

Queensland



# **CORRECTIVE SERVICES (ADMINISTRATION) ACT 1988**

**Reprinted as in force on 3 March 2000  
(includes amendments up to Act No. 33 of 1999)**

**Reprint No. 2**

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# Information about this reprint

This Act is reprinted as at 3 March 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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# **CORRECTIVE SERVICES (ADMINISTRATION) ACT 1988**

[as amended by all amendments that commenced on or before 3 March 2000]

An Act to provide for the administration of corrective services

## **PART 1—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Corrective Services (Administration) Act 1988*.

### **Objects**

- 2.** The principal objects of this Act are to—
- (a) provide for the regulation of corrective services; and
  - (b) provide for the development and administration of corrective services.

### **Dictionary**

**6.** The dictionary in the schedule defines particular words used in this Act.

### **References to various officers**

**7.(1)** In any Act, a reference to a community correctional officer is a reference to—

- (a) a person employed under the *Public Service Act 1996* as a community correctional officer; or

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- (b) a person taken to be a community correctional officer under section 23C(8);<sup>1</sup> or
- (c) a person appointed under the *Corrective Services Act 1988*, section 200<sup>2</sup> as a voluntary community correctional officer.

(2) In any Act, a reference to a custodial correctional officer is a reference to—

- (a) a person employed under the *Public Service Act 1996* as a custodial correctional officer; or
- (b) a person taken to be a custodial correctional officer under section 23C(8).

(3) In any Act, a reference to a general manager of a prison is a reference to—

- (a) a person employed under the *Public Service Act 1996* as the general manager of the prison or, if there is no person employed as the general manager, the person employed under the *Public Service Act 1996* as the manager of the prison; or
- (b) a person taken to be a general manager of a prison under section 23C(8); or
- (c) a person for the time being performing the duties of the office of general manager.

(4) In any Act, a reference to a corrective services officer is a reference to—

- (a) a public service officer who is appointed as a corrective services officer; or
- (b) a person taken to be a corrective services officer under section 23C(8).

(5) In any Act, a reference to a corrective services employee is a reference to—

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<sup>1</sup> Section 23C (Structure of authorisation and delegation)

<sup>2</sup> *Corrective Services Act 1988*, section 200 (Appointment of voluntary community correctional officers)

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- (a) a public service employee, other than a public service officer, who is employed as a corrective services employee; or
- (b) a person taken to be a corrective services employee under section 23C(8).

(6) In any Act, a reference to the chief executive (corrective services) is a reference to—

- (a) the chief executive; or
- (b) a person or body taken to be the chief executive under section 23C(5).

## **PART 2—ROLE OF CHIEF EXECUTIVE**

### *Division 1—Functions and powers of chief executive*

#### **Functions of chief executive**

**18.** Subject to the Minister, the chief executive—

- (a) must decide policy for the administration, management and control of corrective services; and
- (b) shall develop and administer services and programs for the purposes of assisting prisoners to be absorbed into the community and to assist and encourage them to acquire such skills as may be necessary or desirable for their integration with the community upon their release from prison;
- (c) shall develop and administer services and programs for the purpose of counselling persons who, under the *Corrective Services Act 1988*, are subject to probation orders, community service orders or fine option orders;
- (d) shall develop and administer services and programs designed to encourage prisoners, and persons referred to in paragraph (c), to initiate, maintain and strengthen ties with members of their families and the community.

**Powers of chief executive**

**19.(1)** The chief executive has and may exercise such powers as are necessary or desirable to allow the proper discharge of the chief executive's functions or any of them whether under this or any other Act.

**(2)** Without limiting subsection (1) or the powers otherwise exercisable by the chief executive as the chief executive of the department, the chief executive may do the following—

- (a) acquire real or personal property for the conduct of the chief executive's operations under the corrective services Acts and under any other Act under which the chief executive has functions in the context of corrective services;
- (b) establish training facilities and provide courses and scholarships for corrective services officers and prisoners and for persons who, under the *Corrective Services Act 1988*, are subject to probation orders, community service orders or fine option orders;
- (c) arrange for an exchange of corrective services officers between the department and the authority in another country or in another State or a Territory of the Commonwealth that is responsible in that country, State or Territory for the operation of corrective services or any of them;
- (d) engage persons to advise the chief executive in respect of matters of a legal, financial or technical nature or that relate to security, buildings or the welfare of persons;
- (e) enter into arrangements with any person or body for the purpose of any investigation, study or research that, in the chief executive's opinion, is necessary or desirable having regard to the purposes of this Act or the *Corrective Services Act 1988*;
- (f) engage a person, other than a corrective services officer or employee, or a body of persons to conduct on the chief executive's behalf any part of the chief executive's operations under the corrective services Acts and under any other Act under which the chief executive has functions in the context of corrective services;

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- (g) grant financial and other assistance to persons or bodies of persons concerned with the welfare of prisoners or persons who, under the *Corrective Services Act 1988*, are subject to probation orders, community service orders or fine option orders or their families;
- (h) encourage improvement in the standard and method of work performed by corrective services officers and employees by such means as to the chief executive seem appropriate including the establishment of awards for competence and innovation.

## Rules

**20.(1)** The chief executive may make rules, not inconsistent with this Act or the *Corrective Services Act 1988* or regulations made under either Act, providing with respect to—

- (a) the management, security and good order of prisons and community corrections centres;
- (b) the safe custody, welfare and privileges of prisoners;
- (c) the duties, functions, powers, conduct and appearance of corrective services officers and employees;
- (d) all matters that are required or permitted to be the subject of such rules whether under another provision of this Act or under the *Corrective Services Act 1988*.

**(2)** The power to make rules contained in subsection (1)(c) includes the power to prescribe a code of conduct for corrective services officers and employees (whether on or off duty).

**(3)** The body of rules made under subsection (1), as amended and in force for the time being, are the “**corrective services rules**”.

**(4)** The chief executive must bring the corrective services rules to the notice of the persons to whom they apply.

**(6)** Evidence of a rule may be given by the production of a document certified by the chief executive as a true copy of the rule.

**Delegation by chief executive**

**21.(1)** The chief executive may delegate the chief executive's powers under the corrective services Acts or another Act to an appropriately qualified corrective services officer or employee.

(2) In this section—

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Examples of standing—*

A person's classification level in the department.

**“chief executive”** does not include a person or body taken to be the chief executive under section 23C(5).

***Division 2—Further provisions about persons or bodies engaged under section 19(2)(f)***

**Definition for div 2**

**23A.** In this division—

**“offenders”** means—

- (a) prisoners; or
- (b) persons who are subject to probation orders, community service orders, fine option orders or intensive correction orders under the *Penalties and Sentences Act 1992*.

**Engaging persons or bodies to conduct chief executive's operations**

**23B.(1)** The chief executive may exercise the power under section 19(2)(f)<sup>3</sup> to engage a person or body to perform all or any corrective services for all or any offenders.

(2) This section does not limit section 19(2)(f).

