



Queensland

# **Corrective Services and Other Legislation Amendment Act 2009**

**Act No. 30 of 2009**





## Queensland

# Corrective Services and Other Legislation Amendment Act 2009

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Queensland

## **Corrective Services and Other Legislation Amendment Act 2009**

**Act No. 30 of 2009**

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**An Act to amend the Corrective Services Act 2006, the Penalties and Sentences Act 1992 and the Police Powers and Responsibilities Act 2000 for particular purposes, and to repeal the Sporting Bodies' Property Holding Act 1975**

**[Assented to 26 August 2009]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Corrective Services and Other Legislation Amendment Act 2009*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

## **Part 2 Amendment of Corrective Services Act 2006**

### **3 Act amended in pt 2 and schedule**

This part and the schedule amend the *Corrective Services Act 2006*.

### **4 Amendment of s 7 (When a person is taken to be in the chief executive's custody)**

Section 7(4), before examples—

*insert—*

*'Example of when a person is lawfully in another person's custody—*

*while the person is in the custody of a police or prison officer as mentioned in the Mutual Assistance in Criminal Matters Act 1987 (Cwlth), section 26'.*



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**5 Amendment of s 15 (Notice of decision about prisoner's security classification following review)**

Section 15—

*insert—*

- ‘(3) The *Acts Interpretation Act 1954*, section 27B does not apply to an information notice given under this section.’.

**6 Insertion of new ch 2, pt 2, div 1A hdg and s 27A**

Before section 28—

*insert—*

**‘Division 1A Carrying on business or dealing in artwork**

**‘27A Definitions for div 1A**

‘In this division—

*possession*, of a prisoner's artwork, means—

- (a) custody or control of it; or
- (b) the ability or right to obtain custody or control of it.

*prisoner's artwork* means any visual art, performing art or literature made or produced by a prisoner while the prisoner is in a corrective services facility.’.

**7 Insertion of new ss 28A–28H**

Chapter 2, part 2, division 1A, after section 28—

*insert—*

**‘28A Restriction on prisoner dealing with prisoner's artwork**

- ‘(1) While a prisoner is in a corrective services facility, the prisoner must not sell, give, give possession of, or otherwise dispose of the prisoner's artwork, unless allowed to do so under section 28B, 28C or 28D.

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Maximum penalty—40 penalty units.

- ‘(2) Subsection (1) does not prevent a prisoner abandoning or destroying the artwork.

**‘28B Giving prisoner’s artwork to a person as a gift**

- ‘(1) A prisoner may—
- (a) with the chief executive’s written approval, give a particular item of the prisoner’s artwork to a person as a gift; or
  - (b) donate 1 or more items of the prisoner’s artwork to the State.
- ‘(2) For deciding whether to give an approval under subsection (1)(a), the chief executive must consider all of the following—
- (a) the chief executive’s estimated value of the artwork;
  - (b) the person to whom the artwork is proposed to be given;
  - (c) the prisoner’s stated purpose for making the gift;
  - (d) the number of previous gifts of artwork made by the prisoner, whether or not to the same person;
  - (e) any other matter the chief executive considers relevant.

**‘28C Giving prisoner’s artwork to a person to hold on the prisoner’s behalf**

- ‘(1) A prisoner may, with the chief executive’s written approval, give the prisoner’s artwork to a person other than the State to hold on the prisoner’s behalf.
- ‘(2) Also, a prisoner may, if the chief executive agrees, give the prisoner’s artwork to the State to hold on the prisoner’s behalf.

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**‘28D Giving prisoner’s artwork to the State for disposal as agreed**

‘The prisoner may give the prisoner’s artwork to the State for the purpose of the State’s disposing of the artwork as agreed with the prisoner.

**‘28E No consideration to be paid for holding prisoner’s artwork under s 28C**

‘The prisoner must not ask for, or accept, consideration for—

- (a) giving the artwork to a person to hold under section 28C; or
- (b) delivering the artwork to a person to hold under section 28C.

Maximum penalty—40 penalty units.

**‘28F Person holding prisoner’s artwork for prisoner**

- ‘(1) A person, other than the State, holding prisoner’s artwork on behalf of a prisoner must not sell, give, give possession of, or otherwise dispose of the prisoner’s artwork, unless allowed to do so under subsection (2), (3) or (4).

Maximum penalty—40 penalty units.

