

Queensland



Subordinate Legislation 2001 No. 89

Corrective Services Act 2000

CORRECTIVE SERVICES REGULATION 2001

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PRISONS

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Corrective Services Regulation 2001*.

2 Commencement

This regulation commences on 1 July 2001.

PART 2—PRISONERS

3 Considerations when acting under the Act

(1) This section applies to a person who is performing a function, or exercising a power, under the Act.

(2) The person must, whenever practicable—

- (a) respect an offender's dignity; and
- (b) take into account—
 - (i) an offender's age, gender and race; and
 - (ii) any disability an offender has; and
 - (iii) the culturally specific needs of Aboriginal and Torres Strait Islander offenders.

(3) When communicating with an offender who is illiterate or does not understand English, the person must take reasonable steps to ensure the offender understands the communication.

4 Prisoner classifications

(1) This section applies if—

- (a) the chief executive decides to change a prisoner's classification; and
- (b) the prisoner is dissatisfied with the decision.

(2) The prisoner may, within 7 days after being given notice of the decision, ask the chief executive to reconsider the decision.

(3) After reconsidering the decision, the chief executive may confirm, amend or cancel the decision.

5 Accommodation

(1) An Aboriginal or Torres Strait Islander prisoner must be accommodated as close as practicable to the prisoner's family unless the prisoner indicates otherwise.

(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 of subsection (2)(c)—

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 facility contains a maximum security facility.

6 Death of a prisoner—Act, s 18(2)

For section 18(2) of the Act, the chief executive must keep a record of the following details of a prisoner who dies—

- (a) the prisoner's name and identification number;
- (b) the time, date and place of death;
- (c) the times and dates on which the persons mentioned in section 18(1) of the Act were notified;
- (d) the date the inspectors were appointed to investigate the death and the inspectors' names;
- (e) the cause of death recorded on the certificate of cause of death.

7 Privileged mail—Act, sch 3, definition “privileged mail”

(1) For the Act, schedule 3, definition “privileged mail”, the following persons are prescribed—

- (a) a Minister;
- (b) the chief executive or someone authorised by the chief executive;
- (c) the person in charge;
- (d) the Parliamentary Commissioner for Administrative Investigations;
- (e) the Commonwealth Ombudsman;
- (f) the Information Commissioner under the *Freedom of Information Act 1992*;
- (g) the Attorney-General of the Commonwealth;
- (h) the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*;
- (i) the president of the Human Rights and Equal Opportunity Commission;
- (j) the director of public prosecutions;
- (k) a registrar or clerk of a court;
- (l) the secretary of a corrections board;
- (m) an officer of a law enforcement agency;
- (n) an official visitor;
- (o) a prisoner’s lawyer.

(2) To help to identify mail as privileged mail, a prisoner may send it in a blue envelope.

(3) The person in charge must provide a prisoner with a blue envelope on request.

8 Strip search requirements—Act, s 27A

(1) A corrective services officer must, before carrying out a strip search—

- (a) tell the prisoner he or she will be required to remove clothing during the search; and

(b) tell the prisoner why it is necessary to remove the clothing.

(2) A corrective services officer carrying out the search—

(a) may require the prisoner—

(i) to hold his or her arms in the air; or

(ii) to stand with legs apart and bend forward to enable a visual examination to be made; and

(b) must, if reasonably practicable, give the prisoner the opportunity to remain partly clothed during the search, for example, by allowing the prisoner to dress his or her upper body before being required to remove clothing from the lower part of the body.

(3) If a corrective services officer seizes clothing because of the search, the officer must ensure the prisoner is left with or given reasonably appropriate clothing.

(4) Subject to subsection (5), a strip search must not be carried out in the view of anyone who is not actually carrying out the search.

(5) If a video camera monitors the area where the prisoner is searched and a person viewing the monitor is not a corrective services officer of the same gender as the prisoner, a corrective services officer carrying out the search must—

(a) ensure the monitor is turned off; or

(b) ensure the camera is turned off; or

(c) conduct the search out of view of the camera.

