



Queensland

Corrective Services Act 2006

Corrective Services Regulation 2017

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Corrective Services Regulation 2017

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Corrective Services Regulation 2017

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Corrective Services Regulation 2017*.

2 Commencement

This regulation commences on 1 September 2017.

Part 2 Prisoners and other offenders

Division 1 Accommodation

3 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—

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

- (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.

4 Separate confinement

- (1) 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
 - (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, unless a health practitioner advises that it would not be in the interests of the prisoner's health to exercise for a stated period or indefinitely.
- (2) The chief executive must keep a record of the advice received from a health practitioner under subsection (1)(d).

Division 2 Breaches of discipline

5 Breaches of discipline—Act, s 113

For section 113(1) of the Act, 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 health practitioner;
- (g) without the approval of a corrective services officer or health practitioner—
 - (i) possessing or taking medication; or
 - (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;
- (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).

6 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 contained in the register kept under section 120 of the Act for each breach of discipline it is decided the prisoner has committed.
- (2) The copy must be given to the prisoner as soon as practicable after the details are entered in the register.

Division 3 Safety orders

7 Safety order conditions—Act, s 53

For section 53(3) of the Act, the conditions 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 during the period of the safety order;
- (e) the prisoner's access to approved activities, courses and programs;
- (f) the phone calls and electronic communications the prisoner may make.

8 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 persons about making the order—
 - (a) a cultural liaison officer;
 - (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 cultural liaison officer about making the safety order, the chief executive must ask the officer to visit the prisoner.

(3) A failure to comply with subsection (1) or (2) does not invalidate the making of the safety order.

(4) In this section—

cultural liaison officer means a corrective services officer who holds an appointment as a cultural liaison officer.

Division 4 Searches and test samples

8A Meaning of terms used in division

(1) In this division—

men’s corrective services facility means a corrective services facility other than a women’s corrective services facility.

qualified corrective services officer means a corrective services officer who has successfully completed training approved by the chief executive for the taking of a test sample of urine for analysis.

women’s corrective services facility—

(a) means a corrective services facility, or part of a corrective services facility, established as a women’s facility, centre or work camp; and

(b) includes the following—

- (i) Brisbane Women’s Correctional Centre;
- (ii) the women’s facilities at the Townsville Correctional Complex;
- (iii) the women’s work camp at Bowen;
- (iv) Numinbah Correctional Centre;
- (v) the women’s work camp at Warwick;
- (vi) the women’s facilities at the Southern Queensland Correctional Complex;
- (vii) Helana Jones Community Corrections Centre.

- (2) A reference in this division to a female corrective services officer, female health practitioner or female helper is a reference to a person who—
 - (a) presents themselves in the relevant capacity as a female; or
 - (b) is designated by the chief executive as a person who may exercise powers for which, respectively, a female corrective services officer, female health practitioner or female helper is required.
- (3) A reference in this division to a male corrective services officer, male health practitioner or male helper is a reference to a person who—
 - (a) presents themselves in the relevant capacity as a male; or
 - (b) is designated by the chief executive as a person who may exercise powers for which, respectively, a male corrective services officer, male health practitioner or male helper is required.
- (4) A reference in this division to a prisoner detained in a women's corrective services facility includes a reference to a prisoner who—
 - (a) is in the Princess Alexandra Hospital Secure Unit; and
 - (b) has—
 - (i) been transferred to the unit from a women's corrective services facility; or
 - (ii) been designated by the chief executive as a prisoner who will be accommodated in a women's corrective services facility.
- (5) A reference in this division to a prisoner detained in a corrective services facility includes a reference to the prisoner while the prisoner is, under the Act, lawfully outside the corrective services facility.

8B Modification of procedures to take account of needs of prisoner

- (1) A prisoner may request the modification of the usual search or urine test sample procedures to take account of the special or diverse needs of the prisoner.

Examples—

- 1 To take account of needs associated with gender diversity, sexual orientation or a history of abuse, a prisoner may request a modification to enable powers to be exercised by a female or male corrective services officer, health practitioner or helper.
 - 2 To take account of needs associated with cultural or religious practices, a prisoner may request a modification to enable a headress to be searched in a particular way.
 - 3 To take account of needs associated with a disability, a prisoner may request a modification to enable a prosthesis to remain in place or be searched in a particular way.
- (2) The prisoner must be given an opportunity to make the request—
- (a) on admission to a corrective services facility or as soon as practicable after admission; and
 - (b) within reasonable limits, at a later time.
- (3) The chief executive must decide whether to accept a modification requested by the prisoner as soon as practicable after the request is made.
- (4) For a modification of a procedure requiring the exercise of powers by a female or male corrective services officer, health practitioner or helper—
- (a) the modification is limited to enabling the powers to be exercised by a male rather than female, or a female rather than male, corrective services officer, health practitioner or helper; and

Note—

See section 8A(2) and (3) in relation to the meaning of the terms female or male corrective services officer, health practitioner or helper.