- ‘(2) The person may give the artwork—
- (a) to the prisoner, if the prisoner is discharged or released from custody; or
  - (b) to someone else to hold on the prisoner’s behalf, if the prisoner consents.
- ‘(3) If the person tells the prisoner that the person no longer wishes to hold the artwork on behalf of the prisoner—
- (a) the person may give the artwork—
    - (i) to another person authorised by the prisoner to hold the artwork on the prisoner’s behalf; or

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- (ii) to a person authorised by the prisoner to collect the artwork for delivery to another person to hold on the prisoner's behalf; or
  - (b) if—
    - (i) the prisoner has not been discharged or released from custody; and
    - (ii) the person has not received authority from the prisoner to deal with the artwork under paragraph (a) within 1 month after telling the prisoner the person no longer wishes to hold the artwork on behalf of the prisoner;
- the person may give the artwork to the chief executive.
- '(4) The person may dispose of the artwork if all of the following apply—
- (a) the prisoner is discharged or released from custody;
  - (b) the recipient makes reasonable efforts to locate the prisoner and ask the prisoner to collect, or arrange for the collection of, the artwork;
  - (c) the artwork is not collected by or for the prisoner within 6 months after the prisoner's discharge or release.
- '(5) The person must not ask for, or accept, consideration for—
- (a) giving the artwork to someone else to hold on the prisoner's behalf; or
  - (b) giving the artwork to a person for delivery to another person to hold on the prisoner's behalf.

Maximum penalty for subsection (5)—40 penalty units.

**'28G Prisoner and not the State has responsibility for collecting artwork held on behalf of the prisoner**

- '(1) The prisoner, and not the State, is responsible for collecting, or arranging for the collection of, the artwork from a person holding the artwork on the prisoner's behalf if—
- (a) the prisoner is discharged or released from custody; or

- (b) the person tells the prisoner that the person no longer wishes to hold the artwork on the prisoner's behalf.
- ‘(2) If the chief executive incurs expense in dealing with the artwork under section 28F(3)(b), the chief executive may recover the expense from the prisoner.

**‘28H Limited liability of persons holding artwork on behalf of prisoner**

- ‘(1) If the prisoner gives the artwork to a person under section 28C, the person is not liable for—
- (a) loss of the artwork; or
  - (b) damage to the artwork, other than deliberate damage to it by the person.
- ‘(2) If the prisoner gives the artwork to the State under section 28D, the State is not liable for loss of, or damage to, the artwork while it is in the State's possession.’.

**8 Amendment of s 53 (Safety order)**

- (1) Section 53(4) to (6)—  
*renumber* as section 53(6) to (8).
- (2) Section 53—  
*insert*—
- ‘(4) The chief executive may limit the privileges of a prisoner during the period of the safety order if the chief executive reasonably believes that during the period—
- (a) it will not be practicable for the prisoner to receive privileges to the extent the prisoner would otherwise have received them; or
  - (b) having regard to the purpose of the safety order, it is not desirable that the prisoner receive privileges to the extent the prisoner would otherwise have received them.

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- ‘(5) Without limiting subsection (3), the safety order must also state the extent to which, as decided by the chief executive, the prisoner may receive privileges during the period of the safety order.’

## **9 Amendment of s 69 (Transfer to court)**

Section 69(4), definition *attendance authority*—  
*insert*—

- ‘(c) a law list published by a court; or  
(d) a notice from a court to the chief executive advising that the prisoner is required to be present in the court for a particular matter.’

## **10 Amendment of s 72 (Power to grant leave)**

- (1) Section 72(1)(e) and (f)—  
*omit*.
- (2) Section 72(1)(g)—  
*renumber* as section 72(1)(e).
- (3) Section 72(3), from ‘For’ to ‘leave, the’—  
*omit, insert*—  
‘The’.
- (4) Section 72(4), ‘sections 73, 74’—  
*omit, insert*—  
‘section 73’.

## **11 Omission of s 74 and ch 2, pt 2, div 8, sdiv 2**

Section 74 and chapter 2, part 2, division 8, subdivision 2—  
*omit*.

**12 Amendment of s 85 (Suspending or cancelling order for leave of absence)**

- (1) Section 85(2)—  
*omit.*
- (2) Section 85(3)—  
*renumber* as section 85(2).