(6) If a recording is made of the search, the recording must be kept in a secure place and 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 deciding if a proceeding is to be started for an offence—

(i) involving something found during the search; or

(ii) committed during the search; or

(d) a police officer investigating an offence—

(i) involving something found during the search; or

(ii) committed during the search; or

- (e) a police officer, lawyer, prosecutor or witness involved in a proceeding for an offence—
 - (i) involving something found during the search; or
 - (ii) committed during the search; or
- (f) a court; or
- (g) the chief executive or a person directed by the chief executive to view the recording; or
- (h) the person in charge; or
- (i) an official visitor; or
- (j) a commissioner of the Criminal Justice Commission; or
- (k) the Parliamentary Commissioner for Administrative Investigations; or
- (l) someone else, with the prisoner's consent.

9 Special treatment order conditions—Act, s 38(3)(a)

For section 38(3)(a) of the Act, conditions about the following are prescribed—

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

10 Crisis support order for Aboriginal or Torres Strait Islander prisoner

If the person in charge makes a crisis support order for an Aboriginal or Torres Strait Islander prisoner, the person in charge must as soon as practicable—

- (a) advise an Aboriginal or Torres Strait Islander health worker that the order has been made and request the worker to visit the prisoner; and
- (b) if an Aboriginal or Torres Strait Islander chaplain, elder, respected person or indigenous spiritual healer has been appointed for the corrective services facility—advise the chaplain, elder, person or healer that the order has been made; and
- (c) advise the person nominated by the prisoner as the prisoner's contact person that the order has been made.

11 Maximum security order

(1) This section applies to the chief executive when considering whether to classify a prisoner as maximum security.

(2) If 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 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.

12 Transfer to another facility or a health institution

(1) A prisoner who is transferred under an order for the prisoner's transfer made under section 53(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 53(1) of the Act and the order is not made, the person in charge must inform the prisoner of the decision.

13 Resettlement leave—Act, s 60

(1) For section 60(1) of the Act, a prisoner to whom resettlement leave may be granted is a prisoner who—

- (a) is classified as low or open security; and
- (b) is serving a period of imprisonment of more than 2 years; and
- (c) has addressed any recommendations of the court that sentenced the prisoner to imprisonment; and
- (d) if the prisoner's sentence of imprisonment was suspended—is serving a period of imprisonment ordered under the *Penalties and Sentences Act 1992*, section 147(1)(b) or (c);¹ and
- (e) if the prisoner is not a prisoner who has been convicted of a serious violent offence, but is serving a period of imprisonment of less than 8 years—has reached the time at which the prisoner has served at least 25% of the period, or the time at which the prisoner has less than 6 months to serve before the prisoner could become eligible for release, whichever is the later time; and
- (f) if the prisoner is not a prisoner who has been convicted of a serious violent offence, but is serving a period of imprisonment of 8 years or more—has reached the time at which the prisoner has served at least 25% of the period, or the time at which the prisoner has less than 1 year to serve before the prisoner could become eligible for release, whichever is the later time.

(2) For subsection (1)(e) and (f), a prisoner could become eligible for release when a post-prison community based release order, other than an exceptional circumstances parole order, made in relation to the prisoner could start.

14 Interstate leave permit—Act, s 67(1)

For section 67(1) of the Act, the following purposes are prescribed—

- (a) to enable a prisoner to visit a person with whom the prisoner has had a long standing 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 long standing personal relationship;

¹ *Penalties and Sentences Act 1992*, section 147 (Power of court mentioned in s 146)

- (c) to enable the prisoner to do something else if the chief executive considers the prisoner ought reasonably to be allowed to do it for compassionate reasons.