- (b) the modification may, in the case of powers of search, be limited to the exercise of powers in relation to the upper body or lower body of the prisoner.
- (5) A modification requested by a prisoner must be accepted unless the chief executive reasonably believes—
 - (a) the modification—
 - (i) is not associated with the genuine needs of the prisoner; or
 - (ii) is requested for an improper purpose; or
 - (b) accommodating the modification—
 - (i) would not be practicable; or
 - (ii) would pose an unacceptable risk to the safety or welfare of corrective services officers or other persons; or
 - (c) for a modification of search procedures—accommodating the modification would reduce the effectiveness of the search to an unacceptable extent.
- (6) The chief executive may withdraw the acceptance of a modification—
 - (a) at the request of the prisoner; or
 - (b) if the chief executive subsequently forms the opinion that the modification would not now be accepted if it were requested.
- (7) The chief executive must keep the following records—
 - (a) a record of each accepted modification for a prisoner;
 - (b) a record of each decision not to accept a modification requested by a prisoner and the reasons for the decision;
 - (c) a record of the withdrawal of the acceptance of a modification for a prisoner and the reasons for the withdrawal.

- (8) The chief executive must, as soon as practicable after a record is made for a prisoner, inform the prisoner of the details of the record.

8C Carrying out personal search or search requiring removal of clothing—Act, s 39A

- (1) This section applies to the following—
 - (a) a personal search of a prisoner;
 - (b) a search requiring the removal of clothing of a prisoner.
- (2) Subject to this section, the search must be carried out in accordance with administrative procedures made under section 265 of the Act.
- (3) Subject to subsection (4)—
 - (a) a prisoner detained in a women’s corrective services facility must be searched by a female corrective services officer; and
 - (b) a prisoner detained in a men’s corrective services facility must be searched by a male corrective services officer.

Note—

For a personal search of a prisoner, whether a corrective services officer observing but not carrying out the search is a female or male corrective services officer is irrelevant.

For a search requiring the removal of clothing of a prisoner, only corrective services officers carrying out the search may be present—see section 9.

- (4) The usual procedure for the search is subject to modifications accepted under section 8B.
- (5) However, subsection (4) does not apply if the chief executive reasonably believes accommodating the modification—
 - (a) would pose an unacceptable risk to—
 - (i) the security or good order of the place at which the search is carried out; or

- (ii) the safety or welfare of the prisoner, a corrective services officer or other person; or
- (b) is not practicable.

9 Additional requirements for search requiring removal of clothing—Act, s 39A

- (1) A search requiring the removal of a prisoner's clothing must not be carried out in the presence of a person other than the corrective services officers carrying out the search.
- (2) If the prisoner is detained in a women's corrective services facility, steps must be taken to ensure that no male corrective services officer views the search through an electronic device that monitors the area in which the prisoner is searched.
- (3) If the prisoner is detained in a men's corrective services facility, steps must be taken to ensure that no female corrective services officer views the search through an electronic device that monitors the area in which the prisoner is searched.
- (4) However, subsections (2) and (3) do not apply if the chief executive reasonably believes—
 - (a) there is no suitable corrective services officer readily available to view the search through the electronic device that monitors the area in which the prisoner is searched; and
 - (b) the search is being conducted in circumstances of imminent risk to the life or safety of the prisoner or a corrective services officer.
- (5) A corrective services officer carrying out the search may require the prisoner to do any or all of the following—
 - (a) hold the prisoner's arms in the air;
 - (b) stand with prisoner's legs apart;
 - (c) lean forward.

10 Dealing with recording of search requiring removal of clothing

- (1) The chief executive must ensure that a recording made of a search requiring the removal of clothing is kept securely.
- (2) A person must not show a recording made of a search requiring the removal of clothing to another person other than—
 - (a) the prisoner or the prisoner's lawyer; or
 - (b) a health practitioner treating the prisoner; or
 - (c) a person responsible for deciding if a proceeding is to be started for a search offence; or
 - (d) an officer of a law enforcement agency investigating a search offence; or
 - (e) an officer of a law enforcement agency, 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 Corruption Commission; or
 - (k) the ombudsman; or
 - (l) the inspector of detention services; or
 - (m) a person to whom the prisoner has consented to the recording being given.