**13 Omission of s 86 (Notice to Queensland board about suspension of order for resettlement leave)**

Section 86—  
*omit.*

**14 Insertion of new ch 2, pt 2, div 9A**

After section 96—  
*insert*—

**‘Division 9A Approvals for Mutual Assistance in Criminal Matters Act 1987 (Cwlth)**

**‘96A Mutual assistance approval**

- ‘(1) At the request of the Commonwealth Attorney-General, the relevant entity may, by order in writing—
- (a) give approval (*mutual assistance approval*) for a prisoner to travel to a foreign country—
- (i) for the purpose of giving evidence at a proceeding relating to a criminal matter, as mentioned in the Commonwealth Act, section 26; or
- (ii) for the purpose of giving assistance in relation to an investigation relating to a criminal matter, as mentioned in the Commonwealth Act, section 27; and

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- (b) give the directions and impose the conditions that the relevant entity considers are necessary for the release of the prisoner under the approval.
- ‘(2) While a mutual assistance approval is in force, the prisoner to whom the approval relates—
- (a) is authorised to be absent from custody (other than custody referred to in the Commonwealth Act, section 26(1)(e)(iii) or 27(1)(e)(iii)) in relation to any period during which the prisoner would, if the approval were not in force, be required to be in custody; and
  - (b) is exempt from any other requirements imposed under this or any other Act that would, if the approval were not in force, prevent the prisoner from travelling to the foreign country for the purpose stated in the Commonwealth Attorney-General’s request.

‘(3) In this section—

***Commonwealth Act*** means the *Mutual Assistance in Criminal Matters Act 1987* (Cwlth).

***relevant entity*** means—

- (a) in relation to a prisoner who is released on parole—the Queensland board; or
- (b) otherwise—the chief executive.

## ‘96B Giving prisoner notice of approval and conditions

‘On the giving of a mutual assistance approval, the entity that gave the approval must give the prisoner to whom it relates written notice of—

- (a) the approval; and
- (b) any conditions relating to the approval and imposed on the prisoner under section 96A(1)(b).



**‘96C Complying with conditions of approval**

‘A prisoner who is given notice, under section 96B, of a mutual assistance approval and conditions imposed on the prisoner must comply with the conditions.

Maximum penalty—6 months imprisonment.

**‘96D Time spent while released under mutual assistance approval is part of period of imprisonment**

‘The time spent by a prisoner while released under a mutual assistance approval counts as time served under the prisoner’s period of imprisonment.’.

**15 Amendment of s 155 (Access approval required for visitor other than accredited visitor or staff member)**

(1) Section 155, heading, from ‘visitor’—

*omit, insert—*

**‘particular visitors’.**

(2) Section 155(1), ‘an accredited visitor or staff member’—

*omit, insert—*

‘a prescribed person’.

(3) Section 155—

*insert—*

‘(3) In this section—

***prescribed person*** means—

- (a) an accredited visitor; or
- (b) a casual site visitor as defined under section 165; or
- (c) an emergency services officer; or
- (d) an employee of the department in which the *Child Protection Act 1999* is administered; or

[s 16]

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- (e) an officer or employee of a law enforcement agency; or
- (f) a staff member.’.

## **16 Amendment of s 156 (Deciding application for access approval)**

(1) Section 156(3)—

*omit, insert—*

‘(3) Subsection (2) does not apply to an Australian legal practitioner as defined under the *Legal Profession Act 2007*, section 6.’.

(2) Section 156(7) to (9)—

*renumber* as section 156(9) to (11).

(3) Section 156—

*insert—*

‘(7) Also, if the chief executive refuses to grant an access approval for a visitor, the chief executive may order that the visitor can not make a further application for an access approval until the end of a stated period, of not more than 1 year, after the refusal.

‘(8) In deciding whether to make an order under subsection (7), the chief executive must consider—

- (a) the effect of the proposed order on a child for whom approval has been given to accompany the visitor to visit the prisoner; and
- (b) whether the child may, unaccompanied by an adult, visit the prisoner.’.

## **17 Insertion of new ss 156A and 156B**

After section 156—

*insert—*

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**‘156A Interim access approval for personal visitor**

- ‘(1) This section applies if—
- (a) a personal visitor of a prisoner applies for an access approval for a corrective services facility under section 155; and
  - (b) the chief executive has not decided the application under section 156.
- ‘(2) The chief executive may grant the personal visitor approval to access the corrective services facility on an interim basis (*interim access approval*) until the chief executive has decided the application under section 156, if the chief executive is satisfied it is appropriate in the circumstances.
- ‘(3) A personal visit under the interim access approval must be a non-contact visit, unless it is impracticable having regard to the facilities at the corrective services facility.
- ‘(4) The chief executive may impose conditions on the interim access approval.
- ‘(5) The interim access approval has effect until the chief executive decides the application under section 156.
- ‘(6) While the interim access approval has effect, it is taken to be an access approval.