15 Breaches of discipline—Act, s 86(1)

(1) For section 86(1) of the Act, a prisoner commits a breach of discipline if the prisoner—

- (a) disobeys a lawful direction of a corrective services officer; or
- (b) if a corrective services officer lawfully directs the prisoner to do something—wilfully does it in a careless or negligent way; or
- (c) makes something that has not been expressly or impliedly approved by the person in charge as being something the prisoner may make; or
- (d) possesses or conceals something that has not been expressly or impliedly approved by the person in charge as being something the prisoner may possess; or
- (e) knowingly consumes something that has not been expressly or impliedly approved by the person in charge as being something the prisoner may consume; or
- (f) uses abusive, indecent, insulting, obscene, offensive or threatening language in another person's presence; or
- (g) acts in an indecent or offensive way in another person's presence; or
- (h) acts in a way that is contrary to the security or good order of a corrective services facility; or
- (i) makes a complaint, other than a complaint to an official visitor, about an act or omission of another prisoner, or a corrective services officer, that is frivolous or vexatious; or
- (j) organises or takes part in gambling; or
- (k) wilfully consumes or inhales anything that is likely to induce an intoxicated state, other than medication taken as prescribed by a doctor; or
- (l) without a corrective services officer's approval, alters the prisoner's appearance, or another prisoner's appearance, so that it

significantly differs from the prisoner's appearance described in the record kept under section 10² of the Act; or

- (m) without the approval of a corrective services officer, doctor or nurse—
 - (i) possesses or takes medication; or
 - (ii) gives or administers medication to another prisoner; or
- (n) wilfully damages, destroys, removes or otherwise interferes with a device that monitors an offender's location; or
- (o) obtains another prisoner's property, other than in circumstances expressly approved by the person in charge; or
- (p) attempts to do anything mentioned in paragraphs (a) to (o).

(2) The person in charge must give a prisoner the details mentioned in section 90³ of the Act for each breach of discipline the prisoner is found to have committed.

16 Privileges—Act, sch 3, definition “privileges”

For the Act, schedule 3, definition “privileges”, the following are privileges—

- (a) participating in an activity, course or program;
- (b) making or receiving phone calls, other than phone calls to or from the prisoner's lawyer;
- (c) associating with a particular prisoner or group of prisoners;
- (d) using a television, radio, audio cassette player, compact disc player, computer or electronic game;
- (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.

2 Section 10 (Identification of prisoners) of the Act

3 Section 90 (Disciplinary breach register) of the Act

17 Separate confinement

The person in charge must ensure that 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 that prevents the prisoner from associating with other prisoners; and
- (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 that is 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.

18 Prohibited things—Act, s 93(1)

For section 93(1) of the Act, the following are prohibited things—

- (a) a weapon, replica of a weapon, or 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, including for example a grappling hook, ladder or 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 that contains an impression of a prohibited thing, including for example a key;
- (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 passport;
- (p) a form of identification, including for example a false identification;
- (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 10⁴ of the Act, including for example a tattooing device;
- (r) a communication device, including for example a computer, modem, phone, radio or radio scanner;
- (s) any of the following—
 - (i) an objectionable computer game under the *Classification of Computer Games and Images Act 1995*;
 - (ii) a film that is classified as an “R” film under the *Classification of Films Act 1991*, an objectionable film under that Act, or a film that, if it were classified under that Act, would be classified as an “R” film or an objectionable film;
 - (iii) a prohibited publication under the *Classification of Publications Act 1991*;
- (t) anything that has been modified from its usual form to enable something to be concealed in it;
- (u) 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;
- (v) any part of a thing mentioned in paragraphs (a) to (u).

Example of paragraph (v)—

The needle of a syringe.

4 Section 10 (Identification of prisoners) of the Act

19 Searching during temporary detention

(1) This section applies if a corrective services officer intends to search anything in a person's possession, under section 104(2)(b)⁵ of the Act.

(2) If it is reasonably practicable to do so, the 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 officer must conduct the search in a way that respects the person's dignity.

(4) The officer must conduct the search as quickly as possible.

(5) After conducting the search, the officer must restore anything in the person's possession to the way it was before the search.

PART 3—CORRECTIVE SERVICES FACILITIES

20 Establishing prisons—Act, s 118(1)

(1) For section 118(1) of the Act, the places described in the schedule are declared to be prisons and the name assigned to each prison is the name set opposite the place in the schedule.

