



Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

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Scope
<ol style="list-style-type: none">1. Human Rights2. Limitation of Human Rights3. Work Camps – Community Service Projects4. Work Program – Work Order Assessment and Approval5. Emergency Response and/or Disaster Recovery <p>PUBLIC VERSION</p>



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Custodial Operations Practice Directive

1. Human Rights

It is unlawful for any Queensland Corrective Services (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) privacy and reputation;
- b) humane treatment when deprived of liberty;
- c) freedom of expression;
- d) property rights;
- e) freedom from forced work;
- f) protection of families and children; and
- g) cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

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 humanity and 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. In this policy document, the limit to privacy caused by the supervision and surveillance of prisoners is to ensure the security of the prisoners and the security of person to officers and other members of the community.
- 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, the supervision and surveillance of prisoners achieves the purpose of ensuring the security of the prisoner and the safety of officers and others in the community.
- 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. For example, the purpose of limiting a prisoner's property while at a work camp is to facilitate the security of persons for other prisoners, officers and others in the community in an environment where there is a lower level of custodial oversight.
- e) The importance between the purpose of the limitation and preserving the human right - this involves a balancing exercise of the benefits obtained by the limitation vs the harm caused to the human right. The greater the limitation of the right, the more important the purpose will need to be to justify the limitation. For example, does the safety of the individual community member/s provided by the supervision and surveillance of a prisoner outweigh the impact of the limitation to the prisoner's privacy?





Community Engagement

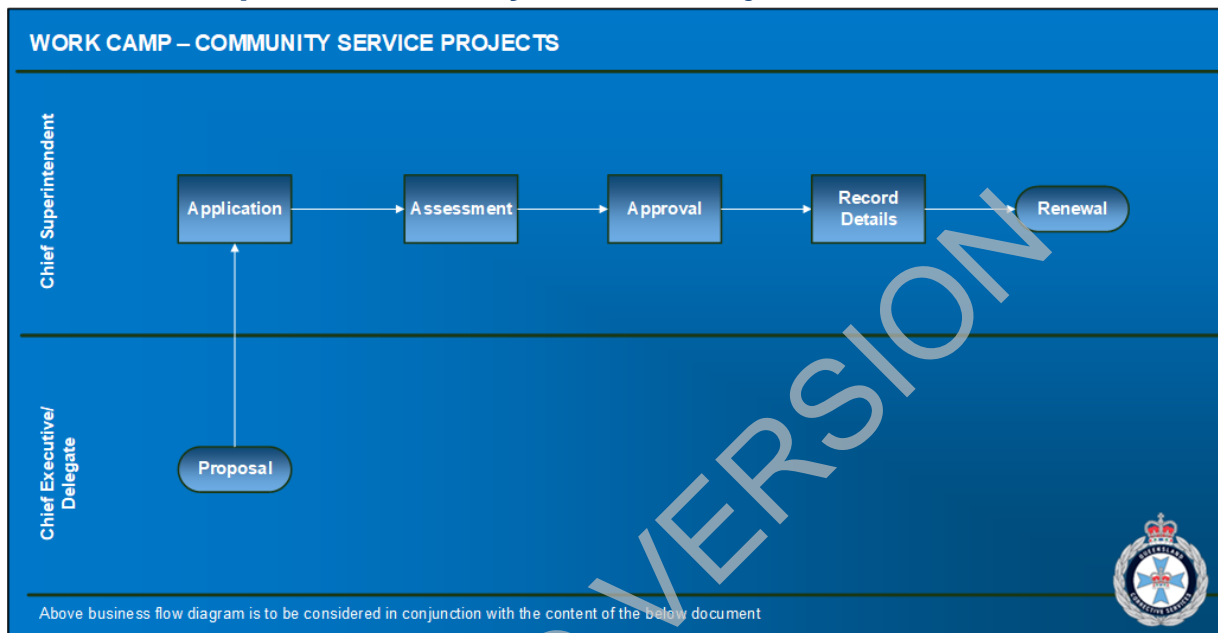
Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

Freedom from forced or compulsory labour does not include work or service normally required of a person under detention because of a lawful court order (section 18(3)(a) of the *Human Rights Act 2019* (HRA)).

3. Work Camps – Community Service Projects



3.1 Proposal to establish a work camp

A Shire or Council may apply to the Commissioner for the establishment of a permanent work camp site in their local community, refer to the Administrative Form 171 Proposal to Establish a Work Camp Site. Established Work Camp locations are identified in the Appendix CE7 Corrective Services Facilities including Work Campsites.