**‘156B Urgent access approval for commercial visitor**

- ‘(1) This section applies if—
- (a) work by a tradesperson or technician (a *relevant commercial visitor*) is required to be carried out urgently at a corrective services facility; and
  - (b) a relevant commercial visitor who has been granted an access approval for the corrective services facility is not available to carry out the work; and
  - (c) a relevant commercial visitor applies for an access approval for the corrective services facility under section 155 for the purpose of carrying out the work.

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- ‘(2) If the chief executive is satisfied the relevant commercial visitor mentioned in subsection (1)(c) does not pose an immediate risk to the security or good order of the corrective services facility, the chief executive may grant the relevant commercial visitor approval to access the facility for carrying out the work (*urgent access approval*).
- ‘(3) In deciding whether the relevant commercial visitor poses an immediate risk to the security or good order of the corrective services facility, the chief executive need not consider the matters mentioned in section 156(2).
- ‘(4) The chief executive may impose conditions on the urgent access approval.
- ‘(5) The urgent access approval has effect for only a single visit to the corrective services facility.
- ‘(6) While the urgent access approval has effect, it is taken to be an access approval.’.

## **18 Amendment of s 157 (Suspending access approval)**

(1) Section 157—

*insert—*

‘(1A) Also, the chief executive may suspend a visitor’s access approval for a corrective services facility if the chief executive reasonably believes the suspension is necessary to preserve the security or good order of the corrective services facility.’.

(2) Section 157(2)(a)—

*omit, insert—*

‘(a) if paragraph (b) does not apply—for a period of up to 1 year; or’.

(3) Section 157(4), ‘the maximum period allowed under subsection (2)’—

*omit, insert—*

‘1 year under subsection (2)(a)’.

---

**19 Insertion of new s 157A**

After section 157—

*insert—*

**‘157A Amending or revoking access approval**

- ‘(1) The chief executive may amend or revoke a visitor’s access approval for a corrective services facility if the chief executive is satisfied that, because of a change in the visitor’s circumstances, the visitor poses a risk to the security or good order of the corrective services facility.
- ‘(2) In deciding whether to amend or revoke the access approval, the chief executive must consider—
  - (a) the effect of the proposed amendment or revocation on a child for whom approval has been given to accompany the visitor to visit the prisoner; and
  - (b) whether the child may, unaccompanied by an adult, visit the prisoner.
- ‘(3) If the chief executive revokes the access approval, the chief executive must ensure a written record is made stating the reasons for the decision.
- ‘(4) If the chief executive amends or revokes the access approval, the visitor may, in writing, ask the chief executive to reconsider the decision.
- ‘(5) The chief executive must reconsider the decision and may confirm or cancel the decision.
- ‘(6) The chief executive must advise the visitor of the reconsidered decision.
- ‘(7) In this section—  
*amend*, a visitor’s access approval, means amend a condition of the access approval or impose a condition on it.’.

**20 Amendment of s 160 (Identification of visitor)**

- (1) Section 160(2) to (4)—

[s 21]

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*renumber* as section 160(3) to (5).

(2) Section 160—

*insert*—

‘(2) Without limiting subsection (1), if the visitor is an adult and the corrective services facility has a biometric identification system installed, the visitor must submit to the biometric identification procedures for the facility.’.

**21 Amendment of s 161 (Visitor may be directed to leave corrective services facility)**

Section 161(1)(b)—

*omit, insert*—

‘(b) section 160(2), (3) or (4), or 163(2).’.

**22 Amendment of s 162 (Proof of identity)**

Section 162(1), ‘offers’—

*omit, insert*—

‘gives’.

**23 Amendment of s 180 (Applying for parole order etc.)**

Section 180(2)(c), ‘120’—

*omit, insert*—

‘180’.