(2) A plan mentioned in the schedule is a plan registered in the department in which the *Land Title Act 1994* is administered.

21 Visit by child—Act, s 123(1)

In considering if it is in a child's best interests to visit a prisoner for section 123(1) of the Act, the person in charge may consider all relevant factors, including for example the following—

- (a) the child's relationship to the prisoner;

5 Section 104 (Temporary detention for security offences) of the Act

- (b) the child's age or apparent age;
- (c) any urgent circumstances relating to the child or prisoner;
- (d) the child's reason for the visit.

22 Visitor identification—Act, s 126(2)

For section 126(2)⁶ of the Act, 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 signed by a justice of the peace or commissioner for declarations that identifies the person by name and signature; or
- (b) a current driver's licence; or
- (c) a letter signed by a member of an Aboriginal or Torres Strait Islander organisation that identifies the person by name; 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; or
- (f) for an unaccompanied child—the answering of questions about the prisoner, or the child, to sufficiently identify the child.

6 Section 126 (Requirements during visits) of the Act

23 Prisoner to prisoner visit

(1) If it is operationally feasible, the person in charge may allow a prisoner (the “**visiting prisoner**”) to visit another prisoner who is—

- (a) the visiting prisoner’s spouse; or
- (b) a relative of the visiting prisoner.

(2) In considering whether it is operationally feasible, the person in charge 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 facilities; and
- (b) the prisoners’ classifications; and
- (c) whether the visit could pose a risk to the security or good order of a corrective services facility.

(3) If, before the actual day of a proposed visit, the person in charge decides the visit is operationally feasible, the person in charge must nevertheless, on the actual day, again consider the factor mentioned in subsection (2)(c), having regard to the circumstances on that day.

(4) A visit under this section is subject to all reasonable conditions, including conditions about searching, the person in charge imposes.

(5) In this section—

“**spouse**” includes a person who lived with the visiting prisoner before the visiting prisoner was imprisoned, if they lived together as a couple.

24 Appearing before corrections board

(1) Leave required under section 137(1) or (2) of the Act to appear before a corrections board may be applied for in the approved form.

(2) The secretary of the board must give the prisoner written notice of—

- (a) the board’s decision; and
- (b) if the board grants the leave—the time and place at which the prisoner or agent may appear before the board.

PART 4—ADMINISTRATION

25 Monitoring device

(1) This section applies if, under section 191 of the Act, the chief executive requires an offender to wear a device that monitors 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.

26 Acts applying to engaged service providers—Act, s 197

(1) For section 197(1) to (4) of the Act, the following engaged service providers are prescribed—

- (a) Australasian Correctional Management Pty Ltd;
- (b) Management & Training Corporation Pty Ltd;
- (c) Shaftesbury Citizenship Centre Incorporated;
- (d) St Vincent's Community Services.

(2) For section 197(1)(b), (2)(b) and (4)(b), the following offices are prescribed—

- (a) the employee of Australasian Correctional Management Pty Ltd who is the person in charge of Arthur Gorrie Correctional Centre;
- (b) the employee of Management & Training Corporation Pty Ltd who is the person in charge of Borallon Correctional Centre;
- (c) the chief executive officer of Shaftesbury Citizenship Centre Incorporated;
- (d) the chief executive officer of St Vincent's Community Services in Queensland.

27 Chaplain's function—Act, s 217(2)

For section 217(2) of the Act, the function of a chaplain is to serve the spiritual needs of prisoners, including for example by coordinating

religious services within the corrective services facility to which the chaplain is appointed.

28 Visits by chaplains, elders, respected persons or spiritual healers

A chaplain, elder, respected person or indigenous spiritual healer must be allowed to visit a prisoner out of the hearing of a corrective services officer.

29 Deductions from prisoner's account—Act, s 236(f)

For section 236(f) of the Act, each of the following purposes is prescribed—

- (a) the cost of phone calls and postage;
- (b) purchases made by the prisoner with the person in charge's approval, including for example food stuffs, tobacco or toiletries;
- (c) television hire;
- (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.

