



Queensland

*Corrective Services Act 2006*

# **Corrective Services Regulation 2006**

**Current as at 11 April 2014**

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- The list of annotations endnote gives historical information at section level.

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Queensland

# Corrective Services Regulation 2006

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# Corrective Services Regulation 2006

[as amended by all amendments that commenced on or before 11 April 2014]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Corrective Services Regulation 2006*.

### 2 Commencement

- (1) This regulation, other than part 3, division 1 and the schedule, commences on 28 August 2006.
- (2) Part 3, division 1 and the schedule commence on 29 August 2006.

## Part 2 Prisoners and other offenders

### Division 1 General

#### 3 Considerations when acting under the Act

A person performing a function or exercising a power under the Act must have regard to the purpose of, and matters recognised by, the Act as mentioned in section 3 of the Act.

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## **Division 2                      Accommodation**

### **4                      Accommodation**

- (1) An Aboriginal or Torres Strait Islander prisoner is to be accommodated in a corrective services facility as close as practicable to the prisoner's family unless the chief executive is satisfied the prisoner does not want to be accommodated near the prisoner's family.

*Note—*

Because of an Aboriginal or Torres Strait Islander prisoner's cultural background, the concept of family may be wider than is ordinarily understood.

- (2) In deciding what is practicable, the chief executive must consider all relevant factors, including, for example—
- (a) whether the prisoner's accommodation in the corrective services facility closest to the prisoner's family would pose an unacceptable risk to the safety of persons, including the prisoner, in the facility; and
  - (b) the prisoner's security classification; and
  - (c) any orders to which the prisoner is subject.

*Example—*

An Aboriginal prisoner who is subject to a maximum security order can not be accommodated in the corrective services facility closest to the prisoner's family unless the corrective services facility contains a maximum security unit.

### **5                      Separate confinement**

The chief executive must ensure a prisoner undergoing separate confinement—

- (a) can access reticulated water, a toilet and shower facilities that, as far as practicable, are constructed in a way to prevent the prisoner from associating with other prisoners; and



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- (b) is given the same type of mattress, sheets, blankets and pillow as the prisoner would have were the prisoner not in separate confinement; and
  - (c) is given clothing appropriate for the prevailing conditions; and
  - (d) is given the opportunity to exercise, in the fresh air, for at least 2 daylight hours a day.

## **Division 3 Breaches of discipline**

### **6 Breach of discipline—Act, s 113(1)**

Each of the following acts or omissions if committed by a prisoner is a breach of discipline—

- (a) contravening a lawful direction of a corrective services officer;
- (b) wilfully carrying out, in a careless or negligent way, something the prisoner is lawfully directed to do by a corrective services officer;
- (c) making something not expressly or impliedly approved as something the prisoner may make;
- (d) possessing or concealing something not expressly or impliedly approved as something the prisoner may possess;
- (e) knowingly consuming something not expressly or impliedly approved as something the prisoner may consume;
- (f) wilfully consuming or inhaling something likely to induce an intoxicated state, other than medication taken as prescribed by a doctor;
- (g) without the approval of a corrective services officer, doctor or nurse—
  - (i) possessing or taking medication; or

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- (ii) giving or administering medication to another prisoner;
- (h) using abusive, indecent, insulting, obscene, offensive or threatening language in someone else's presence;
- (i) acting in an indecent or offensive way in someone else's presence;
- (j) acting in a way contrary to the security or good order of a corrective services facility;
- (k) making a complaint, other than a complaint to an official visitor or the chief inspector, about an act or omission of another prisoner or a corrective services officer, that is frivolous or vexatious;
- (l) organising or taking part in gambling;
- (m) without a corrective services officer's approval, altering the prisoner's appearance, or another prisoner's appearance, so it significantly differs from the prisoner's appearance described in the record kept under section 10 of the Act;
- (n) wilfully damaging, destroying, removing or otherwise interfering with a video camera or other device used for monitoring part of the prison;
- (o) wilfully damaging or destroying clothing issued to the prisoner or another prisoner;
- (p) wilfully damaging or destroying property rented by the prisoner or another prisoner;
- (q) wilfully damaging or destroying any property that is part of a corrective services facility, or other property of the State in the facility;
- (r) obtaining another prisoner's property, other than in circumstances expressly approved, or intentionally damaging another prisoner's property;
- (s) sending mail purporting to be privileged mail if it is not privileged mail;

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- (t) giving a positive test sample or being taken, under section 43(4) of the Act, to have given a positive test sample;
  - (u) attempting to do anything mentioned in paragraphs (a) to (s).

**7 Prisoner to be given copy of details kept about breaches of discipline**

- (1) The chief executive must give a prisoner a copy of the details kept in the register mentioned in section 120 of the Act for each breach of discipline the prisoner is found to have committed.
- (2) The copy must be given to the prisoner as soon as practicable after the details are entered in the register.

