

Inspector of Detention Services



Inspection standards
for Queensland prisons

August 2023



QUEENSLAND
OMBUDSMAN



Leaving Our Mark
(left and elements used throughout)

Nathaniel Chapman

Goenpul and Yuggera Man, also from the Wambia Tribe in Northern Territory and Waka Waka country in Eidsvold, Queensland (2023)

Public

This document is released to the public space.
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We acknowledge the Traditional Owners of the land throughout Queensland and their continuing connection to land, culture and community. We pay our respects to Elders past and present.

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An abbreviated version of these standards is available as
Inspection standards for Queensland prisons: Quick guide.

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Introduction

The purpose of the *Inspector of Detention Services Act 2022* (IDS Act) is to promote the improvement of detention services and places of detention. Areas of focus include promoting and upholding the humane treatment of detainees and preventing them from being subjected to harm.

To achieve its purpose, the IDS Act authorises the Inspector of Detention Services to inspect places of detention, and report to Parliament about the outcomes of the inspections. This preventative focus will examine the systems and the lived experiences of people who are deprived of their liberty.

Purpose of inspection standards

The Inspection standards for Queensland prisons aim to ensure transparency in the outcomes that will be assessed during inspections. Each standard has a number of indicators which contribute to the Inspector's assessment of how well a standard is achieved. These indicators are not an exhaustive list and are intended as evidentiary indicators of the extent to which the standards are met.

The preparation and publication of these Standards is required by the IDS Act¹.

Human rights

The rights of prisoners in Queensland are protected by various legislation, primarily the *Corrective Services Act 2006* and the *Human Rights Act 2019*.

Prisoners deprived of their liberty are particularly vulnerable to human rights violations. The conditions within prisons in Queensland have at times raised significant human rights concerns including excessive use of force,² inappropriate use of solitary confinement,³ overcrowding leading to inhumane and unsafe living conditions⁴ and inadequate physical and mental health services.⁵

The Human Rights Act states that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person,⁶ and should not be subjected to torture⁷ or treated or punished in a cruel, inhuman or degrading way.⁸

The observance of human rights is integral to safe and effective prison management. However, the closed nature of prisons, combined with the power imbalance that exists within the custodial environment ensures that the potential for abuse and inhumane treatment of prisoners is an ever-present risk. Consequently, there is an elevated need for accountability and transparency in the way that places of detention, and the people detained within them, are managed. Through independent, proactive and preventative oversight, the Inspector of Detention Services plays a crucial role in monitoring and promoting the rights of prisoners to ensure their humane treatment, while fostering the continuous improvement of the custodial environment within adult prisons in Queensland.

¹ Section 8(1)(d)

² See Report of Crime and Corruption Commission Queensland, Taskforce Flaxton: An Examination of Corruption Risks and Corruption in Queensland Prisons, 2018.

³ *Owen-D'Arcy v Chief Executive, Queensland Corrective Services* [2021] QSC 273.

⁴ See Report of Queensland Ombudsman, Overcrowding at Brisbane Women's Correctional Centre, 2016.

⁵ See Report of Anti-Discrimination Commission Queensland, Women in Prison, 2006. See also Report of Anti-Discrimination Commission Queensland, Women in Prison 2019: A Human Rights Consultation Report, 2019.

⁶ Section 30(1).

⁷ Section 17(a).

⁸ Section 17(b).

Best practice principles

An additional goal for the Standards is to establish a set of best practice principles that prisons should meet to ensure the humane treatment of prisoners and prevent prisoners being subjected to harm while detained.

Prisons in Queensland should provide a secure and structured environment for prisoners with a focus on rehabilitation and reintegration back into the community. They are responsible for the care, custody and support of people in places of detention. The services provided in prison should help prisoners develop positive behaviours, address their offending behaviour and acquire the necessary skills to reintegrate into the community. This involves providing education, vocational training, mental health support and rehabilitation programs that focus on reoffending behaviours.

Aboriginal and Torres Strait Islander prisoners

The Standards recognise and highlight the importance of understanding and providing culturally appropriate services for the needs of Aboriginal and Torres Strait Islander prisoners. This is reflected through the encouragement and involvement of Aboriginal and Torres Strait Islander staff, family and community leaders in the prison and supporting prisoner connection to family and kinship groups. The importance of these practices is especially vital in Queensland due to the location of remote communities, limitations on transport and the placement of prisoners off country.

The Standards also address a range of other issues such as fair and accessible services for Aboriginal and Torres Strait Islander prisoners, promotion of cultural programs and activities and the importance of Aboriginal and Torres Strait Islander Official Visitors.

Vulnerable prisoners

The prison population in Queensland is not representative of the broader community. Particular sub-groups contain an over-representation of vulnerable segments of the general population, including Aboriginal and Torres Strait Islander people, women, and people with mental health problems and cognitive disability. This combines with other socio-economic disadvantage and health problems to mean that the prison population is comprised of the most vulnerable and marginalised members of the community. Put another way, those sent to prison are more likely to be disadvantaged in one or more ways and those already disadvantaged groups are becoming increasingly likely to be imprisoned.⁹

The Standards recognise the vulnerability and specific needs of prisoners who are deprived of their liberty and the importance of a trauma-informed operating philosophy. Specific standards address the needs of vulnerable prisoners who are victims of abuse and trauma, at risk of suicide or self-harm, or who have mental health issues or substance abuse problems. Specific categories of standards have also been included for women, culturally and linguistically diverse prisoners, transgender prisoners, gender diverse prisoners, intersex prisoners, older prisoners and prisoners with a disability.

9 A Mackay, *Towards Human Rights Compliance in Australian Prisons*, ANU Press, Canberra, 2020.

How the Standards were prepared

The Standards were based on those of well-established independent inspectors in other Australian states and territories, in particular the Western Australian *Revised Code of Inspection Standards for Adult Custodial Services*. Consideration was also given to the *ACT Standards for Adult Correctional Services*, the *Inspection Standards for Adult Custodial Services in New South Wales* and the *Inspection Standards for Adult Custodial Centres in Tasmania*. The Inspector of Detention Services acknowledges the expertise and experience of inspection agencies in other jurisdictions and their assistance in developing these standards.

The Queensland Standards are informed by the IDS Act, relevant Queensland legislation relating to prisoners, the human rights of prisoners as outlined in the Human Rights Act and relevant international rules that establish best practice.

International, national and local sources and legislation also informed the preparation of these Standards and are listed in the Abbreviations of supporting references.

Consultation was also undertaken with detention service providers, some Queensland government agencies, including those with oversight of prisoners in places of detention in Queensland, and community organisations.

Ongoing review of the Standards

The Standards will be reviewed regularly to remain contemporaneous and relevant to the changing needs of prisoners in Queensland. Reviews will involve keeping up to date with emerging local, national and international resources, rules and legislation as well as feedback from government and non-government stakeholders. They will also incorporate any developments in Queensland in relation to the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Australia in December 2017.