Maximum penalty—20 penalty units.

- (3) In this section—
search offence means—

- (a) an offence involving something found during a search requiring the removal of clothing; or
- (b) an offence committed during a search requiring the removal of clothing.

10A Conduct of body search—Act, s 39A

- (1) This section applies to a body search of a prisoner.
- (2) Subject to this section, the search must be conducted in accordance with administrative procedures made under section 265 of the Act.
- (3) Subject to this section—
 - (a) if the prisoner is detained in a women’s corrective services facility—
 - (i) at least 1 of the health practitioners present at the search must be a female health practitioner; and
 - (ii) a person helping to conduct the search must be a female helper; and
 - (b) if the prisoner is detained in a men’s corrective services facility—
 - (i) at least 1 of the health practitioners present at the search must be a male health practitioner; and
 - (ii) a person helping to conduct the search must be a male helper.
- (4) The usual procedure for the search is subject to modifications accepted under section 8B.
- (5) However, subsections (3) and (4) do not apply in an emergency.

11 Urinalysis—Act, s 42

- (1) This section applies to the giving of a test sample of urine by an offender.

- (2) The purpose of observation of an offender while the test sample is being given is to confirm the test sample belongs to the offender and is not tampered with.
- (3) Subject to this section, the testing process must be carried out in accordance with administrative procedures made under section 265 of the Act.
- (4) At least 2 qualified corrective services officers must be present during the giving of the test sample.
- (5) A corrective services officer who is not a qualified corrective services officer must not be present during the giving of the test sample.
- (6) If the offender is detained—
 - (a) at least 1 of the corrective services officers must observe the offender while the test sample is being given; and
 - (b) subject to paragraph (c)—
 - (i) for an offender detained in a women's corrective services facility—the officer observing must be a female corrective services officer; and
 - (ii) for an offender detained in a men's corrective services facility—the officer observing must be a male corrective services officer; and
 - (c) the usual procedure is subject to modifications accepted under section 8B unless the chief executive reasonably believes accommodating the modification—
 - (i) would pose an unacceptable risk to the safety or welfare of the observer; or
 - (ii) is not practicable.
- (7) If the offender is not detained, observation of the offender while the test sample is being given is at the discretion of the chief executive.
- (8) If the offender is not detained and a corrective services officer is to observe the offender while the test sample is being given—

- (a) the offender must be given a reasonable opportunity to request that the observer be a female corrective services officer or a male corrective services officer; and
 - (b) the request must be accommodated unless the chief executive reasonably believes—
 - (i) the request is made for an improper purpose; or
 - (ii) accommodating the request—
 - (A) would pose an unacceptable risk to the safety or welfare of the observer; or
 - (B) is not practicable.
- (9) A corrective services officer who is present during the test but who is not to observe the offender while the test sample is being given must be able to see the observer.

12 How test sample must be taken—Act, s 42

- (1) A corrective services officer taking a test sample from an offender must wear disposable 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 a corrective services officer.

Note—

Under section 42(2) of the Act, only a health practitioner may take a test sample of blood.

Division 5 Transfer and leave of absence

13 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 about the decision.

14 Purposes for interstate leave permit—Act, s 89

For section 89(1) of the Act, the purposes are—

- (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; and
- (b) to enable a prisoner to attend the funeral of a person with whom the prisoner has had a longstanding personal relationship; and
- (c) to enable a prisoner to do something else for compassionate reasons.

15 Declaration of corresponding laws—Act, s 96

For section 96 of the Act, 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 *Correctional Services Act* (NT), part 3.3, division 3
- 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 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.

Division 6 Other provisions about prisoners

16 Maximum security order

If the chief executive knows, or reasonably believes, that a prisoner has a mental health condition or intellectual disability, the chief executive must notify a health practitioner before making a maximum security order in relation to the prisoner.