**24 Insertion of new s 185A**

Chapter 5, part 1, division 1—

*insert*—

**‘185A Parole eligibility date for particular prisoners granted exceptional circumstances parole**

‘(1) This section applies to a prisoner if—

- 
- (a) whether before or after the commencement of this section (the *commencement*), a date for the prisoner's release on parole in relation to the prisoner's period of imprisonment (the *parole release date*) was or is fixed under the *Penalties and Sentences Act 1992*, section 160B(3); and
- (b) on or after the commencement but before the parole release date, the prisoner is granted exceptional circumstances parole in relation to the same period of imprisonment.
- '(2) For this Act, the prisoner's parole release date becomes the prisoner's parole eligibility date in relation to the same period of imprisonment.
- '(3) Any entitlement or expectation the prisoner had to be released on parole on the parole release date under a court ordered parole order is extinguished.
- '(4) This section does not affect the fact that a parole release date was fixed for the prisoner's period of imprisonment for the purposes of the *Penalties and Sentences Act 1992*.'

## **25 Amendment of s 193 (Decision of parole board)**

- (1) Section 193(5)—  
*omit.*
- (2) Section 193(3) and (4)—  
*renumber* as section 193(4) and (5).
- (3) Section 193(2), after 'However,'—  
*insert—*  
'subject to subsection (3),'
- (4) Section 193—  
*insert—*
- '(3) The parole board must decide the application within the following period after receiving the application—

[s 26]

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- (a) for a decision deferred under subsection (2)—210 days;
- (b) otherwise—180 days.’.

**26 Amendment of s 199 (Court ordered parole order)**

Section 199—

*insert—*

- ‘(5) Subsection (1) does not apply in relation to a prisoner to whom section 185A applies.’.

**27 Amendment of s 205 (Amendment, suspension or cancellation)**

- (1) Section 205(1)(b)—

*renumber* as section 205(1)(c).

- (2) Section 205(1)—

*insert—*

- ‘(b) by inserting a condition mentioned in section 200(2) if the board reasonably believes the condition is necessary for a purpose mentioned in the subsection; or’.

**28 Amendment of s 208 (Reconsidering decision to suspend or cancel parole order)**

- (1) Section 208(2)—

*omit, insert—*

- ‘(2) The parole board must consider all properly made submissions and inform the prisoner, by written notice, whether the board has changed its decision and, if so, how.’.

- (2) Section 208(4)—

*insert—*

‘*properly made submissions* means written submissions given by or for the prisoner to the parole board within 21 days after



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the information notice inviting the prisoner to make the submissions is given.’.

**29 Amendment of s 209 (Automatic cancellation of order by further imprisonment)**

Section 209(3)(b)—

*insert—*

‘(iv) is required to be served until the court rises.’.

**30 Amendment of s 217 (Functions)**

(1) Section 217(b)—

*omit.*

(2) Section 217(c)—

*renumber* as section 217(b).

**31 Amendment of s 219 (Disqualification from membership)**

(1) Section 219(f) and (g)—

*renumber* as section 219(g) and (h).

(2) Section 219—

*insert—*

‘(f) a person appointed as, or to act as, a Supreme Court judge, District Court judge or magistrate;’.

**32 Amendment of s 233 (Disqualification from membership)**

(1) Section 233(f) and (g)—

*renumber* as section 233(g) and (h).

(2) Section 233—

*insert—*

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‘(f) a person appointed as, or to act as, a Supreme Court judge, District Court judge or magistrate;’.

**33 Amendment of s 292 (Official visitor reports)**

Section 292(b), ‘at least every 3 months’—

*omit, insert—*

‘each month’.

**34 Amendment of s 311 (Prisoners trust fund)**

(1) Section 311(3), ‘All’—

*omit, insert—*

‘Subject to section 311A, all’.

(2) Section 311(6)—

*omit, insert—*

‘(6) The chief executive may limit any or all of the following—

- (a) the amount that may be received as a single receipt for a prisoner;
- (b) the amount that may be held in a prisoner’s account in the prisoners trust fund;
- (c) the amount a prisoner may spend.’.