**Division 4 Safety orders**

**8 Safety order conditions—Act, s 53(3)**

The conditions a safety order for a prisoner must state are as follows—

- (a) the extent to which the prisoner is to be separated from other prisoners accommodated in the corrective services facility;
- (b) any special needs of the prisoner and how the needs must be met;
- (c) how and when the prisoner may receive visits;
- (d) the amount of property the prisoner may keep and access while subject to the safety order;
- (e) the prisoner's access to approved activities, courses and programs;
- (f) phone calls and electronic communications the prisoner may make.

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## **9 Safety order for Aboriginal or Torres Strait Islander prisoner**

- (1) After making a safety order for an Aboriginal or Torres Strait Islander prisoner, the chief executive must tell the following about making the order—
  - (a) an Aboriginal or Torres Strait Islander health worker;
  - (b) if an Aboriginal or Torres Strait Islander elder, respected person or indigenous spiritual healer has been appointed for the corrective services facility—the elder, respected person or indigenous spiritual healer;
  - (c) the person nominated by the prisoner as the prisoner’s contact person.
- (2) When telling the Aboriginal or Torres Strait Islander health worker about making the safety order, the chief executive must ask the worker to visit the prisoner.
- (3) A failure to comply with subsection (1) or (2) does not invalidate the making of the safety order.

## **Division 5 Search of prisoners**

### **10 Requirements for searches requiring the removal of clothing—Act, s 38(7)**

- (1) A search requiring the removal of clothing of a prisoner must not be carried out in the presence of anyone who is not carrying out the search.
- (2) Subsection (3) applies if a video camera or other device (*monitoring device*) monitors the area where the prisoner is searched and a person viewing the image produced by the monitoring device is not a corrective services officer of the same sex as the prisoner.
- (3) A corrective services officer carrying out the search must—
  - (a) ensure either or both of the following are turned off while the search is carried out—

- (i) the device on which the image is produced;
  - (ii) the monitoring device; or
- (b) carry out the search out of view of the monitoring device.
- (4) A corrective services officer carrying out the search may require the prisoner to do either or both of the following—
  - (a) hold his or her arms in the air;
  - (b) stand with his or her legs apart.
- (5) A failure to comply with a requirement under this section in relation to a search does not invalidate the carrying out of the search.

## **11 Dealing with recording of search**

- (1) If a recording is made of a search under section 10, the recording must be kept in a secure place unless it is being shown to a person under subsection (2).
- (2) The recording must not be shown to anyone other than—
  - (a) the prisoner or the prisoner's lawyer; or
  - (b) a doctor treating the prisoner; or
  - (c) a person responsible for deciding if a proceeding is to be started for a search offence; or
  - (d) a police officer investigating a search offence; or
  - (e) a police officer, lawyer, prosecutor or witness involved in a proceeding for a search offence; or
  - (f) a court; or
  - (g) the chief executive or a person directed by the chief executive to view the recording; or
  - (h) the chief inspector; or
  - (i) an official visitor; or
  - (j) a commissioner of the Crime and Misconduct Commission; or

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- (k) the ombudsman; or
  - (l) someone else, with the prisoner's consent.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- Maximum penalty—20 penalty units.
- (4) In this section—
- search offence* means—
- (a) an offence involving something found during a search under section 10; or
  - (b) an offence committed during a search under section 10.

## **Division 6                      Test samples**

### **12            Giving or taking test sample**

- (1) For any test sample of urine given by, or taken from, a prisoner, the following applies—
- (a) only qualified officers may be present, but there must be at least 2 qualified officers present;
  - (b) subject to subsection (2), the qualified officers are to be of the same sex as the prisoner.
- (2) If only 2 qualified officers are available and present when the test sample is given or taken and only 1 of them is of the same sex as the prisoner, the qualified officer who is not of the same sex as the prisoner—
- (a) must not be able to observe the prisoner; but
  - (b) must observe the qualified officer who is—
    - (i) of the same sex as the prisoner; and
    - (ii) observing the prisoner.
- (3) The qualified officer mentioned in subsection (2)(b) must observe the prisoner to confirm the test sample belongs to the prisoner and is not tampered with.

- (4) In this section—

*qualified officer* means a corrective services officer who has successfully completed training related to taking or obtaining a test sample of urine for the purposes of analysing it.

### **13 How test sample must be given or taken**

- (1) A corrective services officer taking a test sample from an offender must wear disposable rubber gloves during all stages of taking the test sample until—
  - (a) the test sample is disposed of; or
  - (b) the container holding the test sample is sealed.
- (2) The offender must be able to observe the test sample at all times until it is disposed of or sealed in a container.
- (3) Immediately after an offender gives a test sample by using a specimen jar, the offender must secure the lid on the jar and hand the jar to the corrective services officer who observed the giving of the test sample.

*Note—*

Under section 42(2) of the Act, only a doctor or nurse may take a test sample of blood.