3.1.1 Transfer for participation in a work order

Some low security facilities accommodate prisoners who have been granted a work order.

Refer to the Custodial Operations Practice Directive (COPD) Sentence Management: Classification and Placement.

3.2 Project application

All requests for assistance are to be made on an Administrative Form 162 Application to Become a Work Program Community Project.

The requesting organisation must also complete an Administrative Form 163 Work Program Community Service Project Workplace Health and Safety Assessment.

The application must be provided to the Chief Superintendent of the corrective services facility in the region in which the proposed work camp site would be located.

A corrective services officer may provide assistance to complete these forms, if required.



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Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

3.3 Project assessment

When assessing suitability of potential Work Program Community Projects the following factors must be considered:

- a) a sponsor organisation should ideally be “not for profit” or a government agency (e.g. Department or Council etc.). Exceptions may be approved where a project does not contribute directly to the organisation's profit;
- b) QCS must ensure that Community Service Project Sponsors are made aware of their obligations, as a public entity under the *Human Rights Act 2019* and as a consequence are obliged to comply with the terms of that Act;
- c) a rigorous assessment for any potential ethical compromise to QCS;
- d) its appropriateness as an activity for the relevant prisoners;
- e) whether ongoing and adequate on-site supervision is to be provided for prisoners performing community work; and
- f) if appropriate, suitability to meet the needs of all prisoners including those with a disability or specific cultural needs, whether the project involves meaningful and non-traditional options for prisoners.

The outcome of each of these considerations must be documented as an integral part of the application for approval of the project.

A sponsor organisation must have current public liability insurance, which also covers the use of equipment and any injury that may be sustained by the prisoner.

The Chief Superintendent must ensure Work Program Community Projects are assessed and regularly monitored by a Work Camp Coordinator, or nominated person, to ensure compliance with QCS requirements for workplace health and safety. However, external organisations must be advised that compliance with these requirements does not necessarily discharge the organisation's obligations under relevant workplace health and safety legislation.

3.3.1 Workplace health and safety

Refer to the Administrative Form 164 Hazardous Substances/Dangerous Goods/Chemicals Register.

A corrective services officer may assist the potential sponsor agency to complete the application form and conduct assessments using an Administrative Form 163 Work Program Community Service Workplace Project Health and Safety Assessment.

3.4 Approval

The completed administrative forms are to be forwarded to the Work Camp Community Engagement Committee (CEC) for endorsement prior to forwarding to the Chief Superintendent of the managing corrective services facility for approval.

If the project is approved:

- a) the data from the form must be entered in the Integrated Offender Management System (IOMS);
- b) the Chief Superintendent of the corrective services facility must then approve the project electronically in IOMS. If the project is not approved the application must be filed at the managing corrective services facility; and
- c) the Work Camp CEC is to be advised of the outcome.





Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

Refer to section 270(1) of the *Corrective Services Act 2006* (CSA), the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers, the COPD Community Engagement: Community Service Projects and the Appendix CE6 Community Engagement Committee Terms of Reference.

3.5 Record details

Each work camp is to record the total number of hours worked by prisoners at Work Program Community Projects.

The field supervisor is to:

- a) maintain a record of the project sites;
- b) number of prisoners in attendance; and
- c) hours worked in the day and total hours worked.

At the completion of each camp, the field supervisor is to return the record of hours to the managing corrective services facility.

3.5.1 Hours worked

The hours worked is limited to the actual time that work was completed at a work site. Travelling time, lunch breaks and other down time is not to be counted. The hours of other prisoners not directly involved in community project work, such as camp cook, is not to be included in the community hours.

3.5.2 Renewal

Every 12 months the requesting organisation must complete and submit an Administrative Form 172 Work Program Community Project Annual Update for approval.

