



Prisoner Entitlements

Prisoner Purchasing

PE

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1. Human Rights

It is unlawful for corrective services officers and QCS staff to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include:

- a) recognition and equality before the law, including the right to equal and effective protection against discrimination;
- b) freedom of thought, conscience, religion and belief, including the right to demonstrate observance of that religion or belief;
- c) freedom of expression, including the freedom to seek, receive and impart information in print or by way of art;
- d) property rights, including the right to own property and the right not to be arbitrarily deprived of property;
- e) the right to privacy and to reputation;
- f) cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples; and
- g) the right to humane treatment when deprived of liberty.

2. Limitation of Human Rights

In determining whether a limitation may be reasonable and demonstrably justified, the following factors are relevant to consider:

- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example, the right to freedom of religion and belief includes the right to adopt the religion or belief of the person's choice and the right to demonstrate the person's religion or belief in worship, observance and practice. Property rights protect the rights of all people to own property and provides that the person must not be arbitrarily deprived of their property.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. In this policy document, the limitations to property whilst in custody are required to be to the extent that they facilitate the safety and security of the centre, which includes the safety of officers and individual prisoners. This document specifically provides processes to ensure prisoners have access to their money, to purchase items via a QCS managed fund, to facilitate their purchase of available goods, for example, clothing items and food items, provided these are listed as available, to enhance the quality of their wellbeing whilst in custody.





- c) The relationship between the limitation and its purpose – this involves considering the connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example, does the limitation of property ownership achieve the enhanced security of the centre and the safety of officers and prisoners. This document provides the process that allows for the purchasing of good and provides some parameters about what is available to all prisoners. The amount of money permitted, the costs of items and to some extent the ranges and products available (other policy documents provide more details on this aspect) are determined to ensure that individual prisoners are not put 'at risk' for example by owning a more desirable brand which may make them susceptible to threats, intimidation and violence from other prisoners. Certain brands can also be used as a 'currency' within centres which disrupts the safety and security of the centre overall.
- d) Whether there are less restrictive and reasonable ways to achieve the purpose – this involves a 'necessity analysis' where it is necessary to consider the purpose of the limitation and whether it can be achieved in any other way.
- e) The importance between the purpose of the limitation and preserving the human right – this involves balancing the benefits obtained by the limitation with the harm caused to the human right. For example, does the safety and security of the centre, outweigh the impact of the property limitation. More information on property limitations is provided in the COPD Property Management, however, standardised limits of monies allowed in fund accounts ensures that individual prisoners are not 'at risk' from others.

3. Overview

The Chief Superintendent of a corrective services facility must provide for the management and administration of the method of, and facility for, the purchase of approved goods and services by a prisoner.

The Chief Superintendent or delegate is to take in to account the following points prior to approving any goods and/or services being made available through the Sale to Prisoners (STP) process (internal and external):

- a) does it present a risk to the safety and the security of the centre;
- b) the amount of personal property the prisoner currently has, both issued and stored (prisoner property limits apply);
- c) the size of the item (prisoner property storage limits apply);
- d) the value of the item/s;
- e) if the item is prohibited or restricted; and
- f) if the prisoner has sufficient funds (individual purchases).

Prisoner purchasing incorporates:

- a) prisoner canteen services;
- b) sales to prisoners (external); and
- c) sales to prisoners (internal).

Items allowed for purchase by prisoners must be in accordance with Prisoner Restrictions - Publications, Films, Electronic Game Consoles/Computer Games and CDs in the Custodial Operations Practice Directive (COPD) Property: QCS Property, Tamper Labels, Electronic Devices and Restrictions.





Any electrical item purchased will be subject to test and tag requirements and require a tamper label be affixed. Refer to the COPD Property: QCS Property, Tamper Labels, Electronic Devices and Restrictions.

A prisoner who purchases property from sales to prisoners schemes, the corrective services facility canteen or other sources must not gain access to that property until it has been entered in IOMS. Refer to the COPD Prisoner Entitlements: Prisoner Finances.

If an item purchased causes the prisoner's property to exceed the allowed property limit then the prisoner should be advised and steps taken to reduce the property to within limits by handing items out.

4. Sales to Prisoners (External)

Refer to sections 44, 50 and 311 of the *Corrective Services Act 2006* (CSA) and sections 18 and 42 of the *Corrective Services Regulation 2017* (CSR) and the Appendix PE8 Items Allowed for Sale to Prisoners.

Subject to the approval of the Chief Superintendent of a corrective services facility or delegate, a prisoner may purchase items not available in the prisoner canteen. Prisoners can have items substituted for like items through the Prisoner Advisory Committee (PAC).

A prisoner must have sufficient funds in their trust account and must complete the Administrative Form 39 Application to Expend from Trust Account (Store). When the purchase is approved on the Administrative Form 39 Application to Expend from Trust Account (Store) by the Chief Superintendent or delegate, funds must be "frozen" in the prisoner's trust account to pay for the items when received.