## **Division 7 Transfer and leave of absence**

### **14 Transfer to another corrective services facility or a health institution**

- (1) A prisoner who is transferred to another corrective services facility or place, under an order made under section 68(1) of the Act, may make 1 phone call and post 1 letter at the chief executive's expense.
- (2) If a prisoner asks for an order for the prisoner's transfer to be made under section 68(1) of the Act and the order is not made, the chief executive must tell the prisoner of the decision.

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## **15 Purposes for interstate leave permit—Act, s 89(1)**

The following purposes are prescribed for an interstate leave permit—

- (a) to enable a prisoner to visit a person with whom the prisoner has had a longstanding personal relationship, if the person is seriously ill;
- (b) to enable a prisoner to attend the funeral of a person with whom the prisoner has had a longstanding personal relationship;
- (c) to enable a prisoner to do something else if the chief executive reasonably considers the prisoner ought to be allowed to do it for compassionate reasons.

## **16 Declaration of corresponding laws—Act, s 96**

Each of the following is declared to be a corresponding law for chapter 2, part 2, division 9 of the Act—

- the *Correctional Services Act 1982* (SA), part 4, division 5
- the *Corrections Act 1986* (Vic), part 8A
- the *Corrections Act 1997* (Tas), part 6
- the *Crimes (Administration of Sentences) Act 1999* (NSW), part 2, division 3
- the *Crimes (Sentence Administration) Act 2005* (ACT), chapter 11, part 11.1
- the *Prisons (Correctional Services) Act* (NT), part XVII, division 2
- the *Prisons Regulations 1982* (WA), part V, division 10.

*Note—*

Chapter 2, part 2, division 9 of the Act deals with interstate leave of absence for prisoners.



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## Division 8                      Other provisions about prisoners

### 17            Maximum security classification

- (1) This section applies to the chief executive when deciding whether to classify a prisoner as maximum security.
- (2) If the chief executive knows the prisoner has been diagnosed as having a psychiatric disorder, the chief executive must not classify the prisoner as maximum security until—
  - (a) the prisoner has been examined by a doctor; and
  - (b) the chief executive considers the doctor's assessment of the prisoner.
- (3) If the chief executive knows the prisoner has been assessed as having an intellectual disability, the chief executive must not classify the prisoner as maximum security until—
  - (a) the prisoner has been examined by a psychologist; and
  - (b) the chief executive considers the psychologist's assessment of the prisoner.

### 18            Privileged mail

- (1) The following persons are prescribed for the Act, schedule 4, definition *privileged mail*—
  - (a) the Minister;
  - (b) a member of the Legislative Assembly;
  - (c) the chief executive or a delegate of the chief executive for the purpose of receiving or sending privileged mail;
  - (d) the ombudsman;
  - (e) the chief inspector;
  - (f) the Commonwealth Ombudsman;
  - (g) the information commissioner and RTI commissioner under the *Right to Information Act 2009* and the privacy commissioner under the *Information Privacy Act 2009*;

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- (h) the Attorney-General of the Commonwealth;
  - (i) the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*;
  - (j) the president of the Human Rights and Equal Opportunity Commission;
  - (k) the director of public prosecutions under the *Director of Public Prosecutions Act 1984*;
  - (l) the principal registrar, a registrar or other administrative staff of the Queensland Civil and Administrative Tribunal Registry under the QCAT Act;
  - (m) the Commissioner for Children and Young People and Child Guardian under the *Commission for Children and Young People and Child Guardian Act 2000*;
  - (n) the chairperson of the Royal Commission into Institutional Responses to Child Sexual Abuse established by letters patent gazetted on 1 February 2013;
  - (o) a registrar or clerk of a court;
  - (p) the secretary of a parole board;
  - (q) an officer of a law enforcement agency;
  - (r) an official visitor;
  - (s) a prisoner's lawyer.
- (2) A prisoner must, if practicable, send privileged mail in a blue envelope to help in identifying it as privileged mail.
- (3) A corrective services officer must give a prisoner a blue envelope on request.

## **19 Privileges—Act, sch 4, definition *privileges***

The following are privileges for a prisoner—

- (a) participating in an activity, course or program;
- (b) making or receiving phone calls, other than phone calls to or from—

- 
- (i) the prisoner's lawyer; or
  - (ii) the ombudsman;
  - (c) associating with a particular prisoner or group of prisoners;
  - (d) using electronic media or an entertainment device;
  - (e) using a musical instrument;
  - (f) using library facilities;
  - (g) buying anything other than essential toiletries, writing materials and stamps;
  - (h) accessing the prisoner's property;
  - (i) receiving a contact visit.