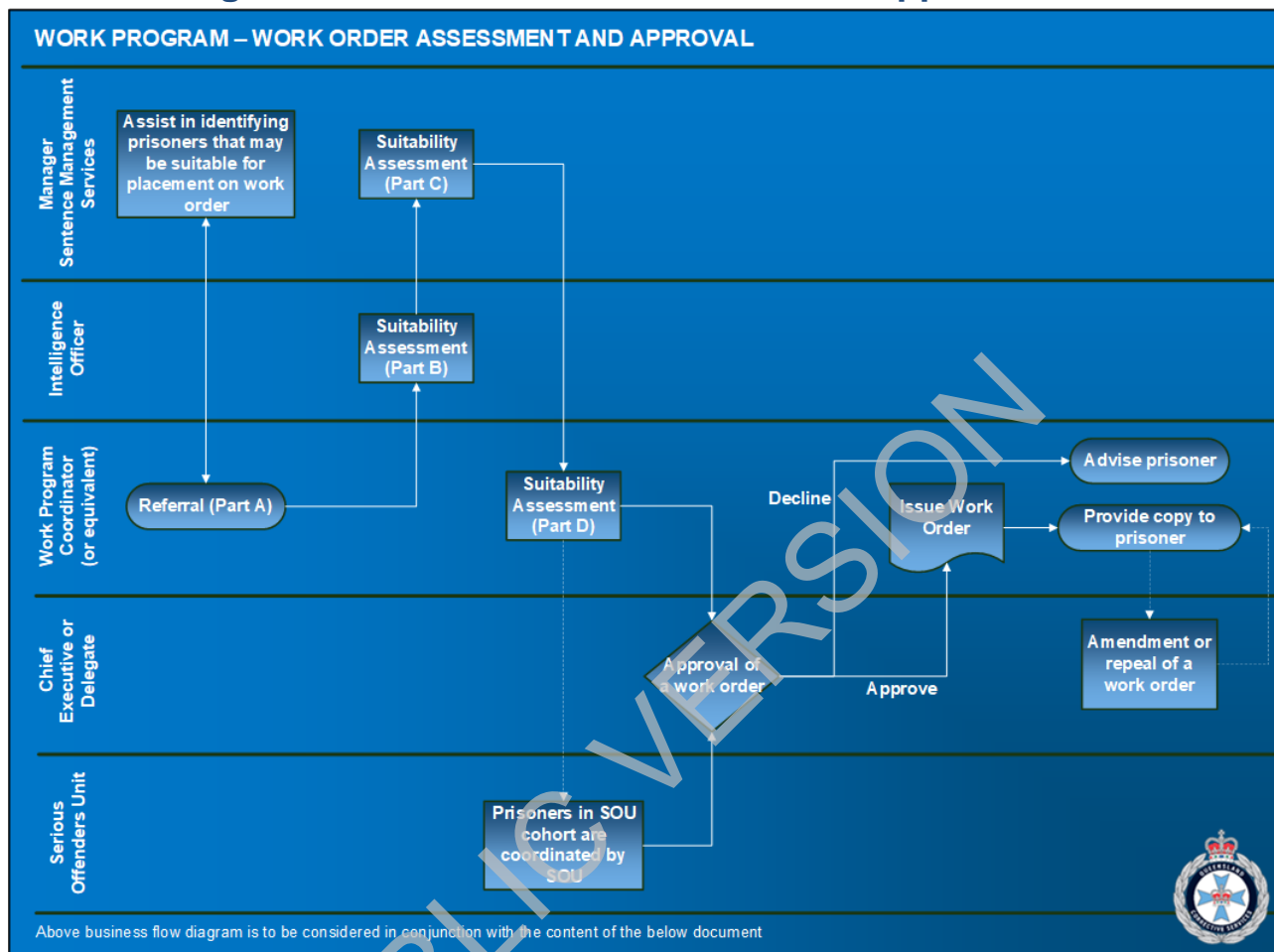
The Chief Superintendent of a corrective services facility is responsible for the above.





Custodial Operations Practice Directive

4. Work Program – Work Order Assessment and Approval



The State's 13 work camps are aligned to local corrective services facilities:

- a) Numinbah Correctional Centre:
 - i. Warwick (women's);
- b) Capricornia Correctional Centre:
 - i. Springsure, Clermont and Blackall;
- c) Palen Creek Correctional Centre:
 - i. Mitchell, Charleville, Dirranbandi and St George;
- d) Lotus Glen Correctional Centre:
 - i. Innisfail; and
- e) Townsville Correctional Centre:
 - i. Boulia, Julia Creek, Winton and Bowen (women's).

In accordance with section 66 of the CSA, the Chief Executive may, by written order (a work order), transfer a prisoner from a corrective services facility to a work camp and the prisoner must perform community service as directed by the Chief Executive or delegate.

A work order may only be granted to a prisoner who is not restricted from transferring to a work camp. Refer to Schedule 1 and section 67 of the CSA.





Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

4.1 Referral

Prisoners should be identified for assessment of suitability for a work camp through each corrective services facility's progression process.

Regular communication between the Work Camp Coordinator, or nominated person, and Sentence Management Services should occur to identify prisoners that are not restricted from transferring to a work camp and may be suitable for placement on a work order. A prisoner's suitability should be identified as early as possible to allow for specific skill development that would benefit the community and the prisoner.

4.2 Suitability assessment

Assessment of eligible prisoners is to be conducted by the Work Camp Coordinator, or nominated person, with input from the Intelligence Officer and Sentence Management Services using the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment.

Prisoners should transition to a work camp after first having been placed at a low custody corrective services facility (excluding Townsville Women's Correctional Centre). However, where this is not possible due to operational reasons, a prisoner may still be assessed for a work camp if appropriate.

Transition to a work camp should be linked to the prisoner's progression plan where the prisoner has a current plan recorded in IOMS. A prisoner's transition to a work camp should not be impeded by the lack of a Progression Plan.

All requests for prisoners in the Serious Offenders Unit (SOU) cohort to undertake the work program are to be coordinated by SOU. The recommendation of the responsible officer, recorded on the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment, is to be forwarded to SOU via email to

████████████████████ for consideration by the Chief Superintendent, Sentence Management Services.

4.3 Eligibility criteria

Pursuant to sections 67(1) and 68A of the CSA, a prisoner is not eligible to be transferred to a work camp if:

- a) the prisoner has been charged with an offence that has not been dealt with by a court; or
- b) the Chief Executive is aware of an unexecuted warrant relating to the prisoner; or
- c) a deportation or extradition order has been made against the prisoner; or
- d) an appeal has been made to a court against the prisoner's conviction or sentence and the appeal is not decided; or
- e) the prisoner has been convicted of a sexual offence, murder or is serving a life sentence.

4.4 Suitability considerations

The following must be considered in deciding whether to transfer a prisoner for a work order:

- a) all recommendations of the sentencing court/s;
- b) the risk the prisoner may pose to the community including:
 - i. the risk of the prisoner escaping or attempting to escape;
 - ii. the risk of physical or psychological harm to a member of the community and the degree of risk; and
 - iii. the prisoner's security classification; and





Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

- c) anything else the Chief executive considers relevant.

A prisoner should have completed all recommended interventions prior to placement on a work order. Where practical, prisoners who otherwise meet eligibility and suitability criteria should be given priority placement for any outstanding intervention programs and self-referred (e.g. Alcohol or Drug (AOD) or Resilience) programs in order to facilitate placement on a work order, but not at the detriment of other prisoners. Refer to the COPD Prisoner Development: Programs and Interventions.

If an eligible prisoner has a demonstrated pattern of violent offending or escalating severity, justification must be provided if approval for a work order is granted. This must include how the prisoner has mitigated the level of risk to the community to a sufficient level to be placed at a work camp under a reduced level of supervision. Domestic and family violence related charges and orders must be considered. Prisoners identified in this category may need to demonstrate suitability through a period of placement at a low custody corrective services facility prior to progressing to a work order. Refer to section 27(2)(c) of the CSA.

In a low security corrective services facility, the Chief Superintendent of a corrective services facility must ensure that employment arrangements are flexible enough to allow a prisoner to attend programs that have been identified as essential to the prisoner's rehabilitation and any self-referred interventions the prisoner wishes to engage (e.g. AOD or Resilience programs).

4.4.1 Victims Register

For prisoners who have a Victims Register (VR) flag, who are under consideration for participation in any work program, the Chief Superintendent of the corrective services facility must ensure that a proximity check is requested by submitting a VR [Custodial Proximity Enquiry](#) in relation to the proposed participation site, including the name of the work camp under consideration. This is to be completed via the VR microsite. It must be recorded on the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment that a proximity check has been requested.

The Victims Register will advise the Chief Superintendent of the corrective services facility if any relevant information is required to be provided as a factor for consideration as a part of their suitability assessment to participate in any work program. The information provided by Victims Register is confidential and is not to be entered as a case note or attachment on IOMS.

Any additional enquiries contact VR by phone or email to [REDACTED]

If the prisoner is assessed as suitable to participate in the work camp, the Chief Superintendent of the corrective services facility will ensure that the Victims Register is provided with further advice regarding the prisoner's participation.