17 Privileged mail

- (1) For schedule 4 of the Act, definition *privileged mail*, the following are the persons—
- (a) the Minister;
 - (b) a member of the Legislative Assembly;
 - (c) the chief executive or a nominee of the chief executive for the purpose of receiving or sending privileged mail;
 - (d) the chief inspector;
 - (e) the ombudsman under the *Ombudsman Act 2001*;
 - (f) the Commonwealth Ombudsman;
 - (g) the health ombudsman under the *Health Ombudsman Act 2013*;

[s 17]

- (h) the information commissioner and RTI commissioner under the *Right to Information Act 2009* and the privacy commissioner under the *Information Privacy Act 2009*;
- (i) the Attorney-General of the Commonwealth;
- (j) the commissioner under the *Anti-Discrimination Act 1991*;

Note—

The commissioner also has powers under the *Human Rights Act 2019*.

- (k) the president of the Human Rights and Equal Opportunity Commission;
- (l) the director of public prosecutions under the *Director of Public Prosecutions Act 1984*;
- (m) the principal registrar, a registrar or other administrative staff of the Queensland Civil and Administrative Tribunal Registry under the QCAT Act;
- (n) the public guardian under the *Public Guardian Act 2014*;
- (o) a person appointed under the *Public Guardian Act 2014* as a community visitor (child);
- (p) a person appointed under the *Public Guardian Act 2014* as a child advocacy officer;
- (q) a member of a Royal Commission or another commission of inquiry;
- (r) a registrar or clerk of a court;
- (s) an officer of the Parole Board Queensland Secretariat;
- (t) an officer of a law enforcement agency;
- (u) an official visitor;
- (v) a prisoner's lawyer;
- (w) the chief executive officer of the National Disability Insurance Agency;

- (x) the commissioner of the NDIS Quality and Safeguards Commission under the *National Disability Insurance Scheme Act 2013* (Cwlth);
 - (y) the inspector of detention services;
 - (z) an officer of the Commonwealth department in which the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cwlth) is administered.
- (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.
- (4) In this section—
- National Disability Insurance Agency*** means the Agency under the *National Disability Insurance Scheme Act 2013* (Cwlth).

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

For schedule 4 of the Act, 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; or
 - (iii) the inspector of detention services;
- (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.

19 Prohibited things—Act, s 123

(1) For section 123(1) of the Act, 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;
- (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) a computer game classified as an "R 18+" computer game under the *Classification of Computer Games and Images Act 1995*, an objectionable computer game under that Act, or a computer game that, if it were classified under that Act, would be classified as an "R 18+" computer game or an objectionable computer game;
- (u) a film classified as an "R 18+" 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 18+" 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) a smoking product under the *Tobacco and Other Smoking Products Act 1998*, section 88;
 - (z) a smokeless tobacco product under the *Tobacco and Other Smoking Products Act 1998*;
 - (zaa) a drone;
 - (zab) a device for remotely piloting, or otherwise controlling, a drone;
 - (za) any part of a thing mentioned in paragraphs (a) to (zab).
- (2) In this section—
- drone** means a device that is—
- (a) capable of flight; and
 - (b) remotely piloted or able to be programmed to autonomously fly a particular route; and
 - (c) not capable of transporting a person.

20 Records of prisoners' deaths—Act, s 24

For section 24(2) of the Act, the following are the records—

- (a) the prisoner's name and identification number;
- (b) the time, date and place of the prisoner's death;
- (c) the times and dates on which the persons mentioned in section 24(1) of the Act were notified of the prisoner's death;
- (d) the date inspectors were appointed under section 295 of the Act to investigate the prisoner's 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 2023*.

Part 3 Corrective services facilities

Division 1 Establishing prisons

21 Establishment—Act, s 149

- (1) For section 149(1) of the Act—
 - (a) each place described in schedule 1, column 2 is declared to be a prison; and
 - (b) the name assigned to the prison is the name stated opposite the place in schedule 1, column 1.
- (2) A plan mentioned in schedule 1 is a plan registered in the department in which the *Land Title Act 1994* is administered.

Division 2 Visiting corrective services facilities

22 Visitor identification—Act, s 160

- (1) For section 160(1) of the Act, the way in which each visitor is to prove the visitor's identity is—
 - (a) by producing any 3 of the following—
 - (i) a current debit card, credit card or bankbook with the visitor's name and signature;
 - (ii) the visitor's current pension card or other social security card;
 - (iii) the visitor's current medicare card;
 - (iv) the visitor's birth certificate;

- (v) a statutory declaration witnessed by a justice of the peace or commissioner for declarations identifying the visitor by name and signature; or
 - (b) the visitor's current driver's licence; or
 - (c) a letter identifying the visitor by name, signed by a member of an Aboriginal or Torres Strait Islander organisation; or
 - (d) an identification card, containing the visitor'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) the visitor's current passport.
- (2) Despite subsection (1), a visitor who is a child may prove the visitor's identity by producing any 1 of the identification documents mentioned in subsection (1)(a).
- (3) If a visitor is an unaccompanied child who can not prove the visitor's identity in a way mentioned in subsection (1) or (2), the visitor may prove the visitor's identity by answering questions about the visitor, or the prisoner, that sufficiently identify the visitor.