Abbreviations of supporting references

Term	Meaning
AS 10002:2022	AS 10002:2022 Guidelines for complaint management in organizations
Bangkok Rules	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (2010)
BPP	Body of Principles for the Protection of Persons Under Any Form of Detention or Imprisonment – Universal Instrument (1988)
BPT	Basic Principles for the Treatment of Prisoners- Universal Instrument (1990)
CCA	<i>Crime and Corruption Act 2001</i>
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2011)
CSA	<i>Corrective Services Act 2006</i>
CSR	<i>Corrective Services Regulation 2017</i>
EPR	Recommendation Rec(2006)2 of the Committee of Ministers to member States on the European Prison Rules
GP	Guiding Principles for Corrections in Australia (2018)
HOA	<i>Health Ombudsman Act 2013</i>
HRA	<i>Human Rights Act 2019</i>
ICCPR	International Covenant on Civil and Political Rights 1976
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination 1969
IPA	<i>Information Privacy Act 2009</i>
Mandela Rules	United Nations Standard Minimum Rules for the Treatment of Prisoners (2015)
OA	<i>Ombudsman Act 2001</i>
Basic Principles on the Use of Force and Firearms	United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)
PIDA	<i>Public Interest Disclosure Act 2010</i>
PSA	<i>Public Sector Act 2022</i>
QCS	Queensland Corrective Services- the government department that administers adult correctional services in Queensland.
RCIADIC	Royal Commission into Aboriginal Deaths in Custody (1991) [references are to recommendations]
RTI	<i>Right to Information Act 2009</i>
SHSAP	RACGP: Standards for Health Services in Australian Prisons, 2nd ed, 2023
SGPFANZ	Standard Guidelines for Prison Facilities in Australia and New Zealand 1990
TGPP	United Nations Office for Project Services Technical Guidance for Prison Planning 2016

Term	Meaning
Istanbul Statement	The Istanbul Statement on the Use and Effects of Solitary Confinement (2007)
UDHR	Universal Declaration of Human Rights 1948
UNBOP	United Nations, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1998)
UNBPRL	United Nations, Basic Principles on the Role of Lawyers (1990)
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities (2007)
Yogyakarta Principles	The Yogyakarta Principles, Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007)
Yogyakarta Principles plus 10	The Yogyakarta Principles plus 10: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles (2017)

Glossary

Term	Meaning
Community Corrections	A division of Queensland Corrective Services (QCS) that oversees people on probation and parole.
Inspector	Queensland Ombudsman and Inspector of Detention Services.
Official Visitor	Section 290 of the Corrective Services Act outlines the functions of the Official Visitor in investigating prisoner complaints. In Queensland, Official Visitors are independent of QCS; however, QCS administers the scheme.
older prisoner	Adults in prison aged 50 and over.
peer support	These are identified positions which employ prisoners to undertake particular duties within the prison. However, the term may also be used to refer to informal arrangements with prisoners who undertake to support other prisoners but may not receive remuneration.
protection	This term can refer to both the status of a prisoner (a protection prisoner) and a place (a prisoner may be assigned to a protection unit).
staff	Any relevant staff at the prison, whether employed by Queensland Corrective Services or a Hospital and Health Service.
strip search	The Corrective Services Act references the removal of clothing where a prisoner is partially clothed during the search, and no direct contact is made with the prisoner.
What works principles	This is a body of work aimed at identifying how best to address criminal behaviour based on individual: <ul style="list-style-type: none"> • risks – criminal behaviour can be predicted and treatment should focus on higher risk prisoners, • needs – identify the criminogenic needs to be treated, and • responsivity – how the treatment should be provided.
young prisoner	Adults in prison aged 18–24.

Inspection standards for Queensland prisons

These Standards are underpinned by the following basic principles:¹⁰

- All prisoners are treated with respect for their inherent dignity and value as human beings.
- No prisoner is subjected to, and all prisoners are protected from, torture and other cruel, inhuman or degrading treatment or punishment.
- Prisoners identified as victims of torture or other cruel, inhuman or degrading treatment or punishment are supported to address their specific needs and seek redress if they wish to do so.
- Every person in prison is safe and secure, including prisoners, staff, service providers and visitors.
- Prisoners are not discriminated against on the grounds of race, colour, gender, gender identity, intersex status, sexuality, disability, language, religion, political opinion, national or social origin, property, birth or any other status.
- Prisoners' individual needs are catered for without discrimination, with particular focus on the most vulnerable cohorts of the population.
- All activities in prison are underpinned by the principle that people are sent to prison as punishment, not for punishment.
- Prisoners can access appropriate rehabilitation and reintegration activities, programs and services to support their release.
- Prisons promote personal responsibility, self-respect and self-dignity, minimising the differences between life in custody and life at liberty.
- Throughout these Standards, a reference to 'prisoner' denotes any adult held in a Queensland prison, regardless of their status as sentenced, on remand or appealing their sentence, unless it is specifically cited.

¹⁰ GP 2.11
HRA 2019 s17, 20, 27, 28, 29, 30, 32, 36, 37.
Mandela Rules 1, 2, 3, 4, 5, 34

Standards for all prisoners

These standards recognise the vulnerability and specific needs of people who are deprived of their liberty, and the importance of ensuring the humane treatment of all prisoners. These Standards apply to all prisoners who are detained in a prison.

Early days in custody

Reception and admission

Standard

1

The admission and reception of a prisoner triggers the gathering of all relevant previous information and the generation of new information necessary to effectively manage the individual needs and risk of each prisoner.

Indicators

- Information about the prisoner provided by the Queensland Police Service to prison staff, at the time of arrival at the prison, and any resulting action taken in response is documented.
- Each prison that receives and admits a prisoner has access to all relevant custodial risk assessment and management information on that person, including any relevant health and disability related information to ensure prison staff can make informed and appropriate arrangements for the management of the prisoner.
- Regular liaison takes place with Youth Justice Services about young people who are transferring to a prison from a youth detention centre.
- All relevant information about the young person is transferred between the youth detention centre and the prison to ensure continuity of care.
- Prior to admitting a prisoner, prison staff inspect the warrant or other authority for the detention, to ensure there is a proper legal basis for holding the prisoner.
- The prison establishes a record of each prisoner's details, including the authority to hold the prisoner, identification details, physical characteristics, religious and dietary requirements.

CSA 9, 10; EPR 14, 15.1, 16; GP 1.1.1, 1.5.1, 1.5.5, 3.1.1; Mandela Rules 7, 8, 9

Standard

2

Prisoners are safe and treated with respect on arrival and during the initial period of detention. Risks are identified and prisoners are supported according to individual needs.

