



Safety Orders

This fact sheet sets out the laws and procedures that must be followed when a prisoner is placed on a safety order

Safety orders are one of the ways that prisoners can be 'segregated' from the mainstream population and detained alone. These orders can be used when Queensland Corrective Services (QCS) have a reasonable belief there is a risk:

- The prisoner may harm or be harmed by someone else; or
- The prisoner may harm themselves (on advice of doctor or psychologist); or
- To the good order or security of the prison.

A prisoner must be told verbally and in writing why they are on a safety order. They should be given a copy of their safety order unless to do so would pose a threat to the good order and security of the prison. The safety order must state the conditions that apply to the prisoner while they are on the safety order.

Time frame

A safety order must not be longer than one month unless a consecutive safety order is made. If a consecutive safety order is made, a prisoner can be kept on a safety order for longer than a month. In these cases, there are laws that must be followed each month before putting a prisoner on another consecutive order.

If QCS are considering making a consecutive safety order, the following must occur:

- 14 days before the end of the original order, a prisoner must be given written notice that QCS are considering whether to make a further safety order; and
- The notice must tell the prisoner they have the right to make submissions within 7 days of receiving that written notice

QCS must consider any submissions made by a prisoner when deciding whether to place them on a consecutive safety order. A prisoner can send any written submissions about their safety order to the General Manager (GM).

Review by official visitor

Prisoners can request the Official Visitor (OV) review their safety order. If a safety order is for more than 1 month, the OV must review the order at the end of the month and continue to review the order each month until it ends. A prisoner can request the OV review their safety order by writing to the GM.



Once the OV reviews a safety order they must make a recommendation to QCS about whether the order should be confirmed, changed or cancelled. QCS must then consider the OV's recommendation, however they do not have to follow it.

Entitlements

QCS can limit a prisoner's privileges while on a safety order. However, while on a safety order, prisoners are entitled to:

- Receive one non-contact visit per week. Contact visits are a privilege that can be removed while on a safety order; and
- Have access to water, a toilet and shower facilities that, as far as practicable, prevent the prisoner from associating with other prisoners; and
- Have the same type of mattress, sheets, blankets and pillow as the prisoner would have were they not in separate confinement; and
- Be provided clothing appropriate for the conditions; and
- Have the opportunity to exercise, in fresh air, for at least 2 daylight hours a day unless a doctor or nurse advises that it would not be in the interests of the prisoner's health to exercise for a stated period or indefinitely.

Health Care

A doctor or nurse must examine the prisoner for any health concerns:

- As soon as practicable after a safety order is made; and
- Afterwards, at intervals of not more than 7 days (to the greatest practicable extent) for the duration of the order.

If a safety order is made **on the advice of a doctor or psychologist**, QCS must refer the order to **another** doctor or psychologist for review. How often these reviews should occur will depend on whether the doctor or psychologist made a recommendation about the frequency of medical reviews.

After completing a medical review, the doctor/psychologist must recommend to QCS whether the safety order should be confirmed, changed or cancelled. QCS must consider the recommendation, however they do not have to follow it.

Aboriginal or Torres Strait Islander prisoners

After making a safety order for an Aboriginal or Torres Strait Islander prisoner, QCS must tell a cultural liaison officer about the safety order and ask them to visit the prisoner.



JUSTICE BEHIND BARS



QCS must also tell any Elder, respected person or indigenous spiritual healer who has been appointed for the corrective services facility and the person nominated by the prisoner as the prisoner's contact person.

Complaints

If a prisoner does not want to be on a safety order, the first step is to ask for a review from the OV. Any prisoner who is still on a safety order after this can make a complaint to the Ombudsman. It is also possible to write to the GM requesting a statement of reasons for a decision to place a prisoner on a safety order.

Any complaint to the Ombudsman or GM should explain if any of the above laws or legal procedures were not followed when placing the prisoner on the safety order.

A request for a statement of reasons must be made within 28 days from the date of the decision. PLS can provide advice about judicial review to any prisoner who receives a statement of reasons for a safety order decision.