**35 Insertion of new s 311A**

After section 311—

*insert—*

**‘311A Dealing with amounts received for prisoners in particular cases**

‘(1) This section applies if the chief executive receives an amount for a prisoner and any of the following apply—

- (a) the chief executive is not satisfied that the donor of the amount is sufficiently identified;

- 
- (b) the amount is more than the allowable receipt amount;
  - (c) payment of the amount into the prisoner's account would result in the balance of that account being more than the allowable balance.
- ‘(2) The chief executive must return the amount to its donor.
- ‘(3) If, despite making reasonable efforts, the chief executive can not return the amount to its donor, the chief executive must, as the chief executive considers appropriate—
- (a) pay the amount to an entity nominated by the prisoner;  
or
  - (b) keep the amount in the prisoner's account until the prisoner is discharged or released.
- ‘(4) To remove any doubt, the prisoner can not access an amount held in the prisoner's account under subsection (3)(b).
- ‘(5) In this section—
- allowable balance***, for a prisoner's account, means the amount allowed under section 311(6)(b).
- allowable receipt amount*** means the amount allowed for a single receipt for a prisoner under section 311(6)(a).
- donor***, of an amount received for a prisoner, means the person from whom the amount is received.
- prisoner's account***, for a prisoner, means the prisoner's account mentioned in section 311(2).’.

### 36 Amendment of s 320 (Eligible persons register)

Section 320(1), from ‘about’—

*omit, insert*—

‘about—

- (a) a prisoner who has been sentenced to a period of imprisonment for an offence of violence or a sexual offence; or
- (b) a supervised dangerous prisoner (sexual offender).’.

[s 37]

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**37 Amendment of s 324 (Removing details from eligible persons register)**

(1) Section 324(1)(a)—

*omit, insert—*

‘(a) when the prisoner in relation to whom the person is registered—

(i) is discharged; or

*Note—*

A prisoner is discharged when the prisoner is unconditionally released from lawful custody.

(ii) if the prisoner is released subject to a relevant order—stops being subject to a relevant order; or

(iii) dies in custody; or

(iv) is transferred to another jurisdiction; or’.

(2) Section 324(4)—

*insert—*

‘**relevant order** means—

(a) a supervision order or interim supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; or

(b) a probation order.’.

**38 Amendment of s 350 (Proceedings for offences)**

(1) Section 350(2), ‘The’—

*omit, insert—*

‘Subject to subsection (3), the’.

(2) Section 350—

*insert—*

‘(3) If the proceeding is for an offence under section 28F(1) or (5), it may start at any time but, if started more than 1 year after

---

the commission of the offence, must start within 6 months after the offence comes to the complainant's knowledge.'.

**39 Insertion of new ch 7A, pt 4**

Chapter 7A, after part 3—

*insert—*

**'Part 4 Transitional provisions for  
Corrective Services and Other  
Legislation Amendment Act  
2009**

**'480 Definitions for pt 4**

'In this part—

*amending Act* means the *Corrective Services and Other Legislation Amendment Act 2009*.

*commencement* means the commencement of this part.

*previous*, if followed by a provision number, means the provision of that number as in force immediately before the commencement.

**'481 Existing order for reintegration leave**

- '(1) This section applies to an order granting reintegration leave to a prisoner under previous section 72(1)(e) if the order was in force immediately before the commencement.
- '(2) The order continues in force according to its terms.
- '(3) This Act continues to apply for the reintegration leave as if the amending Act had not been enacted.

[s 39]

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**‘482 Existing order for resettlement leave**

- ‘(1) This section applies to an order granting resettlement leave to a prisoner under previous section 72(1)(f) if the order was in force immediately before the commencement.
- ‘(2) The order continues in force according to its terms.
- ‘(3) This Act continues to apply for the resettlement leave as if the amending Act had not been enacted.

**‘483 Existing approved resettlement leave programs**

- ‘(1) This section applies if, before the commencement—
  - (a) a resettlement leave program for a prisoner was approved under previous section 76(1) or 77(1); and
  - (b) the resettlement leave program had not ended.
- ‘(2) This Act continues to apply for the resettlement leave program and the prisoner’s resettlement leave as if the amending Act had not been enacted.

*Example—*

Previous section 72(1)(f) continues to apply for leave for the prisoner to participate in the resettlement leave program.

**‘484 Existing applications for approval of resettlement leave programs**

- ‘(1) This section applies if, before the commencement—
  - (a) a prisoner applied for approval of a resettlement leave program under previous section 75(1); and
  - (b) the application had not been decided.
- ‘(2) This Act continues to apply as if the amending Act had not been enacted for—
  - (a) deciding the application; and
  - (b) if the approval is granted—any resettlement leave program and the prisoner’s resettlement leave under the program.