Indicators

- Prisoners are treated with decency and respect during the admission and reception process.
- Reception is a welcoming and supportive environment that reduces the anxiety of admission.
- Newly arrived prisoners' needs are promptly assessed to ensure their immediate and ongoing safety, particularly regarding their risk of self-harm and suicide.
- Staff understand the potential impact on a young person's mental health of their transfer from a youth detention centre to an adult prison and provide appropriate support.
- Staff collect all relevant information from prisoners to identify and effectively manage their needs and risks.
- The prison checks for outstanding fines or warrants and advises prisoners of the options available to address them.
- Interviews safeguard the prisoner's privacy, and only relevant information is given to unit staff.
- Prisoners know their rights and responsibilities while in prison.
- Information is conveyed to prisoners in a language and format they understand.
- Accommodation is clean and hygienic. Prisoners receive basic equipment and supplies and can shower on their first night.
- Prisoners know how to access help and support from staff, family and peer supports.
- Peer supports are used effectively in reception and during first night arrangements.
- New prisoners are placed separately from the general population during admission and orientation.
- Regular welfare checks are carried out on new arrivals.
- Staff are appropriately trained, and can manage those who are anxious, distressed or uncooperative.

BPP 1; BPT 1; Bangkok Rules 2(1); CSA 10; EPR 15.2, 16 (c)- (d), 19.2, 30.1, 52; GP 1.2.2, 1.5.1, 2.2.1, 2.2.2, 2.3.3, 2.3.7, 3.4.1; Mandela Rules 1

Standard**3****Newly admitted prisoners can immediately inform their families and gain access to services to resolve any family, domestic and economic issues.****Indicators**

- Prisoners can inform their families of their imprisonment as part of the admission process. A free telephone call is given, and additional support is provided to those without external support. If contact cannot be made, repeated efforts are allowed until notification is successful.
- Aboriginal and Torres Strait Islander prisoners from remote communities are given special help to contact family and community.
- Consular and diplomatic representative support is obtained, where required.
- Prisoners can immediately access services for the welfare of their children, next of kin, other dependents and pets.
- Prisoners can immediately access services to resolve any banking, property and business issues.
- Prisoners isolated for health-related reasons, such as a response to a localised outbreak or wider pandemics such as COVID-19, are provided with the opportunity to access diverse forms of communication to maintain contact with external supports.

CSA 50(1); EPR 15.3, 24.8, 24.9, 37.1; GP 2.2.3, 2.3.5; Mandela Rules 62, 68

Health screening on reception**Standard****4****Prisoners receive an appropriate initial health and psychological assessment to identify any immediate health problems, needs or risks, with follow-up assessments arranged to address any issues.****Indicators**

- Health screening is conducted by appropriately qualified health staff including, where necessary, mental health professionals and Aboriginal and Torres Strait Islander health workers.
- Prisoners are screened for previously identified or diagnosed disability and staff determine whether further assessment or diagnosis is required. Further assessments by an appropriate professional are arranged.
- Where disability is identified, reasonable adjustments are made and, where relevant, the information is incorporated into any management plans.
- After screening has been conducted, a prisoner has access to all the support and treatment they need. Qualified health staff advise the appropriate prison staff as soon as possible where a prisoner's life or health is at risk.
- Prisoners identified as being at risk of self-harm or suicide on reception are housed in a safe environment and reviewed daily.
- All prisoners are offered an appointment with a general practitioner within 28 days of entering custody. Those with urgent health needs are prioritised.
- Prisoners already taking essential medication on arrival are medically assessed to ensure continuity of treatment.

- Health staff seek to obtain a comprehensive medical history. This may include obtaining a prisoner’s medical records or related information from previous incarceration, hospital or health centre admissions, and support services. Efforts are made to seek informed consent from the prisoner for these records to be shared.
- Prisoners are respected. They know their right to privacy and confidentiality is safeguarded.
- Accredited interpreters are used, where necessary, to ensure prisoners and staff fully understand the information sought and provided.
- Prisoners know the results of their health screening, including the detection of any illness or medical condition.
- If health screening is not immediately possible, prison management ensures the prisoner’s safety until their health status is known.
- Prisoners are informed about how to make an appointment for future treatment or assessment.

Bangkok Rules 6; **EPR** 15.1(e), 15.1(f), 16(a), 38.3, 42.1; **GP** 2.2.4, 2.3.7, 3.1.7, 4.1.8, 4.1.15; **Mandela Rules** 5(2), 30, 80.2; **RCIADIC** 154(c)

Orientation

Standard

5

Prisoners receive a prompt, effective and supportive orientation to understand life in prison, including their rights and obligations.

Indicators

- Prisoners promptly receive comprehensive information about their rights and responsibilities, the prison rules, daily regime and services available. This information is provided to them in a language and format they understand, including but not limited to Auslan, braille, Easy English, assistive technology and interpreting services.
- Prisoners know their entitlements and obligations, including those outlined in administrative directions and procedures. This includes knowledge of possible outcomes of non-compliance so they can make informed choices.
- Staff are respectful and encourage prisoners to confirm their understanding of information during orientation and after they have settled in.
- Peer supports are used effectively during orientation.
- Prisoners know how to access support mechanisms including counselling services, peer support and are advised how to seek assistance from visiting agencies.
- Prisoners know how to contact their families and are aware that their personal mail and telephone calls are monitored.
- Prisoners know of internal and external complaints mechanisms and how to use them, including their right to communicate confidentially with relevant authorities.
- Prisons distribute information to remind prisoners of the internal complaints process and ways in which they can seek protection from repercussions during the period of their imprisonment.
- Up-to-date orientation information is prominently displayed around the prison.

CSA 11; **EPR** 15.2, 30.1; **GP** 2.3.7, 4.2.7; **Mandela Rules** 54, 55

Remand prisoners

Standard

6

The prison regime for remand prisoners reflects that they have been charged with, but not convicted of, an offence.

Indicators

- While not a requirement, unconvicted prisoners can, and are encouraged to, join in work, education and programs offered at the prison.
- Unconvicted prisoners can undertake reasonable activity to maintain external interests, such as maintaining accommodation, education and employment.

CSA 371; **EPR** 95.1 95.3, 100.1, 101; **GP** 5.1.8, 5.1.13, 5.2.1; **Mandela Rules** 111, 116

Standard

7

Remand prisoners who are granted bail are provided with information about their conditions.

Indicators

- Staff review court paperwork to ensure that prisoners are held in accordance with their court orders.
- Remand prisoners are given unrestricted access to legal representatives and/or legal support services.
- Prisoners can access information and support to apply for bail and find bail accommodation.
- Prisoners being released from prison on bail are given information regarding support services to assist them to meet bail conditions. Prisoners who are released on bail are immediately provided with their identification, legal documents, monies, property and medication.
- Remand prisoners are released with access to accommodation and money for food.
- The prison ensures these prisoners have the means to safely reach their homes, particularly Aboriginal and Torres Strait Islander prisoners from remote communities which are not serviced by public transport.

EPR 98.1, 98.2; **GP** 2.3.5; **Mandela Rules** 119, 120; **RCIADIC** 89-91

Standard

8

The management and care of remand prisoners acknowledges and minimises the stress and uncertainties they face.

