



### Custodial Operations Practice Directive

**Process Owner: Custodial Operations and  
Financial Services and Strategic Sourcing**

**Security Classification: OFFICIAL/PUBLIC**

**Version: 03**

**Implementation date: 07/09/2023**

**Review date: 2024**

#### Scope

1. Human Rights
2. Limitation of Human Rights
3. Statewide Prisoner Menu
4. Special Diets for Clinical Reasons
5. Requests for the Alternative Food Options
6. Celebratory Meals
7. Food Safety Programs
8. Prisoner Canteen





### Custodial Operations Practice Directive

## 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 to this practice directive include:

- a) recognition and equality before the law, including the right to equal and effective protection against discrimination;
- b) cultural rights generally and for Aboriginal peoples and Torres Strait Islander peoples;
- c) humane treatment when deprived of liberty;
- d) the right to privacy and to reputation; and
- e) freedom of thought, conscience, religion and belief.

## 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, humane treatment when deprived of liberty provides that all persons deprived of liberty must be treated with respect for the inherent dignity of the human person.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. For example, disclosure of personal health information such as the existence of an allergy is required to ensure the safe provision of food and nutrition in a corrective services facility.
- c) The relationship between the limitation and its purpose – this involves considering the rational connection between the limitation of the right, and whether this will actually help to achieve said purpose or legitimate aim. For example, requesting persons disclose personal health information relating to dietary requirements enables the corrective services facility to provide food which is safe for the prisoner to consume, thereby protecting their right to humane treatment when deprived of liberty.
- d) Whether there are any 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 if it can be achieved any other way. For example, are there any other reasonable ways of ensuring safe food provision to prisoners without requiring disclosure of personal health information.
- e) The importance between the purpose of the limitation and preserving the human right – this involves a balancing exercise to the benefits obtained by the limitation vs the harm caused by limiting the human right. The greater the limitation of the human right, the more important the purpose will need to be, to justify the limitation. For example, does the potential damage to health caused by non-adherence to dietary requirements outweigh the limit to privacy that is the impact of disclosing personal health information.





### Custodial Operations Practice Directive

A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.

### 3. Statewide Prisoner Menu

All corrective services facilities are required to deliver the approved Statewide Prisoner Menu. The statewide approach to food and nutritional service delivery ensures prisoners are receiving adequate, low allergen, nutritionally balanced meals, from a menu developed in consultation with a registered dietitian.

The streamlined management of standard diets ensures food services operate within budget, maximising the food purchasing dollar while being mindful of environmental resources and impact. Standard practices assist the management of food expectations for prisoners transferred between prisons, and support training for the delivery of food services across the state.

If a meal cannot be provided as outlined in the Statewide Prisoner Menu, the meal may be modified through exchanging an ingredient for another ingredient, omitting an ingredient, or swapping the meal for another approved recipe.

Reasons why a meal may be modified include:

- impact to operations caused by an event, incident, natural disaster, lockdown, issue with prisoner workers, issue with QCS staff;
- supplier unable to deliver required ingredients (e.g. local shortage of produce);
- unserviceable kitchen appliances or equipment; and
- another operational reason determined by the Chief Superintendent of the corrective services facility or nominee.

If the modification of the meal is ad-hoc in nature and was unplanned, food services staff may decide to modify the meal and must notify a correctional manager (or higher) that a meal was modified.

If the modification is long term, for example due to a key piece of equipment becoming unserviceable for multiple days (or longer), the decision to modify the menu must be made in consultation with the Superintendent or Chief Superintendent of the corrective services facility, to allow for appropriate briefing of staff and prisoners.

A review of the Statewide Prisoner Menu must be undertaken every two years in consultation with a registered dietitian, with the first being undertaken by 30 June 2022. The Food Services Manager/Supervisor is responsible for this and the Assistant Commissioner, Custodial Operations is the delegate for review and approval.

### 4. Special Diets for Clinical Reasons

Notification of alternative food provision for clinical reasons is to be approved in writing by Queensland Health and must be forwarded to the Food Services Manager/Supervisor for action. The Food Services Manager/Supervisor is responsible for ensuring a comprehensive record of the dietary requirements, including the commencement date, is recorded in the Integrated Offender Management System (IOMS) under the relevant prisoner, tabs File Contents - Offender Details - Personal Details – Diet/Religion. This detail facilitates compliance to the dietary requirements across all centres.





### Custodial Operations Practice Directive

All special diet approvals listed on IOMS are to be recognised at all correctional centres. The information recorded in IOMS must be considerate of a prisoner's right to privacy regarding any medical conditions.

The Food Services Manager/Supervisor will put sufficient processes in place to minimise the tampering or contamination of special diet meals.

Where alternative food requirements for a prisoner have been approved, the prisoner must be provided with meals in accordance with the identified clinical needs of the prisoner.

## 5. Requests for the Alternative Food Options

Alternative food options may be provided to a prisoner where there are cultural or religious requirements that cannot be accommodated by the Statewide Prisoner Menu. Alternative food options may also be provided to a child accommodated with a prisoner in a corrective services facility.

A prisoner who wishes to obtain alternative food options based on cultural or religious reasons must apply through the Chief Superintendent of the corrective services facility who will consider the individual request on a case by case basis. Refer to section 266 of the *Corrective Services Act 2006*.

If the Chief Superintendent of the corrective services facility approves the alternative food provision request, the Food Services Manager/Supervisor is to be advised for actioning. The approval must be recorded in IOMS.

Where alternative food requirements for a prisoner have been approved, the prisoner must be provided with meals in accordance with the identified religious or cultural needs of the prisoner.

## 6. Celebratory Meals

The diversity in the Queensland prison population means there are a number of dates that hold religious or cultural significance for prisoners where a meal is shared. Cultural celebrations where shared meals are provided to celebrate traditional festivals vary across correctional centres and are dependent on the prisoner population.

The Chief Superintendent of a corrective services facility may approve the provision of food outside of the Statewide Prisoner Menu for religious and culturally significant events.

Examples of these events include Christmas, Ramadan, Chinese New Year, New Moon festival and annual National Aborigines and Islanders Day Observance Committee Week (NAIDOC) celebrations.

The Prisoner Advisory Committee (PAC) at each corrective services facility may nominate specific occasions, with sufficient time to allow for a decision to be made. An individual prisoner may also make representation to the Chief Superintendent of a corrective services facility for consideration in lieu of the PAC.





### Custodial Operations Practice Directive

## 7. Food Safety Programs

All corrective services facilities are required to develop a Food Safety Program, utilising the template developed. Refer to the Appendix H2 Food Safety Program - Template. The Food Safety Program template is in place at all centres to ensure compliance with the Queensland Government Administrative Arrangements for Food Safety Programs, under the *Food Act 2006*.

A review of the Food Safety Program must be undertaken annually by the Food Services Manager/Supervisor and provided to the Chief Superintendent for endorsement by 30 June each year.

## 8. Prisoner Canteen

The prisoner canteen provides for a selection of items to be available for purchase by a prisoner through the facility canteen (or buy-up scheme). The nutritional framework which was informed by a registered dietitian aims to provide prisoners with the opportunity to consistently access healthy snacks, nutritional supplements and beverage choices.

The Prisoner Advisory Committee of each centre is engaged to provide input into the products that are available on the buy-up list on a biannual basis, through a standardised supplementary exchange list.

Refer to the COPD Prisoner Entitlements: Prisoner Purchasing.