## **20 Prohibited things—Act, s 123(1)**

Each of the following is a prohibited thing—

- (a) a weapon, replica of a weapon or other replica under the *Weapons Act 1990*;
- (b) an explosive or ammunition under the *Explosives Act 1999*;
- (c) a flammable substance;
- (d) anything capable of being used to scale a fence, wall, door or gate;

*Examples—*

grappling hook, ladder, rope

- (e) anything capable of cutting or spreading metal bars;
- (f) anything capable of damaging or destroying a fitting or fixture designed to detain prisoners;
- (g) a key, card, or other device capable of opening a mechanical or electronic lock;
- (h) soap or another substance containing an impression of a prohibited thing, including, for example, a key;

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- (i) a knife, a saw, scissors or another cutting implement;
- (j) kitchen utensils or equipment or tools;
- (k) a spirituous or fermented fluid or substance of an intoxicating nature;
- (l) a drug or medicine;
- (m) a syringe or other device capable of administering a drug;
- (n) cash, a credit card, debit card, cheque or money order or another negotiable instrument;
- (o) a document containing a person's credit card or debit card details;
- (p) a form of identification, including, for example, false identification;

*Example—*

a passport, or a document that appears to be a passport

- (q) anything capable of being used to alter a prisoner's appearance so that it significantly differs from the prisoner's appearance described in the record kept under section 10 of the Act;

*Example—*

a tattooing device

- (r) a communication device;

*Example—*

a computer, modem, phone, radio, radio scanner or universal serial bus (commonly known as a 'usb')

- (s) a device capable of enabling a prisoner to access information that could be a risk to the security of a corrective services facility;
- (t) an objectionable computer game under the *Classification of Computer Games and Images Act 1995*;
- (u) a film classified as an "R" film under the *Classification of Films Act 1991*, an objectionable film under that Act,

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or a film that, if it were classified under that Act, would be classified as an “R” film or an objectionable film;

- (v) a prohibited publication under the *Classification of Publications Act 1991*;
- (w) anything modified from its usual form to enable something to be concealed in it;
- (x) anything that poses a risk to the security or good order of a corrective services facility, including, for example, a drawing, plan or photo of the facility;
- (y) any part of a thing mentioned in paragraphs (a) to (x).

*Example of part of a thing mentioned in paragraph (m)—*

a syringe needle

## **21 Record of prisoner’s death—Act, s 24(2)**

Each of the following is prescribed as details to be included in a record of a prisoner’s death—

- (a) the deceased prisoner’s name and identification number;
- (b) the time, date and place of death;
- (c) the times and dates on which persons mentioned in section 24(1) of the Act were notified;
- (d) the date inspectors were appointed under section 295 of the Act to investigate the death and the inspectors’ names;
- (e) the cause of death recorded on the cause of death certificate issued under the *Births, Deaths and Marriages Registration Act 2003*.

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## **Part 3                      Corrective services facilities**

### **Division 1                      Establishing prisons**

#### **22                      Establishment—Act, s 149(1)**

- (1) Each place described in schedule 1 is declared to be a prison and the name assigned to the prison is the name stated opposite the place in schedule 1.
- (2) A plan mentioned in schedule 1 is a plan registered in the department in which the *Land Title Act 1994* is administered.

#### **23                      Repeal of declarations and assignments continued in force under Act**

Each declaration of a place as a prison and each assignment of a name to a prison continued in force under section 415 of the Act is repealed.

### **Division 2                      Visiting corrective services facilities**

#### **24                      Visitor identification—Act, s 160(1)**

- (1) A visitor may prove his or her identity by—
  - (a) any 3 of the following—
    - (i) a current debit card, credit card or bankbook with the person's name and signature;
    - (ii) a current pension card or other social security card;
    - (iii) a current medicare card;
    - (iv) a birth certificate;
    - (v) a statutory declaration witnessed by a justice of the peace or commissioner for declarations identifying the person by name and signature; or

- (b) a current driver's licence; or
  - (c) a letter identifying the person by name, signed by a member of an Aboriginal or Torres Strait Islander organisation; or
  - (d) an identification card, containing the person's photo, issued by—
    - (i) the chief executive; or
    - (ii) a law enforcement agency; or
    - (iii) the Supreme Court; or
    - (iv) a State government entity; or
    - (v) an educational facility; or
  - (e) a current passport.
- (2) Despite subsection (1), a visitor who is a child may prove his or her identity by any 1 of the identification documents mentioned in subsection (1)(a).
- (3) If a visitor is an unaccompanied child who can not identify himself or herself in a way mentioned in subsection (1) or (2), the visitor may prove his or her identity by answering questions about himself or herself, or the prisoner, that sufficiently identify the visitor.

## **25 Visit by child**

- (1) In considering if it is in a child's best interests to visit a prisoner, the chief executive may consider all relevant factors, including, for example, the following—
- (a) the child's relationship to the prisoner;
  - (b) the child's age;
  - (c) any urgent circumstances relating to the child or prisoner;
  - (d) the reason for the child's visit;
  - (e) any relevant court orders;

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- (f) whether the child's parent or guardian has consented to the visit.
- (2) Subsection (1) applies regardless of whether the child is accompanied or unaccompanied by an adult.
- (3) This section does not limit the chief executive's power under section 166 of the Act to decide if the visit is in the child's best interests.