Indicators

- Conditions of imprisonment for remand prisoners are not less than those of sentenced prisoners.
- Security assessments are promptly completed for remand prisoners to manage them at the lowest level of security consistent with their risk.
- Remand prisoners are allocated a single cell unless they request to share a cell with another prisoner. These requests are appropriately documented.
- Remand prisoners are managed separately from sentenced prisoners. They are not placed in contact with sentenced prisoners unless they indicate, in writing, that they have no objection.
- If remand and sentenced prisoners are unavoidably accommodated in the same cell, regular assessment occurs to prevent bullying.
- First-time prisoners are given information concerning their initial days in custody, and how they can obtain further information about their legal case or prison circumstances.
- Special regimes for the first nights and days in custody ensure remand prisoners' safety and wellbeing.
- In addition to legal visits, remand prisoners can receive personal visits every day.
- The prison assists remand prisoners to resolve any urgent matters arising from their transition to prison.
- Remand prisoners have opportunities to address drug and alcohol issues, develop cognitive skills, and access personal development and life skills programs.
- Prisoners remanded for more than six months are case managed. Conditions of their continued custody are regularly reviewed.

EPR 18.8(a), 96, 99, 101; **GP** 2.3.9, 3.1.3, 3.3.3, 4.1.11, 5.1.8; **ICCPR** 10(2)(a); **Mandela Rules** 11(b), 111, 112, 113, 118

Duty of care

Access to legal representatives and resources, and attendance at court

Standard

9

Prisoners have confidential access to legal representatives and resources.

Indicators

- Prisoners are given help to find a legal representative if they do not have one.
- Contact with legal representatives is confidential and can occur face-to-face, or by telephone, mail, email and/or audio-visual link. It may occur as often as is required.
- Prisoners receive adequate opportunity, time and facilities to communicate with a legal advisor of their choice (or a legal aid provider) on any legal matter. Such communication, whether by telephone, in person or in writing, is to occur in complete confidentiality, without delay, interception or censorship.
- Aboriginal and Torres Strait Islander prisoners are entitled to receive periodic visits from representatives of an Aboriginal and Torres Strait Islander legal service.
- Prisons provide prisoners with the means to send protected mail to legal or otherwise accredited representatives.
- Legally privileged correspondence is not opened by prison staff unless authorised by law.
- Prison staff do not read, listen to or record any communication between a prisoner and their legal representative. This applies to written correspondence, in-person visits, telephone calls and electronic communication.
- Prisoners can access up-to-date legal resources and copies of the *Corrective Services Act 2006*, *Corrective Services Regulation 2017*, *Penalties and Sentences Act 1992*, *Human Rights Act 2019*, *Inspector of Detention Services Act 2022*, and other relevant legislation, rules and policy documents relating to the management, rights and entitlements of prisoners.

EPR 23.1, 23.2, 23.3, 23.4, 23.6, 98.1, 98.2; **GP** 2.3.5, 2.3.6, 2.3.7; **Mandela Rules** 61, 119.2, 120; **UNBOP** 17, 18; **UNBPRL** 1, 5, 6, 8

Standard**10****The prison assists prisoners to prepare for their court appearance.****Indicators**

- Prisoners have adequate time and facilities to prepare their defence.
- A computer and printer are available to prepare legal correspondence and documents.
- The prison provides assistance to legal representatives and prisoners via electronic means to support prisoners to meet legal requirements.
- Where a prisoner has poor literacy, or presents with intellectual or cognitive disabilities, they are provided with greater support to access legal representatives.
- Facilities are available for legal representatives to review digital evidence with prisoners.
- Remand prisoners can wear their own clean and pressed clothing when appearing in court.
- Prisoners attending court receive meals at normal times or, if this is not possible, before their appearance.
- The prison facilitates video court appearances, maximising the use of technology and reducing the unnecessary transport of prisoners without impinging on their right to appear in person.

EPR 20.4, 23.1, 23.4, 23.6, 97.1, 97.2, 98.1, 98.2; **GP** 2.3.5, 2.3.7; **Mandela Rules** 19.3, 20, 61, 115, 119.2, 120

Bullying and violence reduction**Standard****11****The prison environment is one where bullying, harassment, intimidation and racism is not tolerated.****Indicators**

- The prison actively implements and promotes a zero-tolerance policy of bullying, harassment, intimidation and racism.
- Prison staff must be trained to detect, prevent and effectively respond to these behaviours.
- Steps are taken to identify the perpetrators of bullying, harassing, intimidating or racist behaviour. The prison promptly investigates such allegations, as well as those of abuse or violence, and responds where required.
- If bullying, harassment, intimidation and racism is alleged or suspected, prompt action is taken to protect the prisoner and prevent retaliation.
- Alleged victims are not discriminated against or experience reprisal in any way due to their reporting of, or acting against, bullying, racism, abuse or violence.
- Victims of bullying, racism, abuse or violence are offered appropriate support.
- Perpetrators of violence and antisocial behaviour are supported to change their behaviour.

Bangkok Rules 7.3; **EPR** 52.2; **GP** 1.2.2, 3.1.3, 3.1.8; **Istanbul Statement**

Standard

12 The prison works to prevent radicalisation and violent extremism from being organised or supported by any prisoner.

Indicators

- Prison staff are trained to identify radicalisation and violent extremism.
- The prison provides opportunities for de-radicalising extremists.

EPR 52.2; GP 1.2.1, 2.3.5, 3.2.8, 3.2.9; ICERD 7

Victims of abuse or trauma**Standard**

13 Prisoners identified as victims of abuse or trauma experienced prior to coming into prison or during their imprisonment, receive appropriate interventions and support and can seek redress if they wish to do so.

Indicators

- Prisoners can be identified as victims of ill-treatment, abuse or trauma at any time during custody.
- Disclosures or evidence of abuse or trauma are handled sensitively and professionally by trained staff.
- The centre keeps comprehensive and accurate records and chain of evidence procedures are followed.
- Prisoners who have been ill-treated or abused are adequately supported by gender-specific and culturally appropriate services, including health services, counselling and programs.
- Prisoners who have been ill-treated or abused can access legal representation and information about their rights.

Bangkok Rules 7.1, 7.2, 25.1, 25.2; EPR 25.4; GP 3.1.8; Mandela Rules 30(b)

At-risk prisoners**Standard**

14 Prisoners at risk of self-harm or suicide are treated with dignity and respect.

Indicators

- Appropriate structural mechanisms are in place to promptly identify and respond to at-risk prisoners.
- Multidisciplinary intervention is available.
- At-risk prisoners can access support and counselling services to meet their needs.
- Risk factors, historical information and cultural factors are considered in assessing and responding to self-harm and suicide.

- At-risk prisoners are held under the least restrictive regime based on their assessed risk, needs, health and wellbeing.
- Staff can identify prisoners exhibiting signs of crisis and are adequately trained to manage those prisoners.
- Prisoners who are pregnant, breastfeeding and/or have resident children are not placed in solitary confinement to address at-risk concerns if there are less restrictive alternatives available.
- Where there are no such alternatives, the placement of these prisoners in solitary confinement must involve consultation with a senior psychologist and must be approved by the highest levels of prison management.
- If at-risk prisoners are to be accommodated in shared cells, a risk assessment must be completed and must take into account the human rights of both the at-risk prisoner and the prisoner they are to be accommodated with.