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<sup>3</sup> Section 19 (Powers of chief executive)

### Structure of authorisation and delegation

**23C.(1)** The chief executive may authorise a person or body engaged under section 19(2)(f) to exercise powers and perform functions given under any Act to a corrective services entity.

(2) However, the chief executive may not authorise the person or body to exercise the chief executive's power of authorisation or delegation conferred by this section or section 21.<sup>4</sup>

(3) An authorisation under subsection (1) may be given on any condition stated in the authorisation.

(4) Without limiting subsection (3), a condition may state—

- (a) that a particular power mentioned in subsection (6) may be delegated to only particular employees of the person or body; or
- (b) particular obligations to be observed by employees of the person or body; or
- (c) that the exercise of a particular power is subject to a decision of the chief executive.

(5) If, under the authorisation, the person or body exercises a power under an Act, or performs a function under an Act, of the chief executive (the “**corrective services chief executive**”), the person or body, in exercising the power or performing the function, is taken to be the corrective services chief executive for the Act or for an Act that refers to the corrective services chief executive acting in that capacity.

(6) An authorisation under subsection (1) may authorise a person or body engaged under section 19(2)(f) to delegate powers it has under the authorisation to an appropriately qualified employee of the person or body, including the power to do an act or make a decision for the performance of a function it has under the authorisation.

(7) The *Acts Interpretation Act 1954*, section 27A<sup>5</sup> applies to a delegation under subsection (6).

(8) If, under an authorisation, a person or body—

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<sup>4</sup> Section 21 (Delegation by chief executive)

<sup>5</sup> *Acts Interpretation Act 1954*, section 27A (Delegation of powers)

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- (a) is authorised to exercise the powers under an Act or perform the functions under an Act, of a defined office holder or another corrective services officer or employee; and
- (b) is authorised to delegate powers of the office holder or officer or employee; and
- (c) delegates to an employee a power that may be exercised under the Act by the defined office holder or other corrective services officer or employee;

the employee, in exercising the power, is taken to be the defined office holder or other corrective services officer or employee for the Act or for an Act that refers to the office holder or officer or employee acting in that capacity.

**(9)** Subsection (8) does not have the effect of making an employee of a person or body acting under an authorisation a corrective services officer or employee for the purpose of the nature or conditions of their employment.

**(10)** Also, subsection (8) is not affected by the *Acts Interpretation Act 1954*, section 27A(7).

**(11)** A person or body engaged under section 19(2)(f), or an employee of the person or body, may be taken to be a corrective services entity for an Act, even though the Act provides for the commission entity to delegate, or be delegated, a function or power of a corrective services entity.

*Example—*

The *Corrective Services Act 1988*, section 15<sup>6</sup> allows the general manager of a prison to delegate particular powers to a corrective services officer subject to the directions of the chief executive. The structure of authorisation and delegation under section 19(2)(f) may result in a person or body acting under the authorisation, or an employee of the person or body acting under a delegation under the authorisation, being taken to be the chief executive, a general manager of a prison or a corrective services officer.

**(12)** Subsection (11) is subject to subsection (2).

**(13)** In this section—

“**Act**” includes a provision of an Act.

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<sup>6</sup> *Corrective Services Act 1988*, section 15 (Delegation by general manager)

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

A person’s classification level in the entity in which the person is employed.

### **Chief executive retains custody and responsibilities**

**23E.(1)** An offender in the custody of any person or body under an engagement with the chief executive under section 19(2)(f) is taken also to be in the custody of the chief executive.

**(2)** Even though the chief executive engages a person or body under section 19(2)(f) to discharge a responsibility for the security and management of any prison or community corrections centre and the safe custody and wellbeing of any offender, the chief executive also has that responsibility.

**(3)** However, the chief executive may discharge the chief executive’s responsibility through the exercise of the chief executive’s power under section 19(2)(f) and the engagement made under that section.

### **Evidentiary provision**

**23F.** For any proceeding—

- (a) evidence that any person purports to do or to have done an act under an engagement under section 19(2)(f), or an authorisation or delegation under this division, is evidence that the act is or was lawfully done under a lawful engagement, authorisation or delegation; and
- (b) a document purporting to be a copy of an engagement under section 19(2)(f) or an authorisation or delegation under this division is evidence of the engagement, authorisation or delegation.

## **PART 3—CORRECTIVE SERVICES ADVISORY COUNCIL**

### **Establishment of advisory council**

**24.(1)** The Corrective Services Advisory Council is established.

**(2)** The advisory council reports directly to the Minister.

### **Functions**

**25.(1)** The advisory council has the following functions—

- (a) generally, to advise the Minister of community views about corrective services;
- (b) in particular, to advise the Minister of community views about the department's policies and procedures for corrective services;
- (c) to examine, and make recommendations on, issues the Minister refers to the advisory council.

**(2)** In performing its functions, the advisory council should seek to contribute to a culture of openness and transparency in the department's management of corrective services.

### **Composition**

**26.(1)** The advisory council consists of the following members—

- (a) the chief executive;
- (b) not more than 9 other persons (the “**appointed members**”) appointed by the Minister.

**(2)** The appointed members should (but need not) include—

- (a) persons with expertise in 1 or more of the following—
  - (i) business;
  - (ii) legal and advocacy issues;
  - (iii) employee relations; and

- (b) persons who represent 1 of the following—
  - (i) Aboriginal and Torres Strait Islander groups;
  - (ii) corrective services officers and employees.

(3) The chairperson of the advisory council is chosen by the Minister.

### **Term of appointment**

**27.(1)** Half, or as close as practicable to half, of the first persons to be appointed as members of the advisory council are to be appointed for a term of 18 months.

(2) All other appointments of members of the advisory council are to be for a term of not more than 3 years.

(3) However, a person must not be appointed to more than 2 terms, whether or not consecutive, as a member.

(4) The Minister may at any time end the appointment of a member for any reason or none.

### **Conditions of appointment**

**28.(1)** An appointed member holds the member's appointment on the conditions, not provided for by this Act, that are decided by the Minister from time to time.

(2) Except as decided by the Minister, an appointed member is not entitled to any remuneration, allowances or other valuable consideration for participating in meetings of the advisory council.

(3) However, the member may be paid the costs that, in the opinion of the Minister, are necessarily and reasonably incurred, or to be incurred, by the member to attend meetings.

### **Meetings**

**29.(1)** The advisory council must meet at least 4 and not more than 6 times each year at times and places chosen by the Minister.

(2) However, the advisory council may hold 1 or more additional meetings if the Minister asks the advisory council to meet more frequently to deal with particular issues.

## **PART 4—FINANCIAL PROVISIONS**

### **Prisoners trust fund to be kept**

**51.(1)** The chief executive must keep a prisoners trust fund.

(2) All amounts received by the chief executive, or anyone else under an arrangement with the chief executive, for a prisoner must be paid into the prisoners trust fund.

(3) Amounts in the prisoners trust fund to the credit of a prisoner—

- (a) may be spent by the prisoner, with the chief executive's consent; and
- (b) must be paid by the chief executive to the public trustee, if the public trustee is managing the prisoner's estate and the public trustee requests the payment; and
- (c) must be paid by the chief executive to the prisoner on being discharged or being released on parole.