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**‘485 Previous expectations of prisoner about reintegration leave or resettlement leave**

‘(1) This section applies if, before the commencement, a prescribed prisoner had an expectation to be granted—

- (a) reintegration leave under previous section 72(1)(e); or
- (b) resettlement leave under previous section 72(1)(f).

‘(2) Subject to subsection (3), the expectation is extinguished.

‘(3) A proceeding started before the commencement, and pending at the commencement, may be continued as if the amending Act had not been enacted.

‘(4) If the outcome of the proceeding is that the prescribed prisoner is to be granted leave mentioned in subsection (1), this Act applies for the leave as if the amending Act had not been enacted.

‘(5) In this section—

***prescribed prisoner*** means a prisoner other than a prisoner to whom any of the following applies—

- (a) an order mentioned in section 481 or 482;
- (b) a resettlement leave program mentioned in section 483;
- (c) section 484.

***proceeding*** means a proceeding—

- (a) under the *Judicial Review Act 1991* in relation to a decision made under this Act; or
- (b) for an offence against a provision of this Act.

**‘486 Application of ss 185A and 199(5)**

‘(1) Despite sections 185A and 199(5), a proceeding started before the commencement, and pending at the commencement, in relation to the issue of a court ordered parole order under section 199(1) for a prescribed prisoner may be continued as if the amending Act had not been enacted.

[s 39]

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‘(2) If the outcome of the proceeding is that the court ordered parole order must be issued for the prescribed prisoner, this Act applies for the prescribed prisoner’s court ordered parole as if the amending Act had not been enacted.

‘(3) In this section—

*prescribed prisoner* means a prisoner to whom section 185A applies.

*proceeding* means a proceeding under the *Judicial Review Act 1991*.

#### ‘487 Application of previous s 193(5)

‘(1) Subject to subsections (3) and (4), previous section 193(5) does not apply, and is taken never to have applied, to a prisoner’s application for a parole order made on or after 1 July 2001.

‘(2) Subject to subsections (3) and (4) if, before the commencement, a prisoner had any entitlement or expectation in relation to a parole board’s failure to make a decision in accordance with previous section 193(5), the entitlement or expectation is extinguished.

‘(3) Subsections (1) and (2) do not affect a decision of a court made before the commencement in relation to the validity of a parole board’s decision on a prisoner’s application for a parole order.

‘(4) Also, subsections (1) and (2) do not affect a decision of the Queensland board under section 198, made before the commencement, in relation to a decision a regional board was taken to have made under previous section 193(5).

#### ‘488 Declarations for s 209

‘(1) On and from 28 August 2006, a prisoner’s parole order is taken not to have been automatically cancelled under a previous automatic cancellation provision if—



- 
- (a) the prisoner was sentenced to another term or period of imprisonment as mentioned in the provision; and
- (b) the term or period was limited to a term or period of imprisonment until the court rises.
- ‘(2) Subsection (3) applies if, before the commencement, a prisoner subject to a parole order was sentenced to a term or period of imprisonment ordered by a court to be served until the court rises.
- ‘(3) To remove any doubt, it is declared that anything done or purportedly done, or any omission made or purportedly made, under this Act or the repealed *Corrective Services Act 2000* in reliance on the automatic cancellation of the parole order, before the commencement, under a previous automatic cancellation provision is and always was valid.
- ‘(4) Subsection (3) does not affect a decision of a court made before the commencement in relation to, or based on, a previous automatic cancellation provision.
- ‘(5) In this section—
- previous automatic cancellation provision* means—
- (a) previous section 209; or
- (b) the repealed *Corrective Services Act 2000*, section 151.

#### ‘489 Application of s 245

‘For applying section 245 after the commencement, a reference in the section to—

- (a) an approval of a resettlement leave program; or
- (b) an approved resettlement leave program;

is taken to be a reference to an approval of a resettlement leave program, or to an approved resettlement leave program, under this Act as in force before the commencement.

[s 40]

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**‘490 Declarations for ss 311 and 311A**

- ‘(1) This section applies to anything done or any omission made by the chief executive in relation to a prisoner’s money on or after 20 June 2008 but before the commencement (the *previous dealing*).
- ‘(2) It is declared that the previous dealing is as valid, and is taken always to have been as valid, as it would be if it were done or made under section 311 or 311A after the commencement.’.