Bangkok Rules 22; EPR 43.2, 47.2; GP 3.1.6, 3.1.7

Protection

Standard

15

Prisoners who seek protection are identified and safely managed to prevent harm, abuse or neglect.

Indicators

- Prisoners can apply for protection status and be placed in protection.
- A prisoner requesting protection is held separately from other prisoners until an assessment and determination is made.
- If harm or abuse is alleged or suspected, prompt action is taken to protect the prisoner and to investigate.
- Protection prisoners are placed in a safe and secure environment within the prison.
- Protection prisoners have equal access to all services and activities available to other prisoners.
- Staff working with protection prisoners are trained to recognise signs of harm, abuse or bullying.
- Protection status is regularly reviewed with the view to returning the prisoner to a standard regime as soon as possible.
- Reviews include consulting with the prisoner and collaboratively establishing the source of the threat.
- Prisoners can seek a review of their placement in protection.
- Prisoners requesting to leave protection are placed on safety orders and remain separated from other prisoners until assessed as appropriate.

EPR 47.2; GP 3.1.6, 3.1.7

Solitary confinement and separation of prisoners

Separating a prisoner from the general prison population can result in serious psychological harm to the prisoner, especially if they are vulnerable or are to be separated for a prolonged period of time.

There is also a risk that prisoners who are separated may have no access or reduced access to services that others on a standard prison regime receive, such as programs, education opportunities, employment, recreation and cultural activities.

In Queensland prisons, prisoners are separated from other prisoners in various locations such as detention units, maximum security units, medical units and their own cells. While separation may be for a short time, it can also continue for very long periods.

Due to the risk of harm and mistreatment, the way in which this practice is carried out is a key focus area for achieving the purpose of the Inspector of Detention Services Act.

Solitary confinement and separation

In Australia, the practice of separating prisoners from the general prison population is referred to in various ways such as solitary confinement, segregation, separation and isolation.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) uses the terms ‘separation’ and ‘solitary confinement’. Rule 44 describes solitary confinement as the confinement of prisoners for 22 hours or more a day, without meaningful human contact. The Standards for the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment define solitary confinement as ‘whenever a prisoner is ordered to be held separately from other prisoners’.

In these standards, we use the terms ‘solitary confinement’ or ‘separation’ interchangeably to refer generally to the separation of a prisoner from other prisoners.

Corrective Services Act

Under the Corrective Services Act, prisoners may be separated from other prisoners in three specific circumstances:

- A breach of discipline where the period of separate confinement must not be more than seven days.
- Through a safety order where there is a risk the prisoner may harm themselves, another, or may be harmed. In addition, separation under a safety order can occur when it is necessary for the security or good order of the prison. While an initial safety order must not be longer than one-month, consecutive safety orders can be made, which have the effect of extending a prisoner’s total period of separation from the rest of the prison population.
- Placing a prisoner on a maximum security order for a period no longer than six months. However, consecutive orders can be made, further extending the period of separation from the rest of the prison population. Such orders are made where there is a risk of the prisoner:
 - escaping
 - killing or seriously injuring others
 - posing a substantial threat to the security or good order of the prison.

The Corrective Services Act and the Corrective Services Regulation also contain specific information about the conditions of separate confinement, the criteria for making initial orders and consecutive orders, arrangements for due process and review, and health examinations.

Standards

These standards require strict compliance with domestic legislation including the Corrective Services Act and the Corrective Services Regulation. In addition, the standards incorporate rules set out in international instruments such as the Mandela Rules and the United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules).

Standard**16****Prison staff consider and strictly comply with the requirements of domestic legislation relevant to separation.****Indicators**

- All decisions to separate prisoners are authorised under the Corrective Services Act.
- Staff implement all requirements of the Corrective Services Act and Corrective Services Regulation in relation to safety orders, maximum security orders and separate confinement.
- The decision to separate a prisoner is made by the delegated officer as outlined in legislation, and the officer level of approval increases the longer the separation continues. As required by the Human Rights Act, proper consideration is given to prisoners' human rights when making decisions about safety orders, maximum security orders and separate confinement. The need for detailed consideration of human rights becomes more acute as the cumulative period of separation increases.
- Prisoners are supported to make a submission to a decision-maker when a consecutive safety order or maximum security order is being considered, and their submission is given proper consideration.
- Prisoners are supported to seek a review of separation orders from an Official Visitor in accordance with applicable legislation. Staff must support the conduct of the review and the decision-maker must give proper consideration to review recommendations.
- Staff keep comprehensive records of all decisions and actions taken in relation to the separation of prisoners.

CSA 56; CSR 4; CPT 56; EPR 53, 53A, 70; GP 2.3.5, 3.1.3, 3.3.5, 3.3.6, 3.3.7; HRA 13(2); Istanbul Statement; Mandela Rules 45, 46

Standard**17****Prisoners are separated only in accordance with the limited grounds prescribed by law, as a last resort, and where there is a demonstrated need to do so. The separation must be carried out in the least restrictive way and for the shortest possible time.****Indicators**

- Safety orders and maximum security orders are never used for disciplinary purposes.
- When deciding to separate a prisoner, staff consider any relevant and known disabilities, cultural considerations and the likely impact of separate accommodation on the health and wellbeing of the prisoner.
- Consultation with health care professionals occurs before prisoners with mental, physical or cognitive disabilities are separated from other prisoners, except in exceptional circumstances where there is a real, immediate risk of harm to the prisoner or others. Where the consultation cannot occur prior to the separation, it takes place within 48 hours of the separation occurring.
- Safety orders and maximum security orders are not indefinite and are not used as a long-term management strategy.

- Staff promptly inform prisoners of a decision to accommodate them separately from other prisoners, explaining the reasons for the separation, the period of separation and the review options. The information is communicated in a manner that meets the communication needs of the prisoner.
- Prisoners who are separated retain all their entitlements including the right to access sufficient food and drink, use the bathroom, seek and receive medical attention and medication, contact their legal representative, receive visits, and access complaint and oversight mechanisms.
- Health professionals regularly visit prisoners who are separated and must advise if the termination or alteration of the separation is necessary on the grounds of the prisoner's physical or mental health or disability.
- Staff regularly review a decision to place a prisoner on a safety order or a maximum security order. These orders are revoked as soon as there are reasonable grounds for the belief that separation is no longer necessary or prudent.
- Safety orders and maximum security orders are reviewed prior to a prisoner being transferred to another prison.

CPT 56(b), 63; **CSA** 56, 60; **CSR** 4; **EPR** 43.2, 43.3, 43.4; **GP** 1.1.4, 3.2.9, 3.3.6, 3.3.7, 3.3.8, 3.3.9; **HRA** 13(2); **Istanbul Statement: Mandela Rules** 33, 37(c), 43, 44, 45, 46

Standard

18

Where a prisoner is separated from other prisoners, they are treated with respect and dignity, and have meaningful opportunities to leave the unit, associate with other prisoners and earn privileges.