## **PART 5—MISCELLANEOUS**

### **Secrecy**

**61.(1)** A person shall not, without the prior approval of the chief executive, produce in any court or provide to any person any document, or disclose to any court or person any information, that has come into his or her possession or to his or her knowledge in the discharge of his or her functions or the exercise of his or her powers under a prescribed Act unless—

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- (a) the commissioner or other person does so for the purposes of a prescribed Act or the *Juvenile Justice Act 1992*; or
- (b) the commissioner or other person is required to do so by order of any court or Judge or otherwise by law.

(2) A person who fails to comply with subsection (1) commits an offence against this Act.

Maximum penalty—10 penalty units.

(3) For the purposes of subsection (1) each of the following Acts is a prescribed Act—

- (a) this Act;
- (b) *Corrective Services Act 1988*;
- (c) *The Prisons Act of 1958*;
- (d) *Penalties and Sentences Act 1992*;
- (e) *Prisoners (Interstate Transfer) Act 1982*;
- (f) *Parole Orders (Transfer) Act 1984*;
- (g) an Act prescribed by regulation for the purpose of subsection (1).

### **Protection for acts done pursuant to Acts**

**62.(1)** No matter or thing done or omitted to be done—

- (a) by any person pursuant to this Act or the *Corrective Services Act 1988*; or
- (b) bona fide and without negligence for the purposes of this Act or the *Corrective Services Act 1988*;

shall subject that person to any liability.

(2) A person (and any person assisting the person) who, in the discharge of a function or the exercise of a power under Part 2 of the *Corrective Services Act 1988*, uses force to a person that is reasonable in the circumstances and that does not cause and that is not likely to cause death or grievous bodily harm is not liable to be charged with any offence in respect of the use of that force.

(3) Where any question arises as to whether a person's liability for any act or omission, the subject of any proceedings, is negated under subsection (1) and the person claims to have acted pursuant to or for the purposes of this Act or the *Corrective Services Act 1988*, the burden of proof of negligence and the absence of good faith shall lie upon the person alleging to the contrary.

(4) Any proceedings taken against any person for any act or omission that the person alleges was done or not done pursuant to or for the purposes of this Act or the *Corrective Services Act 1988* may, upon application to the court in which they are taken, be stayed if the court is satisfied that there is no reasonable ground for alleging negligence or, as alleged, want of faith or both or, without limiting the provisions of any other Act, that the proceedings are frivolous or vexatious.

(5) Nothing in this section shall be so construed as to deprive any person of any defence that the person would have independently of this section.

### **State deemed to be owner of property**

**63.(1)** For the purpose of any proceedings—

- (a) each prison; and
- (aa) each community corrections centre; and
- (b) anything (whether animate or inanimate) appropriated to the use of corrective services officers or employees or prisoners, or persons, who, under the *Corrective Services Act 1988* are, subject to probation orders, community service orders or fine option orders administered by the chief executive or anything, not being the private property of any person, used by a corrective services officer or employee in an official capacity;

is taken to be the property of the State.

(1A) Subsection (1)(aa) does not apply to a community corrections centre that, if the paragraph did not apply, would belong to an entity other than the State.

**(1B)** Subsection (1)(b) does not apply to anything assigned by law to a person or body engaged by the chief executive under section 19(2)(f).<sup>7</sup>

**(2)** In any proceedings a certificate purporting to be signed by the chief executive stating that in respect of any property—

- (a) the State is or was at any time or during any specified period the owner of the property; or
- (b) no consent has been given to the act or breach of duty specified in the certificate alleged to have been committed in relation to the property;

shall upon its production be evidence of the matters stated.

**(3)** In this section—

“**chief executive**” does not include a person or body taken to be the chief executive under section 23C(5).<sup>8</sup>

### **Surrender of equipment**

**64.(1)** Upon a person ceasing to be a corrective services officer or employee, the person must surrender to the chief executive—

- (a) any form of identification; and
- (b) any firearm or other weapon; and
- (c) any other thing prescribed by the corrective services rules for the purposes of this section;

issued to that person in the person’s capacity as a corrective services officer or employee and if the person fails to do so the person commits an offence against this Act and is liable to a penalty of 10 penalty units.

**(2)** A justice may, upon the complaint of the chief executive issue the justice’s warrant authorising the person named in it or a member of a class of person specified in it to search for and seize on behalf of the chief executive anything specified in subsection (1) and not surrendered as required by that subsection and for that purpose to enter any premises or

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<sup>7</sup> Section 19 (Powers of chief executive)

<sup>8</sup> Section 23C (Structure of authorisation and delegation)

place in which the thing sought is believed to be by the person executing the warrant and to break open any receptacle that is capable of containing the thing sought.

### **Prosecutions**

**66.(1)** A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886* on complaint by a person authorised in that behalf, either generally or in the particular case, by the chief executive.

**(2)** The authority of a person to make a complaint referred to in subsection (1) shall be presumed until the contrary is proved.

**(3)** Proceedings for an offence against this Act may be instituted within 12 months after the commission of the offence or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

### **Regulation-making power**

**71.(1)** The Governor in Council may make regulations under this Act.

**(2)** A regulation may make provision with respect to—

- (a)** all matters that arise in connection with the responsibilities, authorities, obligations and liabilities of corrective services officers and employees;
- (b)** the engagement of a person or body of persons to conduct on the chief executive's behalf any part of the chief executive's operations under the corrective services Acts and under any other Act under which the chief executive has functions in the context of corrective services;
- (e)** all matters that, in the Governor in Council's opinion, are necessary or convenient to be prescribed for the proper exercise and discharge by the chief executive of his or her functions and powers.

## **PART 6—TRANSITIONAL PROVISIONS**

### ***Division 1—Transitional provisions for Act No. 87 of 1988***

#### **Prisons Act 1890 or 1958 references**

**74.** In an Act or document, a reference to the *Prisons Act 1890* or the *Prisons Act 1958* may, if the context permits, be taken to be a reference to this Act or the *Corrective Services Act 1988*.

### ***Division 4—Transitional provisions for Juvenile Justice Legislation Amendment Act 1998***

#### **Authentication of documents**

**78.** The following documents are taken to be, or to have been, sufficiently authenticated if signed by a commissioner or the secretary—

- (a) a document made or issued by the commission before the commencement of this section for the purposes of the *Juvenile Justice Act 1992*;
- (b) a document made or issued by the commission after the commencement of this section for the purposes of its functions in relation to the *Juvenile Justice Act 1992* before that commencement.

#### **Proceedings for offences relating to property**

**79.(1)** This section applies for a proceeding for an offence relating to property that happened between the commencement of the *Juvenile Justice Legislation Amendment Act 1996*, section 101 and the commencement of this section.

