

Queensland



CORRECTIVE SERVICES AMENDMENT BILL 2001

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2001

A BILL

FOR

An Act to amend the Corrective Services Act 2000

The Parliament of Queensland enacts—

1

Clause 1 Short title

2

This Act may be cited as the *Corrective Services Amendment Act 2001*.

3

Clause 2 Act amended

4

This Act amends the *Corrective Services Act 2000*.

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Clause 3 Amendment of s 14 (Directions to prisoners)

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Section 14(1)(c)—

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omit, insert—

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‘(c) to ensure compliance with an order given or applying to the prisoner; or

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Example—

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A corrective services officer could give a prisoner a direction the officer reasonably believes to be necessary for searching the prisoner under an order, given by a person in charge under section 26A (Strip searches generally), that applies to the prisoner.’.

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Clause 4 Amendment of s 25 (Power to search)

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Section 25(2), ‘believes’—

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omit, insert—

18

‘suspects’.

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Clause 5 Amendment of s 26 (Personal searches)

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(1) Section 26(1)—

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omit, insert—

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‘(1) The person in charge of a secure facility may give an order for the personal searching of prisoners whenever they leave a part of the facility, stated in the order, where prisoners have access to concealable prohibited things.

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Example of part of a facility—

A kitchen or workshop.’.

(2) Section 26(2), ‘The’—

omit, insert—

‘A’.

Clause 6 Insertion of new s 26A

After section 26—

insert—

‘26A Strip searches generally

‘**(1)** The chief executive is authorised to give directions, by instrument in writing, to a person in charge of a corrective services facility requiring the strip searching of prisoners as stated in the directions, including, for example, at the times stated in the directions.

‘**(2)** The person in charge must order prisoners to be strip searched as required under the directions.

‘**(3)** An order under subsection (2) does not apply to a prisoner if, because of the prisoner’s exceptional circumstances, the person in charge considers it unnecessary for the prisoner to be strip searched.

Example of operation of subsection (3)—

An instrument under subsection (1) directs, as 1 of the times when prisoners must be strip searched, the time when a prisoner enters a corrective services facility that is a secure facility. A pregnant prisoner returns to a secure facility from an escorted antenatal visit, and the officer who escorted the prisoner advises that the prisoner had no likely opportunity to obtain a prohibited thing while on the visit. The person in charge may direct that the prisoner not be strip searched.

‘**(4)** The person in charge of a corrective services facility may give an order for the strip searching of a prisoner if either or both of the following apply—

- (a) the person in charge is satisfied that the strip searching is necessary for the security or good order of the facility;
- (b) the person in charge is satisfied that the strip searching is necessary for the safe custody and welfare of prisoners at the facility.

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Example—

A knife is missing from the kitchen of a secure facility. The person in charge may be satisfied that the strip searching of each prisoner who worked in the kitchen that day is necessary for the security or good order of the corrective services facility or for the safe custody and welfare of prisoners at the facility.

‘(5) A strip search may be preceded by another less intrusive search.’.

Clause 7 Amendment of s 27 (Strip searches)

(1) Section 27, heading—

omit, insert—

‘27 Strip searches on reasonable suspicion’.

(2) Section 27(2) to (4)—

omit.

Clause 8 Insertion of new s 27A

After section 27—

insert—

‘27A Strip search requirements

‘(1) A strip search must be carried out—

(a) only by a corrective services officer of the same gender as the prisoner; and

(b) by at least 2 corrective services officers, but by no more officers than are reasonably necessary to carry out the search.

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

(a) must ensure, as far as reasonably practicable, that the way in which the prisoner is searched causes minimal embarrassment to the prisoner; and

(b) must take reasonable care to protect the prisoner’s dignity; and

(c) must carry out the search as quickly as reasonably practicable; and

(d) must allow the prisoner to dress as soon as the search is finished.

‘(3) A regulation may prescribe other requirements and procedures for ensuring the effective carrying out of strip searches.’.	1 2
Clause 9 Amendment of s 112 (Authority to use reasonable force)	3
Section 112(1)(a)—	4
<i>omit, insert—</i>	5
‘(a) compel compliance with an order given or applying to a prisoner; or	6 7
<i>Example—</i>	8
A corrective services officer could use the force that is reasonably necessary to compel the searching of a prisoner under an order, given by a person in charge under section 26A (Strip searches generally), that applies to the prisoner.’.	9 10 11 12 13