5. Sales to Prisoners (Internal)

Subject to the approval of the Chief Superintendent of the corrective services facility, a prisoner may purchase other approved items or services provided by the facility. The prisoner must have sufficient funds in their trust account and must complete the Administrative Form 40 Application to Expend from Trust Account (General), which must be approved by the Chief Superintendent or delegate (e.g. Manager, Business Services or Advisor, Business Services) (refer to sections 311 and 314 of the CSA). The most current published version of the Administrative Form 39 Application to Expend from Trust Account (Store) or the Administrative Form 40 Application to Expend from Trust Account (General) must be completed in full by the nominated persons prior to the items being provided to the prisoner and the information being entered in IOMS.

5.1 Examples of approved items

Examples of items approved for purchase by prisoners include:

- a) art and hobby materials purchased by the corrective services facility;
- b) educational materials (including photocopy and laminating charges);
- c) photographs (personal - taken by corrective services facility staff), refer to the Appendix R1 Prisoner Photograph Requirements;
- d) postage charges;
- e) rental of a television set; and





- f) telephone call charges (for the Prisoner Telephone System).

5.2 Items a prisoner is not approved to purchase

A prisoner must not purchase:

- a) a DVD player;
- b) a DVD;
- c) any device with a DVD playing capability;
- d) any type of electronic game playing console or computer game (including Sony PlayStation, Microsoft X Box and Nintendo Game Cube); and
- e) any device with an electronic storage function (e.g. USB device, MP3 player or a watch with a recording device).

6. Purchase Limit

A prisoner may purchase canteen items:

- a) subject to the prisoner having sufficient funds to purchase the item;
- b) upon initial reception to a facility to a limit of \$35. If the prisoner cannot access personal funds, they should be permitted credit up to \$35 to purchase canteen items additional to the Amenities Pack (Refer to the Appendix PRO3 Amenities Pack Contents). Credit for this purpose may include monies advanced to the Prisoner Telephone System for use by the prisoner; and
- c) to a limit of \$120 per week including a maximum of 30 tokens and excluding the value of initial reception. The Chief Superintendent of the corrective services facility may set a lower limit for a prisoner in receipt of the Medical/Special/Remand rate of remuneration or for other appropriate reasons.

The prisoner should be advised that refunds, prior to their discharge or transfer, will be limited to a maximum of 30 tokens.

If the prisoner is released prior to their repayment of the initial reception pack the outstanding balance should be investigated and necessary corrective actions taken.

7. Selling Price

The selling price of items purchased through the (STP) process must be determined by the Chief Superintendent of the corrective services facility on the basis of cost recovery. No mark-up must be applied to this type of purchase.

With the exception of tokens, the selling price of items sold through the canteen is at average cost price (at time of quarterly price updated) plus 5% profit (unless otherwise varied by the Assistant Commissioner, Chief Financial Officer) plus applicable Goods and Services Tax (GST). If the stipulated 5% mark-up is not to be applied to an item (e.g. a prepaid envelope supplied by Australia Post, phone cards, single cards, magazines/newspapers and other items as determined by the Assistant Commissioner, Chief Finance Officer, such items must be sold at the average cost price (at time of quarterly price update) plus applicable GST.





The selling price of an item must be updated by the PTAS System Administrator using the “Update Sale Price” feature, at the beginning of each financial quarter and is fixed for that quarter. Canteen/Buy-up request forms must be updated at this time. Selling prices will only be altered on request and if deemed by the PTAS System Administrator to be appropriate.

If a mark-up is applied to items sold through the canteen, any loss or gain in profit margins due to the updating practice must be absorbed within the overall profit for that quarter.

8. Prisoner Photocopying and Printing (Publishing)

If a prisoner requests photocopying or printing (publishing), it is to be charged at the following rates:

- 10c per page for general publishing;
- 20c per page for double sided publishing;
- Privileged mail – Free (reasonable limits apply);
- Education documents – Free (educational course work only); and
- Legal documents- for current court case – Free for the first 30 pages, then 10c per page thereafter.

9. Manufactured Hobby Items

A prisoner approved to undertake a hobby which produces an item of property defined in this COPD, must declare the item when completed.

A person authorised to approve a prisoner to undertake a hobby or responsible for purchasing materials for hobby work must advise the prisoner of the need to declare items of property produced by the hobby. A prisoner who manufactures an item of personal property from an approved hobby is to take the completed item to the store officer to declare it. The stores officer must record the item in IOMS.

10. Prisoner Access to Hair Dye

The Chief Superintendent of a corrective services facility may approve the use of hair dye to be purchased by a prisoner in a corrective services facility in the following circumstances:

- a) to maintain hair colour;
- b) to cover grey hair; or
- c) to manage reversion to natural hair colour.

The selection of hair dye must be non-toxic, of one brand and limited colour range, refer to the Workplace Health and Safety, Safety Data Sheets (SDS).

