in the Act, unless the Commissioner has been consulted by MHRT and is in agreement.

Any applications made by or on behalf of a person identified as a restricted person will not be processed unless the application is supported by the Commissioner.

CSNSW and the Registrar of BDM have certain information sharing obligations in order to ensure that any change of name is not registered without the appropriate approvals.

Additional restrictions and requirements may be found in the *Child Protection (Offenders Registration) Act 2000* in relation to applications for change of name by registrable persons within the meaning of that Act. Child Protection Protocols within the NSW Police Force and BDM apply in conjunction with CSNSW policy.

The following are exempt to the restrictions, including those who:

- have been convicted of an offence under a law of the Commonwealth; or
- are subject to a warrant under the Commonwealth *Defence Force Discipline Act 1982* and are in a correctional centre pursuant to a punishment imposed under the Act; or
- are a detainee within the meaning of the Commonwealth *Migration Act 1958* and who is held in a correctional centre; or

- are in the keeping of a correctional officer under section 250 of the *Crimes (Administration of Sentences Act) 1999*; or
- are a former serious offender because of the commission or alleged commission of an offence under a law of the Commonwealth; or
- their identity is currently protected, or who needs to be protected, by the *Witness Protection Act 1995*. It is noted that existing protocols within the NSW Police Force and Births, Deaths and Marriages apply in conjunction with CSNSW policy.

7.3 Serious offender

A **serious offender** who has been released from custody remains a restricted person as long as they are on parole. If the parole period has expired, their status becomes that of a '**former serious offender**'. It is noted that a person will not be considered a former serious offender if:

- they are a restricted person at the time of the application, or
- they have not returned to custody for 10 consecutive years (as their status as a 'former serious offender' will cease), or
- their conviction which resulted in their status as a serious offender has been quashed or set aside.

A former serious offender will be permitted to make an application for a change of name directly to the BDM Registry. In these circumstances, the BDM Registry will be required to obtain written approval from the Commissioner and the NSW Police Commissioner prior to registering any change of name.

The Commissioners must not provide approval to an application for a change of name, if it would be 'reasonably likely to jeopardise the health or safety of a former serious offender or another person', or 'be used to further an unlawful activity or purpose', if registered. Approval must also not be provided if the proposed name would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community.

7.4 Procedures

An inmate may apply for approval to change their name while in custody by completing an:

- *Application for supervising authority approval to apply to the registrar of births, deaths and marriages for registration of change of name*

A copy of this form may be downloaded and supplied to the inmate from CSNSW intranet. The completed application, along with copies of all required identification specified in the form must be submitted to Corrections Corporate Support Unit (CCSU) by email to CON@dcj.nsw.gov.au.

The CCSU will process the application for supervising authority to apply to BDM for a change of name. The outcome of the application will be communicated to the inmate via a return letter.

If the Commissioner, approves the inmate to apply to BDM for a change of name, the inmate will then need to complete *the Application to register a change of name for an adult (BDM form)*.

The letter from CCSU will include a BDM application to apply for a change of name form and a second copy of the supervising authority approval letter.

The inmate is required to:

- complete their BDM application as soon as practicable
- include a copy of the supervising authority approval letter they received from CCSU and certifies copies of their identification; and
- post their application to NSW Registry of Births Deaths & Marriages, GPO Box 30, Sydney, NSW, 2001.