**(2)** Section 63, as in force during that period, applies for the purpose of alleging the ownership of property.

***Division 5—Transitional provisions for Corrective Services Legislation  
Amendment Act 1999***

***Subdivision 1—Preliminary***

**Definitions for div 5**

**80.** In this division—

“**contract officer**”, of QCSC or QC, means a person, other than the director-general of QCSC or the chief executive officer of QC, employed by QCSC or QC under a written contract of employment as an officer or employee of QCSC or QC, whether or not the contract is for a fixed term of appointment.

“**QC**” means Queensland Corrections.

“**QCSC**” means the Queensland Corrective Services Commission.

**Effect of div 5**

**81.** This division has effect despite anything in the *Government Owned Corporations Act 1993*, including anything in a regulation under that Act.

***Subdivision 2—Dissolution of QCSC***

**Dissolution of QCSC**

**82.** On the commencement of this section—

- (a) the persons who are the chairperson, deputy chairperson and other commissioners of QCSC go out of office; and
- (b) QCSC is dissolved; and
- (c) all the assets and liabilities of QCSC become assets and liabilities of the State; and
- (d) the State becomes the successor in law of QCSC; and

- (e) a prisoner in the custody of QCSC becomes a prisoner in the custody of the chief executive, and is taken to be so under the *Corrective Services Act 1988*, section 33(1).<sup>9</sup>

### **Director-general of Corrective Services**

**83.(1)** This section applies if, immediately before the commencement of this section, a person holds the appointment, other than an acting appointment, of the director-general of Corrective Services.

**(2)** On the commencement of this section, and despite the dissolution of QCSC and the repeal of section 33,<sup>10</sup> the person—

- (a) becomes a public service officer, other than the chief executive; and
- (b) is taken to be a corrective services officer.

**(3)** Despite anything in the *Public Service Act 1996*—

- (a) the person continues to be engaged and employed in the department under the terms of the person's contract with QCSC; and
- (b) to remove doubt, it is declared that, if the person's employment under the contract is terminated under the terms of the contract, the termination does not affect any rights to compensation to which the person is entitled under the terms of the contract.

**(4)** Subject to subsection (3), the person's contract with QCSC is taken to be a contract under the *Public Service Act 1996*, and that Act applies to the contract as if it were a contract for a fixed term under that Act.

**(5)** The *Public Service Act 1996*, section 71<sup>11</sup> does not apply to the person.

**(6)** A reference in the contract to QCSC as the employer under the contract is taken to be a reference to the chief executive.

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<sup>9</sup> *Corrective Services Act 1988*, section 33 (Persons in custody of chief executive)

<sup>10</sup> Section 33 (Appointment of Director-General and secretary)

<sup>11</sup> *Public Service Act 1996*, section 71 (Tenure on termination etc. of certain contracts)

**Secretary to QCSC**

**84.(1)** This section applies if, immediately before the commencement of this section, a person holds the appointment, other than an acting appointment, of the secretary to QCSC.

**(2)** Despite the dissolution of QCSC and the repeal of section 33, the person becomes a public service officer.

***Subdivision 3—Dissolution of QC*****Dissolution of QC**

**85.** On the commencement of this section—

- (a) QC is dissolved; and
- (b) all the assets and liabilities of QC become assets and liabilities of the State; and
- (c) the State becomes the successor in law of QC; and
- (d) a prisoner in the custody of QC becomes a prisoner in the custody of the chief executive, and is taken to be so under the *Corrective Services Act 1988*, section 33(1).

**Chief executive officer of QC**

**86.(1)** This section applies if, immediately before the commencement of this section, a person holds the appointment, other than an acting appointment, of chief executive officer of QC.

**(2)** On the commencement of this section, and despite the dissolution of QC, the person—

- (a) becomes a public service officer, other than the chief executive; and
- (b) is taken to be a corrective services officer.

**(3)** Despite anything in the *Public Service Act 1996*—

- (a) the person continues to be engaged and employed in the department under the terms of the person's contract with QC; and

*Corrective Services (Administration) Act 1988*

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(b) to remove doubt, it is declared that, if the person's employment under the contract is terminated under the terms of the contract, the termination does not affect any rights to compensation to which the person is entitled under the terms of the contract.

(4) Subject to subsection (3), the person's contract with QC is taken to be a contract under the *Public Service Act 1996*, and that Act applies to the contract as if it were a contract for a fixed term under that Act.

(5) The *Public Service Act 1996*, section 71<sup>12</sup> does not apply to the person.

(6) A reference in the contract to QC as the employer under the contract is taken to be a reference to the chief executive.

***Subdivision 4—Special transitional provisions for officers and employees***

**Officers and employees**

**87.(1)** On the commencement of this section, a person who, immediately before the commencement, was an officer or employee of QCSC or QC—

- (a) becomes a public service employee; and
- (b) has a right to a salary or wage rate not lower than the person's salary or wage rate immediately before the commencement; and
- (c) must be appointed or employed under the *Public Service Act 1996* as a public service officer, general employee or temporary employee; and
- (d) must be appointed or employed as a corrective services officer or employee.

(2) This section does not apply to an officer or employee of QCSC or QC who, immediately before the commencement, was a contract officer of QCSC or QC, the director-general of QCSC or the chief executive officer of QC.

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<sup>12</sup> *Public Service Act 1996*, section 71 (Tenure on termination etc. of certain contracts)

**Contract officers**

**88.(1)** On the commencement of this section, a person who, immediately before the commencement, was a contract officer of QCSC or QC—

- (a) becomes a public service officer; and
- (b) is taken to be a corrective services officer.

**(2)** Despite anything in the *Public Service Act 1996*—

- (a) the person continues to be engaged and employed in the department under the terms of the person's contract with QCSC or QC; and
- (b) to remove doubt, it is declared that, if the person's employment under the contract is terminated under the terms of the contract, the termination does not affect any rights to compensation to which the person is entitled under the terms of the contract.

**(3)** Subject to subsection (2), the person's contract with QCSC or QC is taken to be a contract under the *Public Service Act 1996*, and that Act applies to the contract as if it were a contract for a fixed term under that Act.

**(4)** The *Public Service Act 1996*, section 71<sup>13</sup> does not apply to the person.

**(5)** A reference in the contract to QCSC or QC as the employer under the contract is taken to be a reference to the chief executive.

**Transition to corrective services officers and employees**

**89.** On the commencement of this section—

- (a) a person who, immediately before the commencement, was employed by QCSC or QC as a community correctional officer is taken to be a corrective services officer or employee who is a community correctional officer; and

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<sup>13</sup> *Public Service Act 1996*, section 71 (Tenure on termination etc. of certain contracts)

- (b) a person who, immediately before the commencement, was employed by QCSC or QC as a custodial correctional officer is taken to be a corrective services officer or employee who is a custodial correctional officer; and
- (c) a person who, immediately before the commencement, was employed by QCSC or QC as the general manager or manager of a prison is taken to be a corrective services officer or employee who is the general manager or manager of the prison.

### **Accrued entitlements**

**90.** A person who becomes a public service employee under this division keeps all entitlements accrued by the person, as at the commencement of this section, as an officer or employee of QCSC or QC.

