



JUSTICE BEHIND BARS



Mail in prison

This factsheet provides information about the different laws and procedures that apply to sending and receiving mail while in prison. Your legal rights relating to mail in prison will depend on the type of mail you are sending or receiving.

Privileged mail

Privileged mail is a special category of mail in prison which receives special legal protections. Any mail sent to or received from a 'privileged' recipient should receive these protections.

What is privileged mail?

The following persons/agencies meet the legal definition of privileged mail:

The Minister for Queensland Corrective Services; a Member of the Legislative Assembly; Queensland Corrective Services; The Chief Inspector; The Ombudsman (State or Commonwealth); The Health Ombudsman; The Information Commissioner; RTI commissioner; Privacy commissioner; The Attorney-General of the Commonwealth; The Anti-Discrimination Commissioner; The President of the Human Rights and Equal Opportunity Commission; The Director of Public Prosecutions; the Queensland Civil and Administrative Tribunal Registry; The Public Guardian; a person appointed under the Public Guardian Act 2014 as a community visitor or child advocacy officer; the Chairperson of the Royal Commission into Institutional Responses to Child Sexual Abuse; a Registrar or Clerk of a court; an Officer of the Parole Board Queensland Secretariat; an Officer of a law enforcement agency; an Official Visitor; a prisoner's lawyer (including PLS).

How to send privileged mail?

Privileged mail that you send should be placed in a blue envelope, which a prison officer is required to provide you on request (section 17(3) CSR). You can send letters in blue envelopes for free. You can also seal this mail and it may be processed by prison officers unopened.



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Opening and searching privileged mail

Prison officers are only allowed to open and search your privileged mail in your presence if they reasonably suspect that:

- the mail contains something that may physically harm the person to whom it is addressed;
- the mail contains a prohibited thing; or
- the mail is not privileged mail.

Examples of when a search of your privileged mail may occur include when:

- the envelope appears to have been tampered with;
- the envelope appears to contain objects that would not normally be sent by a privileged mail sender (e.g., the Ombudsman would only be likely to send documents);
- official markings on the envelope appear to be counterfeit;
- intelligence;
- a PADD dog has provided a positive drug indication; or
- x-ray machine indicates there may be an unauthorised item.

Prison officers cannot read privileged mail, other than to establish that it is privileged mail, without your written consent. If a prison officer reads your privileged mail, they must not disclose the contents to any person or they may be charged with an offence. Each prison must keep a register of every search of privileged mail, including the reasons why it was searched, and the outcome of the search.

Seizing privileged mail

Prison officers can seize and stop your privileged mail if:

- a search reveals information about the commission of an offence (not including the offence for which you are being held in custody),
- it contains something that may physically harm the person to whom it is addressed; or
- it contains a prohibited item.



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Ordinary mail

Ordinary mail has fewer legal protections than privileged mail. Ordinary mail is anything that does not fall within the definition of privileged mail listed above. For example, mail sent to family and friends is ordinary mail.

How to send ordinary mail

You must purchase any stationary or items required for the ordinary mail you send. However, if you cannot meet the costs, Queensland Corrective Services (QCS) may pay you to post two (2) letters per week, unless otherwise approved. Any postage costs associated with your participation in an approved activity, course or program must be paid for QCS.

When sending your ordinary mail, you must leave the envelope unsealed with your name and address written on the back.

Opening and searching ordinary mail

Prison officers will open and search your ordinary mail before you receive or send it. The law provides QCS with a broad discretion to check your incoming and outgoing mail to ensure that no unauthorised items are being brought in through mail.

Seizing ordinary mail

Prison officers can seize your ordinary mail, or anything in it, to stop:

- anything that poses a risk to the good order and security of the prison;
- anything that appears to be intended for the commission of an offence, or a breach of a court order;
- a prohibited thing entering the prison; or
- you have purchased without the chief executive's written approval.



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Receiving money through ordinary mail

Any money sent to you by mail will be placed in your trust fund as part of the 'prisoners trust fund' scheme. You must be given a receipt of this transaction. QCS may return the money to the sender if the donor of the money is not properly identified or the amount is greater than the amount allowed or would result in your account being more than the allowable balance (\$1000).

Child sexual offence restriction

If you have been sentenced or convicted or are being held on remand for a sexual offence committed against a child in your current custodial episode, there is a special approval process that must be completed before you can send ordinary mail. Pre-approval must be provided by recipients of your ordinary mail before you can write to them.

To apply for pre-approval, you must complete a Form 300 to nominate people you want to send mail. There is no limit on the number of people you may nominate. A prison officer will contact with the people you have nominated and record if they consent to receiving mail from you.

The purpose of this process is to prevent vulnerable victims from being contacted through the postal system. This process does not apply to privileged mail. Generally, this policy should not be applied when sending letters to government departments or general agencies (such as a bank) because restricting mail in those circumstances clearly does not meet the purpose of the policy. Any prisoner convicted of a sexual offence against a child is prohibited from sending mail to a primary or secondary educational institution in all circumstances.

Stop Mail process

If someone receives unwanted mail from you and notifies a prison officer that they do not want to receive any further mail, you will be told of the 'stop mail' condition and prohibited from sending mail to the person. The nominated person will be placed on the 'stop mail register' and you will be placed on a targeted mail list which identifies that you must not send mail to the nominated person. Any seized mail will be placed back in your property.



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Complains or concerns?

General Manager

The General Manager can receive complaints about anything that is happening in the prison they manage through the 'blue letter' mail system.

Official visitor

The Official Visitor Scheme provides a mechanism for prisoner complaint resolution within correctional centres. Official visitors have specific investigatory powers in prisons under the *Corrective Services Act 2006*, including the power to view the mail search registers to identify why any searches of mail have occurred.

Prisoners can access a confidential and free telephone service to lodge complaints to Official Visitors through the prison Arunta telephone system. It is also possible request to speak to an Official Visitor face to face through shop front or by writing to the General Manager. Any request made to QCS to see an Official Visitor must be recorded in register and passed on to the Official Visitor when they visit the centre. Prisoners are not required to advise QCS staff why they wish to speak to an Official Visitor.

Queensland Ombudsman

The Queensland Ombudsman are an independent agency that can investigate unfair procedures or unfair decisions made by QCS. Before investigating a complaint, the Ombudsman will generally ask that prisoners try and resolve the problem with QCS first. However, if it is not appropriate to raise a complaint with QCS directly, prisoners can contact the Ombudsman and explain why they did not wish to raise their complaint with QCS. Complaints to the Ombudsman should be made within 12 months of the issue being complained about. Prisoners can contact the Ombudsman for free on the prison Arunta telephone system or by writing to them at:

Queensland Ombudsman
QPO Box 3314
Brisbane Qld 4001