

**A STUDY ON THE EFFECTIVENESS OF THE ROLE OF BOARD OF VISITING
JUSTICES AND BOARD OF VISITORS UNDER THE PRISON ACT 1995 AND CHILD
ACT 2001**



**UNIVERSITI TEKNOLOGI MARA
MALAYSIA**

056169

(Kbr)

**KF
273
.A88
2015**

BY:

**SALMAH ROSLIM
NURUL MAZRAH MANSHOR
ROHAYATI HUSSIN
NUR IRINAH MOHAMAD SIRAT**

PEMBERIAN DARIPADA. 200727 Ruj: Hadiah Tarikh: 8/7/15
--

MAY 2015

1 TABLE OF CONTENT

1	TABLE OF CONTENT	i
2	RESEARCH GROUP	iii
3	LETTER OF OFFER	iv
4	ACKNOWLEDGEMENT	1
5	EXECUTIVE SUMMARY	2
6	BACKGROUND OF STUDY	3
7	OBJECTIVES AND METHODOLOGY	6
8	BOARD OF VISITING JUSTICES UNDER PRISON ACT 1995	7
8.1	Definition	7
8.2	Duties	7
9	BOARD OF VISITORS UNDER CHILD ACT 2001	9
9.1	Definition	9
9.2	Duties	10
10	INTERNATIONAL FRAMEWORKS	12
10.1	Board of Visiting Justices	12
10.1.1	United Kingdom Prison Act 1952	12
10.1.2	Singapore Prison Act- Revise Edition 2000	13
10.1.3	Australian Prison Act 1981	14
10.1.4	New Zealand Corrections Act 2004	15
10.2	Board of Visitors	17
10.2.1	Model from United Kingdom	17
11	FINDINGS AND RECOMMENDATIONS	19
11.1	Board of Visiting Justices	19
11.1.1	Method of Approach by Board of Visiting Justices	19
11.1.2	Time Constraint	20
11.1.3	The Delay of Receiving the Appointment Letter	21
11.1.4	Transparency of the Information Reported by Prisoners	21
11.1.5	Privileges of Board of Visiting Justices	22

Surat Kami : 100-RMI/GOV 16/6/2 (2/2014)
Tarikh : 07 Oktober 2014

Puan Salmah Roslim
Fakulti Undang-Undang
Universiti Teknologi MARA Cawangan Kedah
08400 Merbok, Kedah

Puan

KELULUSAN GERAN PENYELIDIKAN JAWATANKUASA PEMBAHARUAN UNDANG – UNDANG MALAYSIA (JPUUM)

Tajuk Projek : *A Review Of Child Act 2001: To Incorporate Diversion Programme In The Child Act 2001*
Kod Projek : 100-RMI/GOV 16/6/2 (2/2014)
Tempoh : 01 Julai 2014 – 31 Disember 2014 (6 bulan)

Dengan hormatnya perkara di atas adalah dirujuk.

2. Sukacita dimaklumkan Kementerian Pembangunan Wanita, Keluarga dan Masyarakat melalui surat KPWKM : 05/20/01 (4) bertarikh 10 September 2014 telah bersetuju bahawa kelulusan geran penyelidikan sebelum ini yang telah diluluskan oleh Bahagian Hal Ehwal Undang-Undang yang di biayai di bawah Jawatankuasa Pembaharuan Undang-Undang Malaysia (JPUUM) melalui surat (10)BHEUU/06/005/26KIt. 8 bertarikh 23 Jun 2014 untuk dipinda.

3. Pindaan yang telah dipersetujui adalah seperti berikut :-

Tajuk Projek Yang Baru : *A Study On The Effectiveness Of The Role Of Board Of Visiting Justices And Board Of Visitors Under The Prison Act 1995 And Child Act 2001*
Kod Projek : 100-RMI/GOV 16/6/2 (2/2014)
Tempoh : 01 September 2014 – 28 Februari 2015 (6 bulan)

4. Oleh yang demikian, projek penyelidikan tersebut masih tertakluk kepada Garis Panduan yang ditetapkan oleh JPUUM bagi syarat-syarat lantikan Geran Penyelidikan JPUUM dan Lampiran B bagi Garis Panduan Pengiraan Perbelanjaan Geran Penyelidikan JPUUM.

Sekian, harap maklum.

“SELAMAT MENJALANKAN PENYELIDIKAN DENGAN JAYANYA”

Yang benar



PROFESOR DR. HADARIAH BAHRON
Penolong Naib Canselor (Penyelidikan)

4 ACKNOWLEDGEMENT

Our utmost praise is only to Him for His guidance and blessings throughout the journey in completing this study. Foremost, the researchers would like to thank the Malaysia Law Reform Committee (MLRC) for their interest that made it possible for us to embark on this intellectual journey. Next, the researchers would also like to thank the Prison Department and Ministry of Women, Family and Community Development for their commitment to provide the much needed environment and facilities to accomplish our research. Furthermore, the study may not be successful without the generous cooperation of various officers, staffs, Board of Visiting Justices and Board of Visitors from Penjara Pokok Sena, Kedah and Sekolah Tunas Bakti, Taping. Thus, they deserve our sincere acknowledgement for making the data collection for the study possible. All mistakes that remain are the researchers' own.

**A STUDY ON THE EFFECTIVENESS OF THE ROLE OF BOARD OF VISITING
JUSTICES AND BOARD OF VISITORS UNDER THE PRISON ACT 1995 AND
CHILD ACT 2001**

5 EXECUTIVE SUMMARY

In Malaysia, the Board of Visiting Justices and Board of Visitors are governed under the different legislations. Board of Visiting Justices is governed under Prison Act 1995 and Board of Visitors is governed under Child Act 2001. Generally, both Board of Visiting Justices and Board of Visitors are under duties to protect the interest, welfare and supervise the development level of child and young offender. Meanwhile, the Prison Act 1995 provides the overall duties of Board of Visiting Justices such as visiting any prison in the state for which he is appointed, inspecting the wards, cells and other divisions of the prison, inspecting the quality and quantity of prisoners' food, hearing any complaints from prisoners and questioning any prisoner or prison officer to ascertain whether provisions of the law are adhered to.

Accordingly, this research seeks to tackle several issues regarding the effectiveness of Board of Visiting Justices and Board of Visitors under the Prison Act 1995 and Child Act 2001 in carrying out their duties. Methodologically, it will employ a qualitative approach involving semi-structured interviews with various stakeholders including government and enforcement agencies under the relevant ministries. The outcomes of the semi-structured interview with the relevant respondents will be analysed to ensure whether the roles of the Board of Visiting Justices and Board of Visitors have been discharged accordingly.

Therefore, this research will aid the conceptualisation towards the efficiency of Board of Visiting Justices and Board of Visitors under the Prison Act 1995 and Child Act 2001. The findings would be greatly benefited the policy makers, the judiciary, the enforcement agencies and public at large.