### **Industrial instruments and agreements**

**91.** Industrial instruments and industrial agreements under the *Workplace Relations Act 1997* in force immediately before the commencement of this section, and applying to an officer or employee of QCSC or QC, continue in force under that Act after the commencement and apply to the person as a public service employee.

### **Employment conditions**

**92.(1)** Employment conditions decided under repealed section 34 by QCSC, or decided by QC, and in force immediately before the commencement of this section for an officer or employee of QCSC or QC continue to apply to the person as a public service employee after the commencement.

**(2)** Despite the *Public Service Act 1996*, a directive or guideline under that Act about a matter that is also the subject of an employment condition mentioned in subsection (1) does not apply to the person.

**(3)** This section expires 1 year after it commences.

**Disciplinary and other proceedings**

**93.(1)** This section applies to a person who becomes a public service employee under this division.

**(2)** Disciplinary proceedings may be taken against the person after the commencement of this section for a disciplinary matter that happened while the person was an officer or employee of QCSC or QC as if the person were a public service employee at the time the matter happened.

**(3)** However, if disciplinary proceedings for a disciplinary matter were started against the person before the commencement of this section, the proceedings may be finalised as if the *Corrective Services Legislation Amendment Act 1999* had not been enacted.

**(4)** If the person was suspended by QCSC or QC before the commencement of this section, the suspension continues, and must be dealt with by the chief executive as if the *Corrective Services Legislation Amendment Act 1999* had not been enacted and the chief executive was QCSC or QC.

***Subdivision 5—Other transitional provisions*****Instruments and references in instruments**

**94.(1)** This section applies to an instrument (other than a statutory instrument) in existence immediately before the commencement of this section.

**(2)** An instrument applying to QCSC or QC is to apply to the State in place of QCSC or QC and is to be read with necessary changes.

**(3)** In an instrument applying to QCSC, a reference to the director-general of Corrective Services or another officer or employee of QCSC is taken to be, if the context permits, a reference to the chief executive or a corrective services officer or employee.

**(4)** In an instrument applying to QC, a reference to the chief executive officer of QC or another officer or employee of QC is taken to be, if the context permits, a reference to the chief executive or a corrective services officer or employee.

**Pending proceedings**

**95.** A proceeding by or against QCSC or QC arising out of acts or omissions of QCSC or QC that is not finished before the commencement of this section must be continued and finished by or against the State.

**Actions taken by QCSC before commencement**

**96.(1)** This section applies to an action taken by QCSC before the commencement of this section if—

- (a) the action was taken in the exercise of a power conferred on QCSC under the corrective services Acts or another Act; and
- (b) the action was still in force or having effect immediately before the commencement.

**(2)** The action stays in force or continues to have effect after the commencement.

**(3)** To the extent necessary to give effect to subsection (2), the action is taken to have been the action of the chief executive.

**(4)** Subsection (2) has effect only to the extent that the staying in force or continuing to have effect is consistent with the dissolution of QCSC and QC.

*Example for subsection (4)—*

The delegating of a power under section 21(1)(a) before the commencement of this section to a Commissioner would not stay in force or continue to have effect because the Commissioners go out of office on the commencement of this section.

**(5)** Without limiting subsections (2) to (4)—

- (a) the engagement of a person in force under section 19(2)(f) immediately before the commencement, other than the engagement of QC, continues in force as an engagement by the chief executive; and
- (b) the Commission's Rules, as in force under section 20 immediately before the commencement, stay in force, subject to repeal or amendment by the chief executive from time to time, as the corrective services rules; and

- (c) an authorisation in force under section 23C immediately before the commencement, other than an authorisation of QC, stays in force as an authorisation by the chief executive.

### **Actions taken by QC before commencement**

**97.(1)** This section applies to an action taken by QC before the commencement of this section if the action was still in force or having effect immediately before the commencement.

**(2)** The action stays in force or continues to have effect after the commencement.

**(3)** To the extent necessary to give effect to subsection (2), the action is taken to have been the action of the chief executive.

**(4)** Without limiting subsections (1) to (3), the delegating of a power by QC to a person under an authorisation under section 23C(6) continues to have effect as a delegation from the chief executive to the person.

### **Certificates for evidentiary purposes**

**98.(1)** A document made or issued by QCSC before the commencement of this section for the purposes of QCSC's functions in relation to the *Juvenile Justice Act 1992* before 7 December 1998<sup>14</sup> is taken to be sufficiently authenticated if signed after the commencement by the chief executive.

**(2)** Subsection (3) applies if, in any proceedings, it is relevant to prove a decision or determination of QCSC made before the commencement of this section, whether made under the corrective services Acts or another Act.

**(3)** A certificate purporting to be signed, before the commencement, by the secretary to QCSC, or after the commencement, by the chief executive, and stating the decision or determination of QCSC is evidence of the decision or determination.

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<sup>14</sup> Section 78 (Authentication of documents) commenced 7 December 1998.

**References in Acts**

**99.(1)** In any Act, a reference to QCSC or QC is, if the context allows, taken to be a reference to—

- (a) the chief executive; or
- (b) a person or body taken to be the chief executive under section 23C(5).

**(2)** If the context does not allow, the reference to QCSC or QC is taken to be a reference to the State.

**Certain references to be taken to be to refer to chief executive**

**100.** On the commencement of this section, a reference in an Act, other than the corrective services Acts, or in an instrument made under an Act, other than the corrective services Acts, to the Comptroller-General of Prisons, the Chief Probation Officer, the Chief Probation and Parole Officer, the Prisons Department, the prison service or the Probation and Parole Service is taken to be a reference to the chief executive.

## SCHEDULE

### DICTIONARY

section 6

**“advisory council”** means the Corrective Services Advisory Council established under section 24.

**“appointed members”**, of the advisory council, see section 26(1)(b).

**“community correctional officer”** see section 7.

**“community corrections”** means the following—

- (a) services about prisoners who are released on parole and persons subject to probation orders, community service orders or fine option orders;
- (b) community corrections centres and services about community corrections centres;
- (c) programs for prisoners who are living or working outside of a prison and for persons subject to probation orders, community service orders or fine option orders;
- (d) services about, and programs for, persons prescribed under a regulation;

**“community corrections centre”** means a community corrections centre under the *Corrective Services Act 1988*, section 12.<sup>15</sup>

**“corrective services”** means community corrections and custodial corrections.

**“corrective services Acts”** means—

- (a) the *Corrective Services Act 1988*; and
- (b) this Act.

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<sup>15</sup> *Corrective Services Act 1988*, section 12 (Establishment of community corrections centres)

## SCHEDULE (continued)

**“corrective services employee”** see section 7(5).

**“corrective services entity”** means—

- (a) the chief executive; or
- (b) a defined office holder or other corrective services officer; or
- (c) a corrective services employee.

**“corrective services officer”** see section 7(4).

**“corrective services rules”** see section 20.

**“custodial correctional officer”** see section 7.

**“custodial corrections”** means the following—

- (a) prisons and services related to prisons;
- (b) programs for prisoners who are held in a prison.

**“defined office holder”** means a corrective services officer who holds a following office—

- (a) community correctional officer;
- (b) custodial correctional officer;
- (c) general manager of a prison.