23 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;
 - (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.

24 Visit by elder, respected person or spiritual healer

- (1) An Aboriginal or Torres Strait Islander elder, respected person or indigenous spiritual healer appointed for a corrective services facility must be allowed to visit a prisoner at the 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.

25 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.

26 Prisoner to prisoner visit

- (1) The chief executive may allow a prisoner (the *visiting prisoner*) to visit another prisoner who is a relative of the visiting prisoner if it is operationally feasible.
- (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), the chief executive must, on the day of the proposed visit, again consider whether the visit could pose a risk to the security or good order of a corrective services facility.

Division 2A Electronic surveillance

26AA Prescribed surveillance device—Act, s 173A

- (1) For section 173A(6) of the Act, definition *prescribed surveillance device*, each of the following surveillance devices is prescribed—
 - (a) a camera, including a camera of any of the following types—
 - (i) a body-worn camera;
 - (ii) a camcorder;
 - (iii) a closed-circuit television camera;
 - (iv) a dashboard camera;
 - (v) a key fob camera;
 - (vi) a thermal camera, including a thermal closed-circuit television camera;
 - (vii) a web camera;

- (b) a duress alarm capable of recording voices;
 - (c) an intercom system;
 - (d) a microphone, including a radio or wireless microphone;
 - (e) a system for detecting the presence or movement of a person or thing in, or from, an area, including a system of any of the following types—
 - (i) a human presence detection system;
 - (ii) a laser detection scanning system;
 - (iii) a geofencing system;
 - (iv) a motion detector;
 - (v) a perimeter intrusion detection system;
 - (vi) a system for detecting the presence of drones;
 - (vii) a system for detecting the presence of mobile telephones or other portable electronic devices;
 - (f) a system for videoconferencing;
 - (g) a tablet computer;
 - (h) a telephone, including a mobile telephone;
 - (i) a two-way radio;
 - (j) a voice recorder.
- (2) In this section—

human presence detection system means a system that can detect the presence of a person, including, for example, by detecting a person's heartbeat.

laser detection scanning system means a system that uses laser beams to detect persons or objects in a defined area.

perimeter intrusion detection system means a system designed to detect unauthorised access or intrusion across a defined perimeter.

system means a single device or a system consisting of 2 or more devices.

Division 3 Apparatus for scanning searches and imaging searches

26A Apparatus for scanning search and imaging search—Act, s 175A

- (1) For section 175A(3) of the Act, an ion scanning device is prescribed.
- (2) For section 175A(4) of the Act, an x-ray body scanner is prescribed.
- (3) In this section—

x-ray body scanner means an apparatus that uses ionising radiation to produce an x-ray image of a person.

Division 4 Requirements and procedures for imaging searches

26B Purpose of division

For section 175A(5)(b) of the Act, this division prescribes other requirements and procedures relating to imaging searches.

26C Conduct of imaging search

An imaging search of a person must be carried out by at least 1 corrective services officer, but by no more officers than are reasonably necessary to carry out the search.

26D Storage of images

The chief executive must ensure that images produced by an imaging search of a person are kept securely.

26E Use of images

- (1) A person must not show an image produced by an imaging search of a person (a ***relevant person***) to another person other than—
- (a) the relevant person; or
 - (b) a health practitioner treating the relevant person; or
 - (c) a person responsible for deciding if a proceeding is to be started for a search offence in relation to the imaging search; or
 - (d) an officer of a law enforcement agency investigating a search offence in relation to the imaging search; or
 - (e) an officer of a law enforcement agency, a lawyer, a prosecutor or a witness involved in a proceeding for a search offence in relation to the imaging search; or
 - (f) a court; or
 - (g) the chief executive, or a corrective services officer directed by the chief executive to view the image, for the purpose of performing a function or exercising a power under the Act; or
 - (h) the chief inspector; or
 - (i) an official visitor; or
 - (j) a commissioner of the Crime and Corruption Commission; or
 - (k) the ombudsman; or
 - (l) the inspector of detention services; or
 - (m) a person to whom the relevant person has consented to the image being shown.