## **26 Visit by elder, respected person or spiritual healer**

- (1) An elder, respected person or indigenous spiritual healer appointed for a corrective services facility must be allowed to visit a prisoner at the corrective services facility if the elder, respected person or spiritual healer is culturally or spiritually relevant to the prisoner.
- (2) The elder, respected person or spiritual healer must be allowed to visit the prisoner out of the hearing, but not out of the sight, of a corrective services officer.

## **27 Visit by religious visitor**

A religious visitor must be allowed to visit a prisoner out of the hearing, but not out of the sight, of a corrective services officer.

## **28 Prisoner to prisoner visit**

- (1) If it is operationally feasible, the chief executive may allow a prisoner (the *visiting prisoner*) to visit another prisoner who is a relative of the visiting prisoner.
- (2) In considering whether it is operationally feasible, the chief executive must consider all relevant factors, including, for example—
  - (a) if the 2 prisoners are not accommodated at the same corrective services facility—



- (i) the distance between the corrective services facilities in which the prisoners are accommodated; and
  - (ii) the risk of the visiting prisoner escaping, or attempting to escape, during the transfer between the corrective services facilities and while visiting; and
- (b) the prisoners' security classifications; and
  - (c) whether the visit could pose a risk to the security or good order of a corrective services facility.
- (3) If the chief executive has decided to allow a visit as mentioned in subsection (1), on the day of the proposed visit, the chief executive must again consider whether the visit could pose a risk to the security or good order of a corrective services facility.
- (4) A visit under this section is subject to all reasonable conditions the chief executive imposes, including conditions about searching.

## **Part 4 Administration**

### **Division 1 Prescribed requirements for grant of financial assistance**

#### **Subdivision 1 Preliminary**

##### **29 Prescribed requirements—Act, s 256**

This part prescribes the requirements relating to the provision of programs or services by grantees.

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### **30 When the requirements apply**

Except where otherwise stated in this part, the prescribed requirements apply to a grantee only while the grantee is providing the programs or services or is required under the financial assistance agreement to provide the programs or services.

### **31 Requirement to keep a document**

A requirement under this part that the grantee keep a document is a requirement that the grantee prepare the document and keep it up-to-date.

### **32 Requirement to implement a document**

A requirement under this part that the grantee implement a document is a requirement that, when providing the programs or services, the grantee—

- (a) implement the procedures stated in the document; and
- (b) comply with the policies or other matters stated in the document.

## **Subdivision 2 Financial management and accountability**

### **33 Financial management and accountability generally**

- (1) The grantee must ensure—
  - (a) appropriate financial delegations are in place; and
  - (b) appropriate internal controls are in place to prevent misuse or misappropriation of funds.
- (2) The grantee must keep a record of the delegations and controls.
- (3) The grantee must have accounting and financial record-keeping systems allowing financial assistance given by

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the chief executive to be accurately identified and accounted for.

- (4) The grantee must keep the accounting records necessary to comply with this part.

### **34 Budget**

- (1) This section applies to the grantee in relation to a financial year in which the grantee provides the programs or services or is required under the financial assistance agreement to provide the programs or services.
- (2) At the start of the financial year, the grantee must prepare a budget for the financial year that includes expected income, expected expenditure and cash flow projections.
- (3) During the financial year, the grantee must—
  - (a) regularly review the grantee's actual income, expenditure and cash flow against the amounts stated in the grantee's budget; and
  - (b) revise the budget as necessary or appropriate to ensure the programs or services are viable and sustainable and the grantee has enough funds to meet the grantee's debts and expected expenditure.
- (4) If, in compliance with the financial assistance agreement, the grantee only provides the programs or services for part of the financial year, subsections (2) and (3) apply as if a reference to the financial year were a reference to the part of the financial year for which the programs or services are provided.

### **35 Financial delegations policy**

- (1) The grantee must keep and implement a financial delegations policy.
- (2) In this section—

*financial delegations policy* means a policy outlining the procedures the grantee will use to ensure that—

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- (a) appropriate financial delegations are in place; and
- (b) appropriate internal controls are in place to prevent misuse or misappropriation of funds.

### **36 Assistance to be used for agreed purpose**

The grantee must conduct the grantee's operations in a way that ensures assistance given by the chief executive for the programs or services is used for the agreed purpose in compliance with the financial assistance agreement.