Indicators

- Prisoners' individual needs, including mental health and disability related needs, sentence management and program needs continue to be met notwithstanding their separation from other prisoners.
- Staff review prisoners daily to ensure their health care needs are met in a timely manner.
- Prisoners who are separated should never be denied access to medical attention or any existing schedule of medication.
- Care is taken to reduce the risk of self-harm and suicide of separated prisoners, including through effective monitoring and dynamic security measures. Staff also aim to ensure the environment and regime is the least restrictive in the circumstances.
- Staff who monitor separated prisoners are appropriately trained and supported to recognise mental health and disability related issues, distress or signs of decline that can be inherent in situations of social isolation. Staff have strategies to mitigate the effects of isolation on prisoners and escalate their concerns where appropriate.
- Staff responsible for solitary confinement regimes, including movement control, are specifically trained on the requirements and rotated at appropriate intervals to manage stress and security issues.
- Prisoners are afforded access to as comprehensive a range of activities, facilities and programs as possible.
- Prisoners are provided with opportunities for work and other constructive activities such as education and recreation.
- Separated prisoners have meaningful daily conversations with various staff, for example, prison staff and managers, health practitioners and Cultural Liaison Officers.

- Prisoners who are separated can exercise in open and fresh air for at least two daylight hours every day in a space large enough to enable meaningful exercise (at least 4 m² per person). Exercise areas are adequately covered to provide shelter from wet or hot weather.
- Prisoners can exercise outside their cells without being subjected to invasive security measures, for example strip searching.
- Safety orders and maximum security orders are not used as management solutions for the placement of prisoners with mental health issues or disability. Multidisciplinary case management reviews with qualified staff, including health staff, are regularly held for prisoners who are subject to a maximum security order or safety order of more than 14 days.

CPT 58, 61(b); **CSA** 56, 60; **CSR** 4; **EPR** 43.2, 43.4; **GP** 3.1.3, 3.1.4, 3.2.9, 3.3.5, 3.3.6, 3.3.7; **Istanbul Statement**; **Mandela Rules** 43, 44, 45, 46

Standard

19 **There is reduced reliance on solitary confinement and separation as a management tool over time.**

Indicators

- The number of safety orders and maximum security orders used for a prisoner reduces over time.
- The average length of solitary confinement reduces over time.
- Genuine attempts at developing and implementing pathways to reintegration into the general prison population are developed for prisoners on consecutive safety orders and maximum security orders.

GP 1.1.4, 3.2.9, 3.3.5, 3.3.8, 3.3.9; **Mandela Rules** 37(c), 43, 44, 45

Accommodation

Standard

20 **Prisoners are accommodated in single cell accommodation unless they request to share a cell with another prisoner.**

Indicators

- Prisoners are allocated a single cell unless they request to share a cell with a specific prisoner. It may also be identified through health or cultural advice that sharing a cell with a specific prisoner would be beneficial to the wellbeing of both prisoners. Both processes must be documented accurately.
- Formal risk assessments occur prior to the allocation of prisoners to shared cells and are regularly reviewed.
- Formal risk assessments and reviews include consulting the prisoners involved and are documented accurately.
- In circumstances where prisoners are considered suitable to share a cell, efforts are made to avoid bunk bed accommodation where possible.

- Where there is no alternative to bunk bed accommodation, prison staff determine suitability for the top bunk by, for example, assessing a prisoner's mobility to readily access the top bunk.
- Staff promptly respond to emergency cell calls.
- Cell observation panels are not obstructed.
- Cell sizes meet or exceed the Standard Guideline for Prison Facilities in Australia and New Zealand 1990, which stipulates the minimum size for a single-person cell as 8.75 m² and 12.75 m² for a two-person cell.

EPR 18.5, 18.6, 18.7; **GP** 2.1.2, 3.3.2; **Mandela Rules** 12.1; **SGPFANZ** - 6.0 cells, p.31

Standard

21 **Aboriginal and Torres Strait Islander prisoners are placed in an accommodation environment that considers their risks and individual needs.**

Indicators

- Aboriginal and Torres Strait Islander prisoners are afforded the opportunity to be accommodated in family, community or language groups to provide a supportive environment.
- Aboriginal and Torres Strait Islander prisoners are given the option to share a cell, preferably with another First Nations person (with their agreement), in a unit with Aboriginal and Torres Strait Islander prisoners. The request and agreement must be recorded accurately.

Mandela Rules 12; **RCIADIC** 144, 173

Transfers

Standard

22 **Prisoners who are transferred between prisons are well prepared and supported.**

Indicators

- Prisoners are not transferred between prisons as a disciplinary measure.
- Decisions to transfer prisoners are recorded and consider the removal of the prisoners from their community and supports. These decisions document human rights considerations and are authorised by the appropriate delegate.
- A prisoner's preferences are taken into account when determining the prison to which they are to be transferred.
- Prisoners are informed of their right to request a reconsideration of the decision in accordance with the Corrective Services Act.
- If a prisoner is transferred during a self-harm episode, all information is provided to the receiving prison to ensure continuity of care.
- A prisoner's property is transferred with them.
- A prisoner's request to transfer interstate must comply with the requirements set out in the *Prisoners (Interstate Transfer Act) 1982*.

CSA 389; **EPR** 58, 96, 97, 98, 99; **GP** 2.2.3, 2.2.4; **Mandela Rules** 68

Requests and complaints

Standard

23 There are mechanisms in place for consulting with prisoners about matters which affect them.

Indicators

- Each prison has a staff-prisoner forum at which prisoners can draw attention to issues of concern before they become the source of complaints.
- Management at the centre address any matters raised at a staff-prisoner forum as appropriate and give prisoners timely feedback.
- These forums, and other means of consultation, are accessible to all who wish to participate by ensuring the provision of information in a language and format they understand.
- The selection of prisoners to take part in forums is fair and transparent.

EPR 50, 70; GP 1.3.1; Mandela Rules 8(d), 56.1, 56.3, 56.4, 57

Standard

24 Prisons and health service providers have effective, transparent and confidential complaint processes in place for prisoners and staff.

Indicators

- The prison and its service providers have effective complaints-handling policies and procedures which outline roles and responsibilities, approaches to dealing with different types of complaints, and obligations to act and report.
- Prisoners know how to make requests and complaints. They can access information about procedures in a language and format they understand.
- Prisoners do not have to make repeated requests for services they should be able to access or receive on a regular basis.
- Staff and prisoners are encouraged to resolve requests at the lowest level first, before making a formal written request or complaint.
- Information about complaints policies is reinforced through notices and posters displayed throughout the prison in a range of formats. The information is readily available to staff, visitors and other interested parties as appropriate.
- Complaint processes are equally accessible, including to those with low-level literacy, cultural and/or linguistic barriers.
- Hard copy forms are easily accessible when needed.
- Requests and complaints can be lodged confidentially.
- If required, prisoners receive help to make requests and complaints, including assistance from an accredited interpreter.
- All complaints are dealt with fairly and promptly, considering individual circumstances.
- Investigations of complaints are planned, fair, proportionate and thorough, with findings supported by the available evidence.