Maximum penalty—20 penalty units.

- (2) In this section—
- search offence***, in relation to an imaging search of a person, means—

- (a) an offence involving a prohibited thing found during the imaging search; or
- (b) an offence committed during the imaging search.

Part 4 Administration

Division 1 Prescribed requirements for grant of financial assistance

Subdivision 1 Preliminary

27 Prescribed requirements for provision of programs or services—Act, s 256

For section 256(1) of the Act, this part provides for the requirements relating to the provision of programs or services by grantees.

28 When the requirements apply

The 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.

29 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.

30 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

31 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 the chief executive to be accurately identified and accounted for.
- (4) The grantee must keep the accounting records necessary to comply with this part.

32 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, under 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.

33 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—

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

34 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 as required under the financial assistance agreement.

35 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 notice.

Subdivision 3 Governance

36 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.

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

 - (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.

37 Confidentiality

- (1) The grantee must keep and implement a policy about dealing with information arising from providing 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 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.

38 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 to carry out the officer's functions including, in particular, the grantee's obligations under the prescribed 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
 - (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

39 Eligibility policy

- (1) The grantee must keep an eligibility policy that complies 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.

40 Feedback

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

41 Hours of operation and contact arrangements

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

Division 2 Prisoner's property

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

For section 314(f) of the Act, the following are the purposes—

- (a) the cost of the prisoner's phone calls and postage;
- (b) purchases made by the prisoner with the chief executive's approval;

[s 43]

- (c) the cost of hiring or repairing a computer or television for the prisoner;
- (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 repealed *Criminal Offence Victims Act 1995*, section 27;
- (f) the reimbursement of the State for an amount paid by the State under the repealed *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).

43 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 is not more than—
 - (a) a value approved by the chief executive or, if no value is approved, \$500; and
 - (b) a volume of 0.25m³.
- (2) The following property need not be taken into account for subsection (1)—
 - (a) consumable things;
Examples—
foodstuffs, toiletries
 - (b) legal documents;
 - (c) educational material or equipment approved by the chief executive;
 - (d) if a child is accommodated with a prisoner—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, that is more than \$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.

Division 3 Other administration provisions

44 Monitoring device

- (1) This section applies if, under section 200A or 267 of the Act, an offender is required 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) told not to wilfully damage, destroy, remove or otherwise interfere with the device.

Part 5 Miscellaneous

45 Restricted item—Act, s 124B

For section 124B of the Act, a restricted item is an item mentioned in the *Weapons Categories Regulation 1997*, section 9(f) or (g).

46 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 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.

47 Receipt for seized property—Act, s 139

For section 139(2)(b) of the Act, the following information is prescribed—

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

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

Part 6

Transitional provision for Corrective Services (Searches and Testing) Amendment Regulation 2024

48 Request to modify procedures to take account of needs of existing prisoner

Section 8B applies to a person who is a prisoner immediately before the commencement as if subsection (1) of that section required the prisoner to be given the opportunity to make a request as soon as practicable after the commencement.

Schedule 1 Prisons

section 21

Name	Place
Arthur Gorrie Correctional Centre	lot 11 on SP197731
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
Brisbane Correctional Centre	lot 488 on Crown Plan SL12664
Brisbane Women's Correctional Centre	part of lot 530 on sketch plan 5016-3, shown as 'Women's Prison 5.773 ha' on sketch plan number 5016-3

Note—

Sketch plan 5016-3 may be inspected at the department's office.

Capricornia Correctional Centre	lot 145 on Crown Plan LN2427
Lotus Glen Correctional Centre	lots 864 and 866 on Crown Plan NR5315
Maryborough Correctional Centre	lot 115 on Crown Plan LX154 and lot 1 on RP220285
Numinbah Correctional Centre	lot 21 on SP244410
Palen Creek Correctional Centre	lot 1 on RP864039 and lots 30 and 215 on CP849351
Princess Alexandra Hospital Secure Unit	lot 1 in lot 702 on SP183568, shown on SP135372

Note—

SP135372 may be inspected at the department's office.

Name	Place
Southern Queensland Correctional Precinct	lot 238 on SP233406, lot 240 on Crown Plan CA31519, lot 242 on Crown Plan CA31612 and lot 244 on Crown Plan CA31710
Townsville Correctional Complex	lot 56 on Crown Plan EP1573, lot 57 on SP277218, and lots 74 to 78 on Crown Plan E124236
Wolston Correctional Centre	lot 530 on SP111924 (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