

The Provincial Correctional Facility Inmate Benefit Trust Fund Regulations

Repealed

by chapter C-39.1 Reg 1 (effective August 1, 1994).

Formerly

Chapter C-40 Reg 4 (effective September 29, 1983).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-40 REG 4

The Corrections Act

Title

- 1 These regulations may be cited as *The Provincial Correctional Facility Inmate Benefit Trust Fund Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Corrections Act*;
- (b) “**activities co-ordinator**” means a staff member designated by the chief executive officer of the facility to be in charge of facilitating and co-ordinating all recreational activities of a facility;
- (c) “**comptroller**” means comptroller as defined in *The Department of Revenue and Financial Services Act*;
- (d) “**department**” means the Department of Justice;
- (e) “**facility**” means a correctional facility as defined in the Act;
- (f) “**free balance**” means the balance of money in the fund available for use at any given time;
- (g) “**fund**” means a Correctional Facility Inmate Benefit Trust Fund established pursuant to section 3;
- (h) “**inmate committee chairperson**” means the inmate elected by the inmate body to act as chairperson of an inmate committee.

7 Oct 83 cC-40 Reg 4 s2.

Fund

- 3(1) The minister may request that the Minister of Finance, for the purposes of administering moneys on behalf of the inmates of a facility, open an account for a facility:

- (a) with any chartered bank or credit union that he may designate; and
- (b) on any terms and conditions that he considers advisable.

- (2) An account opened pursuant to subsection (1) is to be designated as a “Correctional Facility Inmate Benefit Trust Fund”.

7 Oct 83 cC-40 Reg 4 s3.

Purpose

4 The moneys deposited in the fund for a facility shall be used to finance projects or activities beneficial to the inmates for or on behalf of the general inmate population in that facility.

7 Oct 83 cC-40 Reg 4 s4.

Voluntary contributions

5(1) The moneys to be placed in the fund are voluntary contributions made by inmates.

(2) The decision to make contributions to the fund will be taken by vote of the inmates for a facility in accordance with any procedures that they may establish, in consultation with the chief executive officer or his designate.

7 Oct 83 cC-40 Reg 4 s5.

Inmate contributes to fund for his facility

6 An inmate's contributions pursuant to section 5 shall be placed in the fund for the facility where he resides.

7 Oct 83 cC-40 Reg 4 s6.

Withdrawals

7 Where a withdrawal is to be made from the fund for a facility, the withdrawal is to be made by cheque bearing the signature of two officials approved by the comptroller.

7 Oct 83 cC-40 Reg 4 s7.

Disbursements

8 No disbursement from the fund is to be made unless the disbursement is authorized by a document bearing the signatures of the activities co-ordinator and the inmate committee chairperson.

7 Oct 83 cC-40 Reg 4 s8.

Losses

9(1) Any losses in connection with the use of a facility's fund moneys are to be written off against the free balance of that facility's fund.

(2) All requests for write offs pursuant to subsection (1) shall be:

(a) submitted to the director for his approval; and

(b) made in accordance with the wishes of the inmates as presented by the inmate committee chairperson to the chief executive officer of the facility.

(3) No loss that is attributable to proven defalcation is to be written off pursuant to this section without first requesting restitution from the persons responsible for the defalcation.

7 Oct 83 cC-40 Reg 4 s9.

PROVINCIAL CORRECTIONAL FACILITY
INMATE BENEFIT TRUST FUND

C-40 REG 4

Maximum

10(1) The free balance of a fund shall not exceed \$10,000.

(2) Where the free balance of a fund exceeds \$10,000, any amount in excess of \$10,000 shall be used as soon as possible for the benefit of inmates in accordance with these regulations.

7 Oct 83 cC-40 Reg 4 s10.

Ownership and control of equipment

11(1) Ownership of equipment purchased by the fund is vested in the fund.

(2) Control of equipment purchased by the fund rests with the inmate committee and activities co-ordinator.

7 Oct 83 cC-40 Reg 4 s11.

Disposal of equipment

12(1) Any proceeds of equipment disposed of while the fund is in operation shall be deposited in the fund.

(2) Upon dissolution of the fund, the equipment shall revert to the control of the department for disposal or reassignment.

7 Oct 83 cC-40 Reg 4 s12.

Accounting records

13 The accounting records for each facility's fund are to be kept in a form approved by the comptroller and are to include a current record of the increases and decreases in fund moneys held on behalf of the inmates of the facility.

7 Oct 83 cC-40 Reg 4 s13.

Department records

14 The department shall maintain records of each monetary transaction that takes place with respect to the fund of each facility.

7 Oct 83 cC-40 Reg 4 s14.

Dissolution

15(1) Where:

- (a) no contributions are made to a fund for 36 consecutive months; or
- (b) the activities co-ordinator, the inmate committee chairperson and the chief executive officer of the facility jointly recommend the closing of the fund account;

any moneys remaining in the fund shall be used for the purposes set out in these regulations, and the fund account shall be closed.

(2) The director or his designate may approve the closing of the fund account.

7 Oct 83 cC-40 Reg 4 s15.

Wind-down of facility**16** Upon dissolution of a facility:

- (a) the equipment owned by the fund of that facility shall be transferred to other facilities; and
- (b) the cash balances of that facility's fund shall be disposed of;

as determined by the inmate committee chairperson, the activities co-ordinator and the director or his designate.

7 Oct 83 cC-40 Reg 4 s16.

Audit**17** The records of a fund are to be audited annually by the Provincial Auditor or any auditor approved by the minister.

7 Oct 83 cC-40 Reg 4 s17.