Where approval would significantly change a prisoner’s appearance, the request must be processed in accordance with the Appendix R1 Prisoner Photograph Requirements.





The application of hair dye should be undertaken in the corrective services facility's hairdressing salon or another appropriate location. At the completion of the application, leftover hair dye and empty bottles should be disposed of in an appropriate manner.

11. Quality, Packaging, Size, Preparation, Product Brand/Type and Storage

The Chief Superintendent of a corrective services facility must ensure that an item purchased by a prisoner through the canteen/buy-up process is of good quality and condition, and within the manufacturer's "use by" or "best by" date.

With the exception of low custody facilities, the following items must not be provided for sale:

- a) glass containers;
- b) non-rip top cans;
- c) pressure pack cans/containers;
- d) pump action spray containers that can be adapted to spray in a stream; and
- e) containers with the capacity to hold liquid contents of more than one (1) litre.

Under no circumstances are goods, purchased in a bulk pack which displays a message "Not to be sold separately" or similar, to be sold as an individual item.

Personal hygiene and food items available only in an outer package containing individually packaged items may be broken and sold as an individual item (e.g. toilet soap in a pack of four individually wrapped soaps, breakfast cereals) provided the individual wrapping/packaging clearly lists their ingredients. The consequences of not ensuring the individual package identifies the ingredients may result in an allergic reaction by the prisoner and breach the *Fair Trading Act 1989* and the *Food Act 2006*.

Foodstuffs must be provided in snack portions or individual meal size or restricted to a size that could be consumed by a person in one sitting. An exception may be made for items such as biscuits, cakes, cereals and cordial.

12. Quality, Packaging, Limits and Storage – Purchasing

The Chief Superintendent of a corrective services facility must ensure that any item purchased on behalf of a prisoner is of good quality and condition, is not defective or damaged and conforms to the detail, requirement and description given by the requesting prisoner.

At a secure facility, packaging including outer cartons/boxes, inner protective wrapping (e.g. plastic bubble wrap, polystyrene) must not be issued with the purchased item as it may present a fire hazard. Packaging may be used to deliver an item to a prisoner's accommodation if the item is at risk of being damaged during delivery. This packaging material must then be returned to the reception store where, at the reception store supervisor's discretion, it may be:





- a) retained in the prisoner's allocated property storage area provided the total volume is within the prescribed property limits; or
- b) destroyed.

13. Warranty/Guarantee and Ordering from Outside Suppliers

For warranty/guarantee purposes, the ordering corrective services facility must:

- a) ensure the ordering prisoner's identity (such as name, IOMS ID) is not shown on the order being forwarded to the supplier;
- b) enter an ordering/purchasing code on both the prisoner's request form and order details sections of the order form to be used as the reference between the prisoner and supplier; and
- c) provide a copy of the purchase receipt to the prisoner upon request.

14. Prisoner Canteens

Where canteens are operated in Queensland Corrective Services (QCS) facilities, the Prisoner – QCS Trust Canteen system must be used, refer to the Prisoner Trust Account System (PTAS) User Manual.

A Chief Superintendent may consider individual items that are not approved canteen items, where the prisoner has an individual case, circumstance or characteristic that requires an item not listed.

Sales of approved canteen items must be made:

- a) at least once per fortnight; and
- b) on receipt of a corrective services facility approved order form signed by the prisoner or by a face-to-face process.

15. Canteen Services

The Chief Superintendent of a corrective services facility must ensure that the area designated as the facility's canteen is:

- a) secure;
- b) restricted to access by designated staff;
- c) restricted to access by supervised designated prisoners; and
- d) equipped with appropriate storage for items held for sale to prisoners.

A face-to-face or pick/pack/deliver service or a combination of these services must be provided. If a canteen facility is not operating or vending machines are installed, the Chief Superintendent of the corrective services facility must provide to the external contractor a designated secure area where the contractor can carry out the business and requirements of the contract or arrangement. Direct contact between prisoners and a supplier must not be permitted.

15.1 Additional considerations – low custody

The Chief Superintendent of a low custody facility where a canteen service does not exist is responsible for ensuring prisoners are provided access to similar canteen items under an arrangement approved by the Deputy Commissioner, Custodial Operations. The amount available to a prisoner for this purpose must be in accordance with the limits advised in the Purchase Limits section in this COPD.





16. Support/Funding

The Chief Superintendent of a corrective services facility must ensure that support, funding and equipment for canteen services is provided from the following sources:

- a) Operational Funds - limited to the original set-up of a canteen, including a dedicated area, shelving, fittings, facilities (light, data, telephone and power), computer requirements, handling equipment, and maintenance of this equipment and facility;
- b) Amenities Cost Centre - consumables (bags, computer paper, printer ribbons and cartridges, etc.), write-offs and stock adjustments, support and maintenance of vending machines if owned; and
- c) Supplier Suspense Account (QCS Trust Canteen Module) - purchase of replacement/new stock items for canteen and vending machines if owned.

PUBLIC VERSION