**“function”** of a corrective services entity, includes responsibility and anything the corrective services entity may or must do under an Act, including receive a delegation.

**“general manager”** see section 7.

**“prison”** means a prison under the *Corrective Services Act 1988*, section 11.<sup>16</sup>

**“prisoner”** means someone who is—

- (a) in the chief executive’s custody; or
- (b) released on parole under the *Corrective Services Act 1988*.

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<sup>16</sup> *Corrective Services Act 1988*, section 11 (Establishment of prisons)

**ENDNOTES****1 Index to endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 March 2000. Future amendments of the Corrective Services (Administration) Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 29 of 1994	7 July 1994
1A	to Act No. 57 of 1995	9 July 1996
1B	to Act No. 22 of 1996	30 August 1996
1C	to Act No. 37 of 1996	30 January 1997
1D	to Act No. 46 of 1997	19 September 1997
1E	to Act No. 39 of 1998	12 March 1999
1F	to Act No. 9 of 1999	9 July 1999

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1

Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## **6 List of legislation**

### **Corrective Services (Administration) Act 1988 No. 87**

date of assent 1 December 1988

commenced on date of assent

as amended by—

### **Public Sector Management Commission Act 1990 No. 5 s 7.12 sch**

date of assent 4 April 1990

commenced on date of assent (proc pubd gaz 4 April 1990 p 1675)

### **Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 s 1–3 sch**

date of assent 5 August 1991

commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 1–3 sch 2**

date of assent 17 December 1991

commenced on date of assent

### **Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 pt 1, s 163 sch 1**

date of assent 14 August 1992

amendment 9 commenced 22 June 1992 (see s 2(2))

remaining amendments commenced on date of assent

### **Penalties and Sentences Act 1992 No. 48 ss 1–2, 207 sch**

date of assent 24 November 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 18 December 1992 (1992 SL No. 393)

### **Corrective Services (Administration) Amendment Act 1994 No. 22 pts 1–2, s 3 sch**

date of assent 10 May 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 3 June 1994 (1994 SL No. 190)

### **Anti-Discrimination Amendment Act 1994 No. 29 ss 1–3 sch**

date of assent 28 June 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1994 (see s 2)

### **Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

### **Juvenile Justice Legislation Amendment Act 1996 No. 22 pts 1, 3 (as amd 1996 No. 56 pts 1, 11 as from 15 August 1996 (see 1996 No. 56 s 119); 1996 No. 79 pts 1, 19 as from 15 August 1996 (see 1996 No. 79 s 62(2))**

date of assent 15 August 1996  
commenced on date of assent

**Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 1996 (1996 SL No. 361)

**Corrective Services Legislation Amendment Act 1997 No. 46 pts 1–2**

date of assent 29 August 1997  
commenced on date of assent

**Juvenile Justice Legislation Amendment Act 1998 No. 39 pts 1–2**

date of assent 27 November 1998  
ss 1–2 commenced on date of assent  
remaining provisions commenced 7 December 1998 (1998 SL No. 325)

**Corrective Services Legislation Amendment Act 1999 No. 9 pts 1, 3 sch**

date of assent 30 March 1999  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 May 1999 (1999 SL No. 72)

**Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3**

date of assent 18 June 1999  
ss 1–2 commenced on date of assent  
remaining provision inoperative (amendment inoperative as provision it was to operate on previously omitted)

## **7 List of annotations**

### **Title**

amd 1999 No. 9 s 9

### **Objects**

s 2 amd 1999 No. 9 s 10

### **Arrangement**

s 3 om R1 (see RA s 36)

### **Occupation of premises and assignment of assets**

s 4 om 1991 No. 97 s 3 sch 2

### **Certain references to be taken to refer to Commission**

s 5 reloc as s 73 1995 No. 57 s 4 sch 1

### **Dictionary**

s 6 sub 1996 No. 22 s 90

### **References to various officers**

prov hdg amd 1999 No. 9 s 11(1)  
s 7 prev s 7 om 1994 No. 22 s 3 sch  
pres s 7 ins 1997 No. 46 s 3  
amd 1999 No. 9 s 11(2)–(5)

**Administration**

**s 8** om 1999 No. 9 s 12

**PART 2—ROLE OF CHIEF EXECUTIVE**

**pt hdg** amd 1999 No. 9 s 13

**Division 1—Constitution of Commission**

**div hdg** om 1999 No. 9 s 14

**Constitution of Commission**

**s 9** amd 1994 No. 22 s 4; 1996 No. 37 s 147 sch 2  
om 1999 No. 9 s 14

**Commissioners**

**s 10** amd 1991 No. 42 s 3 sch; 1991 No. 97 s 3 sch 2  
sub 1994 No. 22 s 5  
(5)–(7) exp 3 June 1994 (see s 10(7))  
om 1999 No. 9 s 14

**Duration of appointment**

**s 11** prev s 11 om 1992 No. 40 s 163 sch 1  
pres s 11 ins 1994 No. 22 s 5  
om 1999 No. 9 s 14

**Fees and allowances**

**s 12** amd 1991 No. 42 s 3 sch; 1992 No. 40 s 163 sch 1  
sub 1994 No. 22 s 5  
om 1999 No. 9 s 14

**Deputy chairperson**

**s 13** amd 1991 No. 42 s 3 sch  
om 1994 No. 22 s 5

**Vacating commissioner's office**

**s 14** amd 1991 No. 42 s 3 sch  
om 1994 No. 22 s 5

**Casual vacancy in office of commissioner**

**s 15** amd 1991 No. 42 s 3 sch  
om 1994 No. 22 s 5

**Fees and allowances of commissioners**

**s 16** om 1994 No. 22 s 5

**Commission represents Crown**

**s 17** om 1999 No. 9 s 14

**Division 1—Functions and powers of chief executive**

**div hdg** (prev div 2 hdg) sub 1999 No. 9 s 15

**Functions of chief executive**

**prov hdg** amd 1999 No. 9 s 16

**s 18** amd 1996 No. 22 s 91; 1998 No. 39 s 4; 1999 No. 9 s 16

**Powers of chief executive**

**prov hdg** amd 1999 No. 9 s 17(1)

**s 19** amd 1992 No. 40 s 163 sch 1; 1996 No. 22 s 92; 1997 No. 46 s 4; 1998 No. 39 s 5; 1999 No. 9 s 17

**Rules**

**s 20** amd 1994 No. 22 s 3 sch; 1996 No. 22 s 93; 1997 No. 46 s 5; 1998 No. 39 s 6; 1999 No. 9 s 3 sch

**Delegation by chief executive**

**prov hdg** sub 1997 No. 46 s 6(1)  
**s 21** sub 1992 No. 40 s 163 sch 1  
 amd 1997 No. 46 s 6(2)–(3)  
 sub 1999 No. 9 s 18