- Investigations of issues, incidents and allegations are undertaken quickly and thoroughly by an appropriately qualified and unbiased officer.
- Culturally appropriate mediation services are available.
- Complaints about health care provision and treatment are managed separately from other complaints.
- Responses to requests and complaints address the issues raised and are prompt, easy to understand, comprehensive and respectful.
- All complaints (including those resolved at the lowest level) are reported, recorded and reviewed.
- Full and accurate records of all complaints are kept and stored in a secure location and are only accessible by authorised staff.
- Full and accurate records of staff misconduct (including associated evidence) are maintained to support decisions.
- Complaint outcomes are used to provide feedback to staff on their actions, highlight training needs or updates to procedures.
- An effective monitoring system is in place to analyse complaints, identify patterns and trends and make any necessary changes.
- Official Visitors regularly visit the prison and are available and accessible. Prisoners know how to contact an Official Visitor.
- Prisoners can access an Official Visitor who identifies as an Aboriginal or Torres Strait Islander person.
- Prisoners are made aware of the people or agencies they can speak to if they have concerns about their care and custody in a prison, such as the Office of the Queensland Ombudsman, the Office of the Health Ombudsman, the Queensland Human Rights Commission, the Crime and Corruption Commission and the Aboriginal and Torres Strait Islander Legal Service (ATSILS).
- Making a complaint or representation to an external agency with a mandate to respond to that complaint is simple and confidential. Correspondence to and from the external agency is not opened by prison staff.
- The prison responds promptly to external authorities' complaint investigations and recommendations.

AS 10002:2022; CCA 36; CSA 286, 289, 290; EPR 38.3, 70; GP 1.3.1, 1.3.2, 1.3.3, 2.3.7; HOA 13; HRA 64.65; CSA 286, 289, 290; RCIADIC 176; Mandela Rules 8(d), 56.1, 56.3, 56.4, 57, 80.2; OA 20; PSA 264; RCIADIC 176

Standard**25****Prisoners can make requests and lodge complaints without being victimised and can appeal decisions easily.****Indicators**

- Prisoners are not victimised or disadvantaged for making complaints.
- Prisoners are not prevented from using the official complaints procedures.
- Prisoners are not encouraged to withdraw complaints.
- Complaints about staff are investigated by an appropriately senior and independent person.
- People making complaints against staff or other prisoners are protected from possible recrimination.
- Complaints are escalated if a prisoner believes they have, or the complaint has, been treated unfairly or unreasonably.
- Prisoners know how to appeal decisions internally and through an independent authority.
- Prisoners have access to recognised external organisations offering support in pursuing a complaint.
- The prison has distinctly marked envelopes and special post boxes for prisoners to send confidential mail to appropriate authorities. Envelopes and post boxes are discreetly located away from the direct view of staff.
- If requested, prisoners receive help to pursue complaints beyond the prison with external complaint bodies, legal advisors or making direct applications to the courts.
- Post boxes are regularly emptied and mail is forwarded without unnecessary delay.

AS 10002:2022; EPR 70, 72.3; GP 1.3.1, 1.3.2, 1.3.3, 1.4.3; Mandela Rules 8(d), 56.1, 56.3, 56.4, 57; OA 20

Managing behaviour

Encouraging positive behaviour

Standard

26 The relationship between staff and prisoners is positive and respectful.

Indicators

- Staff treat all prisoners lawfully, with dignity and respect, acknowledging their individual needs and rights to health and wellbeing.
- There are plenty of opportunities for positive communication between staff and prisoners.
- Prison staff exercise care and regard for prisoners' rights to privacy and confidentiality.
- Staff engage proactively with prisoners and seek to know prisoners as individuals.
- Staff treat prisoners' property and cells with respect.
- Staff are trained to know the effect of cultural and life experiences (such as trauma, abuse, disability and mental illness) on a prisoner's behaviour and can respond accordingly.
- Staff are encouraged to access support to manage the ongoing demands of their work.
- Staff are aware of maintaining professional boundaries and declaring conflicts of interest at the earliest opportunity.

BPP 1; **BPT** 1; **EPR** 1, 72.1, 72.4, 72.4, 73, 74, 75; **GP** 2.3.1, 2.4.1, 2.4.2, 2.4.3; **Mandela Rules** 1; **RCIADIC** 179

Standard

27 There are clearly defined rules and codes of conduct for staff, prisoners and visitors.

Indicators

- The behaviour required of all staff, volunteers, visitors and others who enter the prison is made clear in written rules and codes of conduct and is available in a variety of formats. Staff, volunteers and visitors acknowledge their understanding of these standards in writing.
- Rules relating to behaviour and conduct are explained to prisoners during orientation and induction.
- All rules and codes of conduct are prominently displayed in appropriate areas of the prison and in ways that are clearly understood and culturally appropriate.
- Breaches of rules or codes of conduct are appropriately investigated and managed.

EPR 30.1, 73, 75; **GP** 2.3.1, 2.4.1, 2.4.2, 2.4.3; **Mandela Rules** 1, 77

Standard**28 Prisoners are encouraged to develop pro-social behaviours and to take responsibility for their actions.****Indicators**

- Staff support prisoners to change their behaviour, giving them advice and opportunities to improve.
- Staff are good role models, demonstrating ethical, professional, accountable, respectful and transparent behaviour.
- When rules are breached, staff take time to explain how and why to the prisoner.

EPR 73, 72.1, 72.3, 74, 75; **GP** 2.3.1, 2.4.1, 2.4.2, 2.4.3, 3.4.1, 5.3.2; **Mandela Rules** 1, 77

Standard**29 Appropriate and effective systems exist to manage feuding and payback.****Indicators**

- Prison management seeks culturally appropriate advice, including mediation, to manage feuding prisoners and acts of payback.
- The prison provides opportunities for prisoners from the same family or kinship group to interact together, including prisoners of a different security rating, where their assessed risk permits.

EPR 51.2; **GP** 3.2.3, 3.4.1; **Mandela Rules** 1, 58, 106

Punishment and disciplinary procedures**Standard****30 Disciplinary action and outcomes are created under law or regulation and are clearly communicated to all prisoners.****Indicators**

- Prisoners and the public can easily access information about actions that constitute disciplinary breaches or offences as well as the range of consequences available.
- This information is communicated to prisoners during induction in a manner that is easily understood. It is subsequently reinforced, as required, and is also available to prisoners in hard copy and electronically.

EPR 38.3, 57.2, 59(a); **GP** 2.3.7; **Mandela Rules** 8 (c), 8(e), 9, 41.2

Standard

31

Secondary punishment (additional to imprisonment) and prisoner discipline is open, efficient, fair, proportionate and in line with legislation and natural justice.