4.4.2 Serious Offenders Unit (SOU)

Requests from prisoners with an SOU warning flag, where a work order is endorsed as an area of interest to undertake the Work Program, are coordinated by SOU. The recommendation of the responsible officer, recorded on the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment, is to be forwarded to SOU [REDACTED] for consideration by the Statewide Manager, Serious Offenders Unit, or the Chief Superintendent, Sentence Management Services.

[REDACTED]





Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

4.5 Approval of a work order

In addition to the requirements of section 67 of the CSA, when granting approval for a work order, the Chief Executive or delegate must ensure the prisoner is classified low security classification (refer to the COPD Sentence Management: Classification and Placement).

The recommendation of the responsible officer and the Chief Executive or delegate's decision must be recorded on the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

4.6 Issue work order

Following a decision by the Chief Executive or delegate to approve a work order, the Approved Form 13 Work Order must be issued with any additional conditions the Chief Executive or delegate considers necessary, including participation in sporting events and community functions.

Where the prisoner is named as a respondent on a current order under the *Domestic and Family Violence Protection Act 2012*, the Approved Form 13 Work Order must include a condition outlining that the prisoner must comply with the conditions of any current Domestic and Family Violence Order. Refer to the word version of the Approved Form 13 for the recommended wording of this condition.

4.7 Advise prisoner

The prisoner must be advised of a decision not to grant a work order including reasons for the decision. The date the prisoner was advised is to be entered in a case note in IOMS.

4.8 Provide copy to prisoner

The conditions stated on the work order and the consequences of non-compliance with the conditions must be explained to the prisoner. The prisoner must sign the work order and the suitability assessment. The work order must be attached in IOMS with the originals placed in the Offender File.

The prisoner is to be provided a copy of the work order and advised that they must carry the work order on their person at all times when not under the direct supervision of a corrective services officer. The order must be provided by the prisoner to a corrective services officer or police officer if requested.

A case note must be entered in IOMS to record the date the work order was provided to the prisoner.

The Work Camp Coordinator, or nominated person, is responsible for the above and the Chief Executive or delegate is responsible for approval and review.

4.9 Transfer to a work camp

Transfer to a work camp is enacted in IOMS through an Approved Form 9 Order for Transfer of a Prisoner, authorising the transfer of each prisoner.





Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

4.10 Amendment or repeal of a work order

A work order may be amended to reflect changes in circumstances of a prisoner or changing requirements of a work camp.

A work order can be repealed at any time by the Chief Executive or delegate.

Amendment or repeal of a work order is to be recorded using Approved Form 14 Order for Amendment/Cancellation of Work Order. The order must be attached in IOMS and the original placed in the Offender File.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

For information regarding management of a prisoner on a Work Program, refer to the COPD Community Engagement: Management of Prisoners on a Work Program.

4.10.1 Warrants

The Chief Executive or delegate may issue a warrant when a prisoner:

- a) escapes from lawful custody;
- b) has been mistakenly discharged before the prisoner was eligible to be discharged; or
- c) remains in the community after any of the following orders, made in relation to the offender, have been suspended or cancelled:
 - i. a leave of absence order;
 - ii. an interstate leave permit;
 - iii. a community work order;
 - iv. a conditional release order; or
 - v. parole release order.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

4.11 Management of work camps and prisoners

Work camps must have a prisoner induction booklet. A copy of the booklet must be provided to each prisoner on induction. Prisoner entitlements and expectations are available in the COPD Community Engagement: Management of Prisoners on a Work Program.

5. Emergency Response and/or Disaster Recovery

Emergency response and/or disaster recovery community service work for locations outside of a facility's regional council boundaries should be performed by work program approved prisoners.

All requests for emergency response and/or disaster recovery community service work will be considered and determined by the Commissioner QCS.

Providing disaster recovery assistance to private individuals (on private property or for a private business) to allow a private enterprise to return to operation and profit, must be assessed on a needs basis and must be done without the expectation of payment to QCS.

Approval for the use of restricted equipment (e.g. tractors or chainsaws) must be directly authorised by the Chief Superintendent of the corrective services facility.





Community Engagement

Work Camps, Programs and Orders

CE

Custodial Operations Practice Directive

Approval for a prisoner to drive/operate a vehicle must be directly authorised by the Chief Superintendent of the corrective services facility.

Approvals must be in the prisoner's possession anytime they are in control of a vehicle. Refer to the Appendix CE8 Use of Vehicles by Prisoners and the Administrative Form 141 Prisoner Request and Permit to Drive a Motor Vehicle.

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