### **37 Return of surplus amounts**

- (1) This section applies to an amount if—
  - (a) the amount is comprised of receipts for a program or service; and
  - (b) under the financial assistance agreement, the amount is required to be expended during a particular time; and
  - (c) at the end of the time, the amount has not been expended.
- (2) While the financial assistance agreement mentioned in subsection (1)(b) is in force, the chief executive may give the grantee a notice requiring the grantee to pay the amount to the chief executive.
- (3) The grantee must comply with the chief executive's requirement within 8 weeks.

## **Subdivision 3 Governance**

### **38 Conflict of interest policy**

- (1) The grantee must keep and implement a conflict of interest policy.
- (2) In this section—  
*conflict of interest* includes a potential conflict of interest.

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*conflict of interest policy* means a policy outlining the procedures the grantee will use to ensure that—

- (a) conflicts of interest of the grantee’s executive officers, employees and volunteers are declared, recorded and managed; and
- (b) a person is not involved in decision-making for a matter in relation to which the person has a conflict of interest.

### **39 Confidentiality**

- (1) The grantee must keep and implement a policy about dealing with confidential information arising from the provision of the programs or services, including information about clients, employees, members and officers.
- (2) The policy must include the obligations of officers, employees and volunteer workers relating to the information.
- (3) The grantee must ensure documents containing the information are kept secure to prevent inappropriate or unauthorised access to, or disclosure of, the information.
- (4) If the grantee stops providing the programs or services, this section continues to apply to the grantee in relation to the information.

### **40 Officers’ knowledge of legislation and governing documents**

- (1) The grantee must take reasonable steps to ensure each of the grantee’s officers has a sufficient knowledge of the prescribed documents including, in particular, the grantee’s obligations under the documents relevant to providing the programs or services funded by the grant.
- (2) In this section—

*prescribed documents* means—

  - (a) the Act and this regulation; and

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- (b) any constitution or other governing document of the grantee; and
- (c) an agreement entered into between the grantee and the State about the performance of the financial assistance agreement, commonly referred to as a service level agreement.

## **Subdivision 4      Service delivery**

### **41      Eligibility policy**

- (1) The grantee must keep an eligibility policy complying with the financial assistance agreement.
- (2) The grantee must implement the eligibility policy consistently and fairly.
- (3) In this section—

*eligibility policy* means a policy stating the criteria and procedures for deciding eligibility for the programs or services.

### **42      Feedback**

The grantee must have appropriate arrangements for obtaining feedback from clients about its provision of the programs or services.

### **43      Hours of operation and contact arrangements**

The grantee must have hours of operation, and arrangements for contact with clients, that comply with the financial assistance agreement and are appropriate for the programs or services.

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## **Division 2                      Prisoner's property**

### **44        Deductions from prisoner's account—Act, s 314**

Each of the following is prescribed as a purpose for which the chief executive may deduct an amount from a prisoner's account—

- (a) the cost of phone calls and postage;
- (b) purchases made by the prisoner with the chief executive's approval;
- (c) computer or television hire or repair;
- (d) if the prisoner has more property than the prisoner may keep in the corrective services facility—the costs associated with removing and storing the property;
- (e) the satisfaction of a repayment order made against the prisoner under the *Criminal Offence Victims Act 1995*, section 27;
- (f) the reimbursement of the State for an amount paid by the State under the *Criminal Offence Victims Act 1995*, section 32 because of a compensation order made against the prisoner under section 24 of that Act;
- (g) an amount liable to be paid by the prisoner to the State under the *Victims of Crime Assistance Act 2009*, section 117(4) or 191(4).

### **45        Keeping property in corrective services facility—Act, s 317(5)**

- (1) A prisoner may keep property in a corrective services facility if the property in total does not exceed—
  - (a) a value of \$500 or, if the chief executive has approved a greater amount for the prisoner as the result of an application by the prisoner under subsection (4), the greater amount; and
  - (b) a volume of 0.25m<sup>3</sup>.

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- (2) The following property need not be taken into account for subsection (1)—
  - (a) consumable things;  
*Examples—*  
foodstuffs, tobacco, toiletries
  - (b) legal documents;
  - (c) educational material or equipment approved by the chief executive;
  - (d) if the prisoner is a female and has a child accommodated with her—property, approved by the chief executive, for the child’s care.
- (3) If the value of a prisoner’s property is not apparent, the chief executive may decide the value.
- (4) A prisoner may apply in writing for the chief executive’s approval to keep property of a stated value, exceeding \$500, in the corrective services facility.
- (5) A prisoner is responsible for the safe keeping of the prisoner’s property approved to be in the prisoner’s possession.
- (6) A prisoner must store the prisoner’s property in a tidy and orderly way.
- (7) When a prisoner is discharged or released, the chief executive must ensure any property stored for the prisoner in a corrective services facility is returned to the prisoner.
- (8) If a prisoner dies, the chief executive must ensure any property stored in a corrective services facility for the deceased prisoner is given to the executor or administrator of the prisoner’s estate.