The following procedures must be applied for all inmates in custody:

	Procedure	Responsibility
1.	Issue the CSNSW application for supervising authority approval to the inmate to complete. Any requests for assistance by inmates to complete the forms should be referred to the MOSP.	Authorised officer (Wing OIC/ supervising officer)
2.	Nominate an appropriate staff member to provide assistance to complete the forms if the inmate has been referred.	MOSP
3.	Refer completed application and all required identification (as detailed in the forms) to the MOSP.	Authorised officer (Wing OIC/ supervising officer)
4.	<p>Complete the following:</p> <ul style="list-style-type: none"> • review the application form and make any appropriate enquiries, such as interviewing the inmate and considering factors such as the reasons given by the inmate for the applications, and/or social/family issues identified as relevant • explain how the application is processed by CSNSW to the inmate • prepare a report indicating whether the application is supported and detail all enquiries that have been made. <p>Refer the application and documentation to the MOS.</p>	MOSP

	Procedure	Responsibility
5.	Consider the application and prepare a report indicating whether the application is supported and detail any local intelligence or other material relevant to the application. Refer the application and documentation to the Governor.	MOS/FM
6.	Consider the application and all documentation and prepare a report advising whether the application is supported. Forward the application and all documentation to the relevant Director, Custodial Operations for consideration and endorsement.	Governor
7.	Consider the application and all documentation and indicate whether the application is supported Save the application and all documentation into EDRMS and forward these to the CCSU at CON@dcj.nsw.gov.au .	Director, Custodial Operations
8.	Make enquiries as deemed appropriate and collate the application and documentation into a submission. Forward the submission to the Commissioner for consideration and note the Commissioners decision.	CCSU
9.	Advise: <ul style="list-style-type: none"> the Governor at the correctional centre where the inmate is located, by email, of the Commissioners decision; the inmate by providing a letter. 	CCSU
10.	Forward the Commissioner's decision to the BDM Note: If the change of name is registered by the BDM Registrar, complete the necessary administrative processes, including: <ul style="list-style-type: none"> recording the new name on OIMS as an alias under the inmate's existing name and MIN; create appropriate records, such as case notes. 	CSSU
11.	If the Commissioner provides supervising authority approval to the inmate to apply to the BDM, the BDM will contact CCSU once they have received and actioned the inmate's application to confirm the change of name has been registered.	CCSU
11.	Inform the Governor at the correctional centre where the inmate is located of decision by email, and if applicable, advise of any change in name Note: the inmate will be advised of the decision by the BDM by correspondence sent to them by the BDM.	CCSU

8 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

9 Definitions

Authorised celebrant	A person authorised to solemnise marriages by virtue of the <i>Marriage Act 1961 (Commonwealth)</i> .
Authorised officer	The officer authorised by the Governor to perform the functions set out in this part of the Custodial Operations Policy and Procedures
BDM	Births Deaths and Marriages
CMF	Case Management File
COPP	Custodial Operations Policy and Procedures
Former serious offender	is an inmate who was formerly managed as a serious offender under the <i>Crimes (Administration of Sentences) Act 1999</i>)
FM	Functional Manager
LOP	Local Operating Procedures
MHRT	Mental Health Review Tribunal
MIN	Master Index Number
MOS	Manager of Security
MOSP	Manager Offender Services & Programs
OIC	Officer in Charge
OIMS	Offender Integrated Management System
OS&P	Offender Services and Programs
RMS	Roads and Maritime Authority
SAC	Sentence Administration Corporate
Unconvicted	A person who is in custody but to who section 4(1) (a)-(c) of the <i>Crimes (Administration of Sentences) Act 1999</i> does not refer.

10 Document information

Business centre:	Custodial Operations	
Approver:	Kevin Corcoran	
Date of effect:	16 December 2017	
EDRMS container:	18/7256	
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Version	Date	Reason for amendment
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1.0		Initial publication (<i>Replaces section 7.13, 7.17.5., 7.17.5.1, 8.25, 8.29, 8.39 of the superseded Operations Procedures manual</i>)
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1.1	01/05/19	Information on inmate marriage applications clarified
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1.2	12/03/20	General formatting update and improvements
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1.3	09/03/21	General formatting update and improvements
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1.4	09/03/23	Amendments throughout to accommodate kiosk and eforms applications and requests.
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1.5	15/09/23	Amendments to the procedures at subsection 7.4 Procedures for application for an inmate to change their name.
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