Prisoners' Legal Service

Prison News

INFORMATION SHEET FOR PEOPLE IN PRISON IN QLD
PRISONERS' LEGAL SERVICE INC
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Mail in prison: what is privileged?

Privileged mail is a category of mail in prison which receives special legal protections. The privileged mail system allows you to communicate with certain professionals or agencies on a confidential basis. Regulations list the people and agencies who meet the legal definition of who you can communicate with by privileged mail. Some examples include:

- Your lawyer;
- Registrar of a Court;
- Parole Board Queensland;
- Official Visitor;
- Human Rights Commissioner;
- Member of a Royal Commission;
- Queensland Police;
- Director of Public Prosecutions;
- Queensland Ombudsman;
- Inspector of Detention Services (Queensland Ombudsman); and
- Health Ombudsman.

Sending and receiving privileged mail

You can send privileged mail for free in a blue envelope. You can request a blue envelope from a prison officer. If you request a blue envelope, the law says that you must be given one. You can seal the envelope before sending it.

Privileged mail that is sent to you should be delivered immediately. The prison officer must confirm your identity before providing you with your privileged mail.

Opening and searching privileged mail

Prison officers are only allowed to open and search your privileged mail in your presence if they have permission from an authorised person and where 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.

This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.

Examples of when your privileged mail may be searched 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;
- official markings on the envelope appear to be counterfeit;
- intelligence information supports a search;
- drug detection dog has provided a positive drug indication; or
- x-ray machine shows there may be an unauthorised item.

In these circumstances, a prison officer may:

- hand your unopened privileged mail to you, ask you to remove the contents and show that no unauthorised items are contained inside (the officer must not physically handle or read the contents of the mail at this point); and/or
- request the empty envelope be handed to them for inspection.

If you refuse to comply with these requests or a prison officer still suspects your privileged mail contains unauthorised items or is not privileged mail, they need to get permission from an authorised decision maker within Queensland Corrective Services to search your privileged mail.

A prison officer can then personally search your mail if they have received authorisation. When searching privileged mail, prison officers cannot read the contents, other than to check that it is privileged mail, without your written consent. If a prison officer reads your privileged mail, they must not disclose the contents to anyone 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. This register must be made available for inspection by an Official Visitor.

Seizing privileged mail

An authorised prison officer can seize 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.

How to contact PLS

By phone: Call our free advice line on **Tuesdays between 9-11am and 12-2pm**

By mail: Send a free blue letter to **GPO Box 257, Brisbane, QLD, 4001**

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