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## **Division 3                      Other administration provisions**

### **46            Monitoring device**

- (1) This section applies if, under section 267 of the Act, the chief executive requires an offender to wear a device for monitoring the offender's location.
- (2) The chief executive must ensure the prisoner is—
  - (a) told how the device operates; and
  - (b) instructed not to wilfully damage, destroy, remove or otherwise interfere with the device.

### **47            Engaged service providers to whom particular Acts apply**

- (1) The following engaged service providers are prescribed for section 273 of the Act—
  - (a) The Geo Group Australia Pty Limited ACN 051 130 600;
  - (b) Serco Australia Pty Limited ACN 003 677 352.
- (2) The following offices are prescribed for section 273(1)(b), (2)(b) and (4)(b) of the Act—
  - (a) the employee of The Geo Group Australia Pty Limited who is the person in charge of Arthur Gorrie Correctional Centre;
  - (b) the employee of Serco Australia Pty Limited who is the person in charge of Southern Queensland Correctional Centre.

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## **Part 5                      Miscellaneous**

### **48      Searching in relation to security offence**

- (1) This section applies if a corrective services officer intends to search, under section 136(2)(b) of the Act, anything in a person's possession.
- (2) If it is reasonably practicable to do so, the corrective services officer must, before conducting the search—
  - (a) tell the person that the officer intends to conduct a search and what the officer intends to search; and
  - (b) tell the person the reason for the search; and
  - (c) ask for the person's cooperation.
- (3) The corrective services officer must conduct the search in a way that respects the person's dignity.
- (4) The corrective services officer must conduct the search as quickly as possible.
- (5) This section is in addition to, and does not limit, chapter 2, part 2, division 3 of the Act.

*Note—*

Chapter 2, part 2, division 3 of the Act deals with the search of prisoners.

### **49      Receipt for seized property—Act, s 139(2)(b)**

The information required to be included in a receipt for anything seized from a person under section 46, 47, 48 or 138 of the Act is as follows—

- (a) the name and address of the person from whom the thing was seized;
- (b) the name of the corrective services facility and the place within the corrective services facility where the thing was located at the time of its seizure;
- (c) the date and time of the seizure;

- (d) the name of the corrective services officer who seized the thing;
- (e) the estimated value of the thing seized.

## **Part 6                      Transitional provision**

### **50      Transitional provision for Corrective Services Amendment Regulation (No. 1) 2010**

A reference in any document to the Townsville Correctional Centre is, if the context permits, taken to be a reference to the Townsville Correctional Complex.

## Schedule 1 Prisons

section 22

Name	Place
Arthur Gorrie Correctional Centre	lot 11 on SP197731, county of Stanley, parish of Oxley
Borallon Correctional Centre	lot 121 on Crown Plan CC248, lots 74, 75, 76 and 77 on Crown Plan CC2605 and lot 130 on Crown Plan CH3116, county of Churchill, parish of Walloon
Brisbane Correctional Centre	lot 488 on Crown Plan SL12664, county of Stanley, parish of Oxley
Brisbane Women's Correctional Centre	part of lot 530 on sketch plan 5016-3, county of Stanley, parish of Oxley, shown as 'Women's Prison 5.773 ha' on sketch plan number 5016-3
<i>Editor's note—</i>	
Sketch plan 5016-3 may be inspected at the department's office at 50 Ann Street, Brisbane.	
Capricornia Correctional Centre	lot 145 on Crown Plan LN2427, county of Livingstone, parish of Fitzroy
Lotus Glen Correctional Centre	lots 864 and 866 on Crown Plan NR5315, county of Nares, parish of Tinaroo
Maryborough Correctional Centre	lot 115 on Crown Plan LX154 and lot 1 on RP220285, county of Lennox, parish of Ferguson

Name	Place
Numinbah Correctional Centre	lots 21 and 22 on SP244410, county of Ward, parish of Numinbah
Palen Creek Correctional Centre	lot 1 on RP864039 and lots 30 and 215 on CP849351, county of Ward, parish of Palen
Princess Alexandra Hospital Secure Unit	lot 1 in lot 702 on SP183568, county of Stanley, parish of South Brisbane, shown on SP135372
<i>Editor's note—</i>	
SP135372 may be inspected at the department's office at 50 Ann Street, Brisbane.	
Southern Queensland Correctional Centre	lot 238 on SP233406, lot 240 on Crown Plan CA31519, lot 242 on Crown Plan CA31612 and lot 244 on Crown Plan CA31710, county of Cavendish, parish of Clarendon
Townsville Correctional Complex	lot 56 on Crown Plan EP1573, lot 57 on SP152800, and lots 74 to 78 on Crown Plan E124236, county of Elphinstone, parish of Beor
Wolston Correctional Centre	lot 530 on SP111924, county of Stanley, parish of Oxley (other than the land occupied by the Brisbane Women's Correctional Centre)
Woodford Correctional Centre	lot 334 on SP137892, lot 335 on Crown Plan CG535 and lot 336 on Crown Plan CG2364, county of Canning, parish of Durundur