30 Bringing property into facility—Act, s 239(5)

(1) This section applies for section 239(5) of the Act.

(2) A prisoner may keep in a corrective services facility property that in total does not exceed 0.25 m³.

(3) The following property need not be taken into account for subsection (2)—

- (a) consumable things, including for example food stuffs, tobacco or toiletries;
- (b) legal documents;
- (c) educational material or equipment approved by the person in charge;
- (d) if the prisoner is a female and has a child accommodated with her—property for the care of the child approved by the person in charge.

(4) A prisoner is responsible for the safe keeping of the prisoner's property that is approved to be in the prisoner's possession.

(5) A prisoner must store the prisoner's property in a tidy and orderly way.

(6) When a prisoner is discharged or released, the person in charge must ensure any property stored for the prisoner is returned to the prisoner.

(7) If a prisoner dies, the person in charge must ensure any property stored for the prisoner is given to the executor or administrator of the prisoner's estate.

PART 5—REPEAL

31 Repeal

The *Corrective Services Regulation 1989* and the *Corrective Services (Establishment of Prisons) Regulation 1992* are repealed.

SCHEDULE

PRISONS

section 20

Name	Place
Arthur Gorrie Correctional Centre	Lot 11 on plan SL12845, county of Stanley, parish of Oxley
Borallon Correctional Centre	Lot 121 on plan Cc248, lots 74, 75, 76 and 77 on plan Cc2605 and lot 130 on plan Ch3116, county of Churchill, parish of Walloon
Brisbane Correctional Centre	Lot 205 on plan SL809188, county of Stanley, parish of South Brisbane
Brisbane Women's Correctional Centre	Part of lot 530 on plan SP111924, county of Stanley, parish of Oxley, shown as 'Women's Prison 5.773 ha' on sketch plan number 5016-3A which may be inspected at the office of the department at 50 Ann Street, Brisbane
Brisbane Women's Remand and Reception Centre	Lots 206, 207 and 208 on plan SL809188, county of Stanley, parish of South Brisbane
Capricornia Correctional Centre	The part of lot 145 on plan Ln.2427, county of Livingstone, parish of Fitzroy that is south of Olives Road

SCHEDULE (continued)

Darling Downs Correctional Centre	Lot 211 on plan AG804835, lot 212 on plan AG4111, lot 213 on plan AG3945 and lot 8 on RP 36582, county of Aubigny, parish of Westbrook
Lotus Glen Correctional Centre	Lots 864 and 866 on plan NR5315, county of Nares, parish of Tinaroo
Moreton Correctional Centre	Lot 631 on plan SL813382 and lot 487 on plan SL12664, county of Stanley, parish of South Brisbane, other than lot D on CP 854829 and lot E on CP 901771
Numinbah Correctional Centre	Lot 221 on RP 816151, county of Ward, parish of Numinbah
Palen Creek Correctional Centre	Lot 1 on RP 864039 and lots 30 and 215 on CP 849351, county of Ward, parish of Palen
Princess Alexandra Hospital Secure Unit	Lot A in lot 416 on plan SL6137 on CP 815702, county of Stanley, parish of South Brisbane
Rockhampton Correctional Centre	The part of lot 145 on plan Ln.2427, county of Livingstone, parish of Fitzroy that is north of Olives Road
Sir David Longland Correctional Centre	Lot 488 on plan SL12664, county of Stanley, parish of Oxley
Townsville Correctional Centre	Lot 56 on plan EP1573 and lot 57 on plan EP2061, county of Elphinstone, parish of Beor

SCHEDULE (continued)

Wolston Correctional Centre	Lot 530 on plan SP111924, county of Stanley, parish of Oxley, other than the land occupied by the Brisbane Women's Correctional Centre
Woodford Correctional Centre	Portions 334, 335 and 336 on plans Cg.535 and Cg.2364, county of Canning, parish of Durundur

ENDNOTES

1. Made by the Governor in Council on 28 June 2001.
2. Notified in the gazette on 29 June 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Corrective Services.