**Delegation prior to appointed day**

**s 22** om 1992 No. 40 s 163 sch 1

**Commission subject to direction of Minister**

**s 23** om 1999 No. 9 s 19

**Division 2—Further provisions about persons or bodies engaged under section 19(2)(f)**

**div hdg** ins 1997 No. 46 s 7  
 (prev div 2A hdg) renum as div 2 1999 No. 9 s 20

**Definition for div 2**

**prov hdg** amd 1998 No. 39 s 7(1); 1999 No. 9 s 3 sch  
**s 23A** ins 1997 No. 46 s 7  
 amd 1998 No. 39 s 7(2)–(4)

**Engaging persons or bodies to conduct chief executive's operations**

**prov hdg** amd 1999 No. 9 s 3 sch  
**s 23B** ins 1997 No. 46 s 7  
 amd 1998 No. 39 s 8; 1999 No. 9 s 3 sch

**Structure of authorisation and delegation**

**s 23C** ins 1997 No. 46 s 7  
 amd 1999 No. 9 s 3 sch

**Directions for detention centres**

**s 23D** ins 1997 No. 46 s 7  
 om 1998 No. 39 s 9

**Chief executive retains custody and responsibilities**

**prov hdg** amd 1999 No. 9 s 3 sch  
**s 23E** ins 1997 No. 46 s 7  
 amd 1998 No. 39 s 10; 1999 No. 9 s 3 sch

**Evidentiary provision**

**s 23F** ins 1997 No. 46 s 7

**Division 3—Proceedings and business**

**div hdg** om 1999 No. 9 s 21

**PART 3—CORRECTIVE SERVICES ADVISORY COUNCIL**

**pt hdg** sub 1999 No. 9 s 21

**Establishment of advisory council**

**s 24** sub 1994 No. 22 s 3 sch; 1999 No. 9 s 21

**Functions**

**s 25** sub 1999 No. 9 s 21

**Composition**

**s 26** sub 1999 No. 9 s 21

**Term of appointment**

**s 27** sub 1999 No. 9 s 21

**Conditions of appointment**

**s 28** sub 1999 No. 9 s 21

**Meetings**

**s 29** sub 1999 No. 9 s 21

**Custody of seal; authentication of documents**

**s 30** amd 1996 No. 22 s 94; 1998 No. 39 s 11  
om 1999 No. 9 s 21

**Validity of acts**

**s 31** om 1994 No. 22 s 3 sch

**Disclosure of interest**

**s 32** amd 1994 No. 22 s 3 sch; 1996 No. 22 s 95; 1998 No. 39 s 12  
om 1999 No. 9 s 21

**PART 3—PROVISIONS AFFECTING PERSONNEL**

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**Appointment of Director-General and secretary**

**s 33** om 1999 No. 9 s 21

**Other officers of commission**

**s 34** om 1996 No. 22 s 96(1)  
AIA s 20A applies (see 1996 No. 22 s 96(2))  
sub 1996 No. 22 s 96(1)  
om 1999 No. 9 s 21  
amd 1999 Act No. 33 747 sch 3 (amendment inoperative as s 34  
previously omitted)

**Superannuation schemes**

**s 35** om 1996 No. 22 s 96(1)  
AIA s 20A applies (see 1996 No. 22 s 96(2))  
sub 1996 No. 22 s 96(1)  
om 1999 No. 9 s 21

**Rights of officers previously employed in the public service**

**s 36** amd 1990 No. 5 s 7.12(1) sch  
om 1996 No. 22 s 96(1)  
AIA s 20A applies (see 1996 No. 22 s 96(2))

**Participation in superannuation scheme pursuant to other Act**

**s 37** om 1996 No. 22 s 96(1)  
AIA s 20A applies (see 1996 No. 22 s 96(2))

**Contributions by Commission**

**s 38** om 1996 No. 22 s 96(1)  
AIA s 20A applies (see 1996 No. 22 s 96(2))

**Resignation**

**s 39** om 1999 No. 9 s 21

**Retirement**

**s 40** amd 1994 No. 29 s 3 sch  
om 1999 No. 9 s 21

**Mode of resignation or retirement**

**s 41** om 1999 No. 9 s 21

**Retrenchment**

**s 42** om 1999 No. 9 s 21

**Discipline**

**s 43** amd 1992 No. 40 s 163 sch 1; 1996 No. 22 s 97; 1998 No. 39 s 13  
om 1999 No. 9 s 21

**Implementation or order**

**s 44** om 1999 No. 9 s 21

**Suspension**

**s 45** amd 1996 No. 22 s 98; 1998 No. 39 s 14  
om 1999 No. 9 s 21

**Appeal tribunal**

**s 46** amd 1991 No. 42 s 3 sch  
om 1994 No. 22 s 6

**Nomination of persons who may be appointed members of appeal tribunal**

**s 47** om 1994 No. 22 s 6

**Fees and allowances of members of appeal tribunal**

**s 48** om 1994 No. 22 s 6

**Appeals against promotional appointments, disciplinary action and suspension**

**s 49** om 1994 No. 22 s 6

**Determination of appeal**

**s 50** om 1994 No. 22 s 6

**Prisoners trust fund to be kept**

**s 51** sub 1996 No. 22 s 99; 1998 No. 39 s 15  
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s 56 om 1996 No. 22 s 99

**Budget of Commission**

s 57 om 1996 No. 22 s 99

**Observance of budget**

s 58 om 1996 No. 22 s 99

**Treatment of surplus and deficit**

s 59 om 1996 No. 22 s 99

**Payment of grants to Commission**

s 60 om 1996 No. 22 s 99

**Secrecy**

s 61 amd 1992 No. 48 s 207 sch; 1994 No. 22 s 3 sch; 1996 No. 22 s 100; 1999 No. 9 s 3 sch

**State deemed to be owner of property**

prov hdg amd 1999 No. 9 s 3 sch

s 63 amd 1996 No. 22 s 101; 1997 No. 46 s 8; 1998 No. 39 s 16; 1999 No. 9 s 3 sch

**Surrender of equipment**

s 64 amd 1999 No. 9 s 3 sch

**Service of documents on commission**

s 65 om 1999 No. 9 s 22

**Prosecutions**

s 66 amd 1999 No. 9 s 3 sch

**Certificate of secretary evidence of commission's decisions**

s 67 om 1999 No. 9 s 23

**Protection of Commission's name**

s 68 om 1999 No. 9 s 23

**Grant in fee simple of certain lands to Commission**s 69 amd 1992 No. 40 s 163 sch 1  
om 1999 No. 9 s 23**Annual report**s 70 amd 1996 No. 22 s 102; 1998 No. 39 s 17  
om 1999 No. 9 s 23**Regulation-making power**

prov hdg ins 1997 No. 46 s 9(1)

s 71 amd 1992 No. 40 s 163 sch 1; 1994 No. 22 s 3 sch; 1997 No. 46 s 9(2)-(4); 1998 No. 39 s 18; 1999 No. 9 s 24