## Endnotes

### 1 Index to endnotes

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### 2 Key

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

Key	Explanation	Key	Explanation
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	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
0A	none	28 August 2006	
1	none	29 August 2006	
1A	2007 SL No. 44	30 March 2007	
1B	2008 SL No. 35	29 February 2008	
1C	2008 SL No. 338	17 October 2008	
1D	2009 SL No. 110	26 June 2009	
1E	2009 Act No. 13	1 July 2009	
1F	2009 SL No. 246	6 November 2009	
1G	2009 SL No. 265 2009 SL No. 274	1 December 2009	R1G withdrawn, see R2
2	—	1 December 2009	
2A	2010 SL No. 83	14 May 2010	
2B	2011 SL No. 230	1 January 2012	
2C	2012 SL No. 29	17 February 2012	R2C withdrawn, see R3
3	—	17 February 2012	

Current as at	Amendments included	Notes
11 April 2014	2014 SL No. 40	

## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Corrective Services Regulation 2006 SL No. 212**

made by the Governor in Council on 10 August 2006

notfd gaz 11 August 2006 pp 1725–8

ss 1–2 commenced on date of notification

pt 3, div 1 and sch commenced 29 August 2006 (see s 2(2))

remaining provisions commenced 28 August 2006 (see s 2(1))

Endnotes

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exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Corrective Services Amendment Regulation (No. 1) 2007 SL No. 44**

notfd gaz 30 March 2007 pp 1483–4

commenced on date of notification

**Corrective Services Amendment Regulation (No. 1) 2008 SL No. 35**

notfd gaz 29 February 2008 pp 1012–14

commenced on date of notification

**Corrective Services Amendment Regulation (No. 2) 2008 SL No. 338**

notfd gaz 17 October 2008 pp 966–7

commenced on date of notification

**Right to Information Act 2009 No. 13 ss 1–2, 213 sch 5**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 132)

**Corrective Services Amendment Regulation (No. 1) 2009 SL No. 110**

notfd gaz 26 June 2009 pp 831–7

commenced on date of notification

**Corrective Services Amendment Regulation (No. 2) 2009 SL No. 246**

notfd gaz 6 November 2009 pp 728–30

commenced on date of notification

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Regulation (No. 1) 2009 SL No. 265 pts 1, 10**

notfd gaz 20 November 2009 pp 900–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2009 (see s 2)

**Justice and Other Legislation (Victims of Crime Assistance) Amendment Regulation (No. 1) 2009 SL No. 274 pts 1–2**

notfd gaz 27 November 2009 pp 1001–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2009 (see s 2)

**Corrective Services Amendment Regulation (No. 1) 2010 SL No. 83**

notfd gaz 14 May 2010 pp 121–2

commenced on date of notification

**Corrective Services Amendment Regulation (No. 1) 2011 SL No. 230**

notfd gaz 18 November 2011 pp 547–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2012 (see s 2)



**Corrective Services Amendment Regulation (No. 1) 2012 SL No. 29**

notfd gaz 17 February 2012 pp 340–3  
commenced on date of notification

**Corrective Services Amendment Regulation (No. 1) 2014 SL No. 40**

notfd <www.legislation.qld.gov.au> 11 April 2014  
ss 1–2 commenced on date of notification  
ss 6, 8 commence 5 May 2014 (see s 2)  
remaining provisions commenced on date of notification

## 5 List of annotations

**Breach of discipline—Act, s 113(1)**

s 6 amd 2008 SL No. 338 s 3

**Declaration of corresponding laws—Act, s 96**

s 16 amd 2014 SL No. 40 s 4

**Privileged mail**

s 18 amd 2009 Act No. 13 s 213 sch 5; 2009 SL No. 265 s 24; 2012 SL No. 29 s 3;  
2014 SL No. 40 s 5

**Privileges—Act, sch 4, definition *privileges***

s 19 amd 2009 SL No. 246 s 3

**Establishment—Act, s 149(1)**

s 22 amd 2014 SL No. 40 s 7

**Visitor identification—Act, s 160(1)**

s 24 amd 2008 SL No. 338 s 4

**Deductions from prisoner's account—Act, s 314**

s 44 amd 2009 SL No. 110 s 3; 2009 SL No. 274 s 4

**Engaged service providers to whom particular Acts apply**

s 47 amd 2008 SL No. 35 s 3; 2014 SL No. 40 s 9

**PART 6—TRANSITIONAL PROVISION**

pt 6 (s 50) ins 2010 SL No. 83 s 3

**SCHEDULE 1—PRISONS**

(prev sch) amd 2007 SL No. 44 s 3; 2008 SL No. 35 s 4; 2010 SL No. 83 s 4;  
2011 SL No. 230 s 4  
sub 2014 SL No. 40 s 10