**40 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definitions *commencement*, *previous*, *privileges*, *reintegration leave*, *resettlement leave* and *resettlement leave eligibility date*—  
*omit*.
- (2) Schedule 4—  
*insert*—  
*‘amending Act*, for chapter 7A, part 4, see section 480.  
*commencement*—  
(a) for chapter 7, see section 356; or  
(b) for chapter 7A, see section 480.  
*previous*, if followed by a provision number—  
(a) for chapter 7, see section 356; or  
(b) for chapter 7A, part 4, see section 480.  
*privileges*, for a prisoner, means privileges prescribed under a regulation for a prisoner.’.
- (3) Schedule 4, definition *approved resettlement leave program*, after ‘77(1)’—  
*insert*—  
*‘as in force before the commencement of the Corrective Services and Other Legislation Amendment Act 2009, section 11’.*

- (4) Schedule 4, definition *leave of absence*, paragraphs (e) to (g)—  
*omit, insert—*  
(e) reintegration leave granted under section 72(1)(e) as in force before the commencement of the *Corrective Services and Other Legislation Amendment Act 2009*, section 10(1);  
(f) resettlement leave granted under section 72(1)(f) as in force before the commencement of the *Corrective Services and Other Legislation Amendment Act 2009*, section 10(1);  
(g) leave mentioned in section 72(1)(e).’.
- (5) Schedule 4, definition *prisoner*, paragraph 2, second dot point, ‘9’—  
*omit, insert—*  
‘9A’.
- (6) Schedule 4, definition *prisoner*, paragraph 3, first dot point—  
*omit.*

## **Part 3**

# **Amendment of Penalties and Sentences Act 1992**

### **41 Act amended**

This part amends the *Penalties and Sentences Act 1992*.

### **42 Amendment of s 4 (Definitions)**

Section 4, definition *re-integration program*, ‘resettlement leave within the meaning of that Act and’—

*omit.*

[s 43]

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**43 Amendment of s 174 (Resettlement leave and parole for offenders)**

(1) Section 174, heading—

*omit, insert—*

**‘174 Parole for offenders’.**

(2) Section 174(1), ‘approval of a resettlement leave program, or release on parole,’—

*omit, insert—*

‘release on parole’.

(3) Section 174(2), ‘the approval or’—

*omit.*

(4) Section 174(2)(a), ‘approved resettlement leave program or’—

*omit.*

## **Part 4 Amendment of Police Powers and Responsibilities Act 2000**

**44 Act amended**

This part amends the *Police Powers and Responsibilities Act 2000*.

**45 Amendment of s 707 (Alternative to destruction if drug matter is thing used in the commission of a drug offence)**

Section 707—

*insert—*

‘(3) For subsection (2), the commissioner may consider it appropriate that a drug matter that is a batch of a dangerous drug be disposed of by giving the drug matter to the chief

executive (corrective services) for training purposes under the *Corrective Services Act 2006*, chapter 6, part 13A.

- (4) Subsection (3) does not limit the ways that the commissioner may consider are appropriate for disposing of the drug matter.’.

**46 Amendment of s 713 (When drug matter may be destroyed)**

Section 713(4), ‘733’—

*omit, insert—*

‘707(3) or 733’.

**Part 5 Repeal of Sporting Bodies’  
Property Holding Act 1975**

**47 Repeal**

The Sporting Bodies’ Property Holding Act 1975, No. 7 is repealed.

## **Schedule                      Other amendments**

section 3

- 1            Chapter 4, part 2, division 2, subdivisions 1 and 2, headings—**  
*omit.*
  - 2            Section 213(1)—**  
*insert—*  
*‘Note—*  
See also chapter 2, part 2, division 9A.’.
  - 3            Section 267, example, ‘or is on resettlement leave’—**  
*omit.*
  - 4            Section 319ZC(5), ‘7’—**  
*omit, insert—*  
‘14’.
  - 5            Section 473(5), ‘468’—**  
*omit, insert—*  
‘469’.
  - 6            Chapter 7A, after section 478F—**  
*insert—*
- ‘Part 3                                      Transitional provision for  
Criminal Code and Other Acts  
Amendment Act 2008’.**

- 7 Section 478C, second occurring—**  
*relocate and renumber* in chapter 7A, part 3, as section 479.
- 8 Chapter 7B, heading—**  
*omit.*
- 9 Chapter 8, heading, from ‘and’—**  
*omit.*
- 10 Chapter 8, part 1, heading—**  
*omit.*
- 11 Chapter 8, section 479—**  
*renumber* as chapter 8, section 491.