**Review of Acts**

s 72 om 1999 No. 9 s 25

**PART 5A—TRANSITIONAL ON ACT NO. 22 OF 1996****pt hdg** reloc as pt 6 div 2 hdg 1997 No. 46 s 10**Definitions****s 72A** renum and reloc as s 75 1997 No. 46 ss 10(2), 11(2)**Transfer of staff to commission****s 72B** renum and reloc as s 76 1997 No. 46 ss 10(2), 11(2)**PART 6—TRANSITIONAL PROVISIONS****pt hdg** ins 1995 No. 57 s 4 sch 1**Division 1—Transitional provisions for Act No. 87 of 1988****div hdg** ins 1997 No. 46 s 12**Certain references to be taken to refer to Commission****s 73** (prev s 5) reloc 1995 No. 57 s 4 sch 1  
om 1999 No. 9 s 25**Prisons Act 1890 or 1958 references****s 74** ins 1995 No. 57 s 4 sch 1**Division 2—Transitional provision for Act No. 22 of 1996****div hdg** (prev pt 5A hdg) ins 1996 No. 22 s 103 (as amd 1996 No. 56 s 120)  
sub 1997 No. 46 s 10(1)  
reloc 1997 No. 46 s 11(2)  
om 1999 No. 9 s 26**Definitions****s 75** (prev s 72A) ins 1996 No. 22 s 103 (as amd 1996 No. 56 s 120)  
reloc 1997 No. 46 ss 10(2)  
amd 1997 No. 46 s 11(1)  
reloc 1997 No. 46 s 11(2)  
om 1999 No. 9 s 26**Transfer of staff to commission****s 76** (prev s 72B) ins 1996 No. 22 s 103 (as amd 1996 No. 56 s 120; 1996  
No. 79 s 63)  
reloc 1997 No. 46 s 10(2)  
renum 1997 No. 46 s 11(2)  
om 1999 No. 9 s 26**Division 3—Transitional and declaratory provisions for Corrective Services  
Legislation Amendment Act 1997****div hdg** ins 1997 No. 46 s 13  
om 1999 No. 9 s 26**Declaratory provision about previous acts****s 77** ins 1997 No. 46 s 13  
om 1999 No. 9 s 26**Division 4—Transitional provisions for Juvenile Justice Legislation Amendment  
Act 1998****div hdg** ins 1998 No. 39 s 19

**Authentication of documents**

s 78 ins 1998 No. 39 s 19

**Proceedings for offences relating to property**

s 79 ins 1998 No. 39 s 19

**Division 5—Transitional provisions for Corrective Services legislation  
Amendment Act 1999**

div hdg ins 1999 No. 9 s 27

**Subdivision 1—Preliminary**

sdiv hdg ins 1999 No. 9 s 27

**Definitions for div 5**

s 80 ins 1999 No. 9 s 27

**Effect of div 5**

s 81 ins 1999 No. 9 s 27

**Subdivision 2—Dissolution of QCSC**

sdiv hdg ins 1999 No. 9 s 27

**Dissolution of QCSC**

s 82 ins 1999 No. 9 s 27

**Director-General of Corrective Services**

s 83 ins 1999 No. 9 s 27

**Secretary to QCSC**

s 84 ins 1999 No. 9 s 27

**Subdivision 3—Dissolution of QC**

sdiv hdg ins 1999 No. 9 s 27

**Dissolution of QC**

s 85 ins 1999 No. 9 s 27

**Chief executive officer of QC**

s 86 ins 1999 No. 9 s 27

**Subdivision 4—Special transitional provisions for officers and employees**

sdiv hdg ins 1999 No. 9 s 27

**Officers and employees**

s 87 ins 1999 No. 9 s 27

**Contract officers**

s 88 ins 1999 No. 9 s 27

**Transition to corrective services officers and employees**

s 89 ins 1999 No. 9 s 27

**Accrued entitlements**

s 90 ins 1999 No. 9 s 27

**Industrial instruments and agreements**

s 91 ins 1999 No. 9 s 27

**Employment conditions**

**s 92** ins 1999 No. 9 s 27  
exp 1 May 2000 (see s 92(3))

**Disciplinary and other proceedings**

**s 93** ins 1999 No. 9 s 27

**Subdivision 5—Other transitional provisions**

**sdiv hdg** ins 1999 No. 9 s 27

**Instruments and references in instruments**

**s 94** ins 1999 No. 9 s 27

**Pending proceedings**

**s 95** ins 1999 No. 9 s 27

**Actions taken by QCSC before commencement**

**s 96** ins 1999 No. 9 s 27

**Actions taken by QC before commencement**

**s 97** ins 1999 No. 9 s 27

**Certificates for evidentiary purposes**

**s 98** ins 1999 No. 9 s 27

**References in Acts**

**s 99** ins 1999 No. 9 s 27

**Certain references to be taken to refer to chief executive**

**s 100** ins 1999 No. 9 s 27

**SCHEDULE—DICTIONARY**

prev sch om 1992 No. 40 s 163 sch 1

pres sch ins 1996 No. 22 s 103A (as amd 1996 No. 56 s 120)

def “**advisory council**” ins 1999 No. 9 s 28(2)

def “**appointed members**” ins 1999 No. 9 s 28(2)

def “**commission**” om 1999 No. 9 s 28(1)

def “**commission entity**” ins 1997 No. 46 s 14

om 1999 No. 9 s 28(1)

def “**commissioner**” om 1999 No. 9 s 28(1)

def “**community correctional officer**” ins 1997 No. 46 s 14

def “**corrective services Acts**” ins 1999 No. 9 s 28(2)

def “**corrective services employee**” ins 1999 No. 9 s 28(2)

def “**corrective services entity**” ins 1999 No. 9 s 28(2)

def “**corrective services officer**” ins 1999 No. 9 s 28(2)

def “**corrective services rules**” ins 1999 No. 9 s 28(2)

def “**custodial correctional officer**” ins 1997 No. 46 s 14

def “**custodial corrections**” amd 1998 No. 39 s 20(2)–(3)

def “**defined office holder**” ins 1999 No. 9 s 28(2)

def “**detainee**” om 1998 No. 39 s 20(1)

def “**detention centre**” om 1998 No. 39 s 20(1)

def “**detention centre officer**” ins 1997 No. 46 s 14

om 1998 No. 39 s 20(1)

def “**director-general**” om 1999 No. 9 s 28(1)

def “**employee**” om 1999 No. 9 s 28(1)  
def “**function**” ins 1997 No. 46 s 14  
amd 1999 No. 9 s 28(3)  
def “**general manager**” ins 1997 No. 46 s 14  
def “**officer**” om 1999 No. 9 s 28(1)  
def “**prisoner**” amd 1998 No. 39 s 20(4)  
amd 1999 No. 9 s 28(4)  
def “**secretary**” om 1999 No. 9 s 28(1)

## **8 Transitional and savings provisions**

**Juvenile Justice Legislation Amendment Act 1996 s 96(2)–(3) provides—**

(2) The *Acts Interpretation Act 1954*, section 20A,<sup>17</sup> applies to provisions, omitted by subsection (1), about persons who, immediately before the commencement of this section, were officers of the commission under section 34(3) as it existed at that time.

(3) Subsection (2) and this subsection expire the day after they commence.

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<sup>17</sup> *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)