

Technical Bulletin: 04/22

Statutory declarations - prisoner photographs

August 2022

Previous references

Supersedes Technical Bulletin 02/18 Statutory Declarations - Prisoner Photographs

Background

This technical bulletin aims to clarify the witnessing requirements for statutory declarations when a person wants to send photographs to a prisoner in a Queensland correctional centre.

The Chief Executive or delegate, Queensland Corrective Services, may impose conditions and establish processes in Queensland's correctional centres which ensures a prisoner's property and valuables are inventoried and recorded on their file. The Chief Executive or delegate may allow a prisoner to possess personal photos in a correctional centre as part of their personal property. These are known as 'approved' photographs.

What are approved photographs?

The term photograph is inclusive of picture or images produced or transmitted by media such as digital cameras, scanners and copiers.

Approved photographs should:

- only depict human subjects who are fully clothed (meaning not unclothed, partially clothed, or wearing underwear or swimwear);
- not depict groups of children in a school, childcare, sporting or organisational context;
- a relationship must exist between the prisoner and a child/ren depicted in a photograph which must be stated by the parent/guardian of the child/ren. When considering relationships, cultural relationships in particular, need to be taken into account; and
- must not depict any Outlaw Motorcycle Gang (OMCG) material.

How do I witness a statutory declaration for approved photographs?

Follow the procedure for witnessing statutory declarations as outlined in the Duties of Justices of the Peace (Qualified) and the Duties of Commissioners for Declarations handbooks.

You must take reasonable steps to verify each of the following:

- the identity of the signatory
- that the name of the signatory matches the name of the signatory written on or in the declaration
- warn the signatory about the penalty for making a false declaration
- check the signatory understands the declaration.

You must also include all of the following on the declaration:

- your full name e.g. Justice of the Peace (Qualified) or Commissioner for Declarations
- your place of employment, if applicable.

You should also keep a record of witnessing the declaration in your logbook.



Frequently asked questions

Do I have to inspect the photos for suitability?

No. Determining if the photographs meet the approved criteria is the responsibility of the Chief Superintendent of the correctional centre. It is not a requirement for you to sight the photographs referred to in the statutory declaration.

Do I need to witness or mark the back of the photographs?

No, you are not required to endorse, apply your seal of office, number or sign the back of the photographs.

Does the name and date of birth of the children need to be included in the statutory declaration?

No, the name and date of birth of the children depicted in the photographs does not need to be included in the statutory declaration.

The signatory has not included the number of photographs they are sending, should they amend their declaration?

No, the number of photographs does not need to be included in the statutory declaration.

Does the signatory have to provide me with evidence that they are the parent/legal guardian of the child/children depicted in the photographs?

No. A statutory declaration is a written statement declaring the information contained within is true and correct. It is not your role to confirm the legal relationship between the signatory, the child/ren and/or the prisoner.

What if the signatory swaps the photographs with other ones that may not meet the QCS criteria?

There is no requirement for you to sight the photographs to be presented to the correctional centre. Once the declaration and photos have been received at the correctional centre consideration will be given to the photos being provided.

Legislation and further reading

Chapter 4.2 – *Witnessing statutory declarations*

Duties of Justices of the Peace (Qualified) and Duties of Commissioners for Declarations handbooks
[JP and Cdec handbooks](#)

Corrective Services Act 2006

www.legislation.qld.gov.au

Queensland Corrective Services

www.corrections.qld.gov.au

Prisons and detention centres – Queensland Government

www.qld.gov.au/law/sentencing-prisons-and-probation/prisons-and-detention-centres



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