Indicators

- Where possible, antisocial behaviour and minor non-compliance is managed effectively without formal punishment or discipline, which are methods of last resort.
- Alleged breaches are investigated and, where necessary, the breach process commences promptly and within legislated timeframes. Prisoners are promptly told about alleged breaches and are provided with the approved form setting out the details. Staff ensure prisoners understand the breach and the breach process.
- Where an alleged breach is an offence and criminal proceedings are initiated, prisoners are entitled to the same due process that exists in criminal proceedings outside prison, including unimpeded access to a legal representative.
- Prisoners can access legal advice and defend themselves. They are given adequate time and facilities to prepare for their defence.
- The prison provides support to prisoners to prepare for a breach process or request a review of a breach decision if the prisoner is disadvantaged by language barriers or impaired mental capacity.
- Where required, interpreting services are used to explain the reason for the breach process and the prisoner's right to request a review. This includes obtaining culturally relevant advice and assistance for Aboriginal and Torres Strait Islander prisoners.
- No unofficial or collective punishments are used.
- Sanctions are proportionate to the seriousness of the offence, and do not include prohibiting family contact.
- Prisoners are not sanctioned twice for the same act.
- Prisoners can appeal against the decision relating to the breach and/or the sanctions imposed on them. They are informed how to lodge an appeal.
- Any punishment imposed must be prescribed by law and be just and proportionate to the breach.
- Prisoners are not subject to prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduced diet, sensory deprivation or any cruel, inhuman or degrading punishments.
- Punishment and disciplinary processes are accurately recorded and include consideration of any impacts on prisoners' human rights.
- All outcomes are monitored and quality assured with emerging patterns identified by staff and acted upon.
- No prisoner is employed, or given authority, in any disciplinary capacity.
- Evidence of disciplinary hearings are retained in accordance with the QCS Retention and Disposal Schedule and are accessible when required for review.

CSA 113, 115 - 120; **EPR** 38.3, 43.2, 56.1, 58, 59, 60.1-60.5, 62, 63; **GP** 2.3.2, 2.3.7, 3.3.6, 3.4.2, 3.4.3, 3.4.5; **Mandela Rules** 23, 36, 37, 38, 39, 40, 43.1, 43.3

Use of force, weapons and restraints

Standard

32 Force is only used as a last resort, for the shortest time required, and never as a punishment. When used, force is lawful, necessary and proportionate. It is safely and humanely applied, and subject to rigorous governance.

Indicators

- Force is used only when it is necessary to protect a prisoner, another person or property in the prison, in accordance with legislation. Force is only used when all other means have been exhausted.
- Where the use of force is unavoidable, it is the least amount of force necessary to restrain the prisoner and make the situation safe. Trained staff only use approved techniques for the shortest possible time.
- The use of force does not cause humiliation or degradation and is used for the shortest time possible.
- Ground stabilisation is only used when all other means have been exhausted.
- Force is never used as a punishment.
- Lethal force is not used against prisoners except in accordance with the limited grounds prescribed by law.
- Planned use of force is only used as a last resort with prior approval. The reasons for the use are clearly documented, and the human rights of the prisoner/s are considered.
- Staff are trained in de-escalation technique and the safe use of force. Training is kept up to date.
- A policy defines when force may be used and sets out the requirements that the use of force is monitored, reported, investigated and evaluated. The policy relating to the use of body-worn cameras must clearly state when activation of the camera is mandatory. Policies and practices relating to the use of force are consistent with legislation.
- Prisoners with challenging behaviours, including those resulting from past abuse, trauma, disability or mental health concerns, have plans which highlight risk factors and set out alternative management protocols to reduce the likelihood of restraint techniques and use of force becoming necessary.
- All use of force incidents are recorded (including by body-worn cameras and CCTV). Body-worn cameras are used in line with procedures to record incidents and responses. Where they are not activated, reasons are clearly documented. The use of these cameras is closely monitored and reviewed by management.
- Care is taken to ensure the relevant CCTV footage, body-worn camera footage, and other evidence is preserved in accordance with policies and procedures, including for investigation purposes.
- As soon as possible after a use of force incident, the prisoner involved has confidential access to a health professional.
- Following a use of force incident, the prisoner is offered the opportunity to discuss it with a staff member who was not involved to explain why force was used on them, with a view to preventing a recurrence.
- Detailed and timely reports are written by all staff involved in or witnessing the incident, before being forwarded to operational management. Staff can access support where required.

- Staff are trained to write accurate reports, and senior staff are trained in the quality assurance of these reports.
- The centre keeps up-to-date, comprehensive and accurate records of all incidents that involve the use of force, including the details of any complaints made.
- All use of force incidents are investigated and reported appropriately.
- Use of force data, documentation and associated footage is securely retained and is scrutinised by prison management to identify any emerging patterns, good practices, opportunities for improvement and possible ill-treatment.
- Action identified for follow up is recorded and monitored for completion, and ill-treatment identified is referred to the Ethical Standards Group.

Basic principles on the use of force and firearms 15-17; **CSA** 143, 144, 146 – 148; **EPR** 64, 65, 66; **GP** 3.1.14, 3.1.15; **Mandela Rules** 75.2, 76(c), 82

Standard

33 Instruments of restraint are only used in exceptional circumstances when no lesser form of control would be effective to address the risks posed by unrestricted movement. The use of restraints is proportionate in the circumstances.

Indicators

- Restraints are only used to protect a prisoner from self-harm, to protect the safety of another person, to protect serious damage to property, or during an emergency situation.
- Restraints are always used in accordance with legislation, policy and procedure, and in the least restrictive manner possible, only when all other means have been exhausted. Restraints are used in a way that respects a prisoner's dignity.
- Restraints that are inherently painful or degrading are never used. The use of restraints does not cause humiliation or degradation and is used for the shortest time possible.
- Staff are trained in the appropriate use of restraints. Training is kept up to date.
- Restraints are only applied by an authorised officer and their continued use is regularly reviewed.
- Only approved restraints are available for use in prisons. There is a list of approved restraints with clear descriptions of how they are to be used. Approved restraints are regularly reviewed.
- Spit hoods are never used on prisoners. If spitting by prisoners is a concern, other practical alternatives are available to prevent exposure by staff.
- Restraints are never used for disciplinary action.
- Prisoners receiving end-of-life care are not restrained unless there is a documented serious risk.
- Restraints are never used on women during a termination, labour, childbirth or immediately after childbirth.
- Restraints are not used for routine activities or movements within a prison. Individualised risk assessments are conducted when escorting prisoners in a prison. These assessments consider security requirements, including alternative forms of restraint or if restraints are required at all.

- The type of restraint used during transport is the least restrictive having regard to the risk.
- Where restraints are justified as a precaution against escape during a transfer, for example a court or medical transfer, they are removed if requested by the court or a medical authority in consultation with the appropriate delegate in QCS.
- The prison keeps up-to-date, comprehensive and accurate records of all incidents involving the use of restraints.
- Medications (such as sedatives, antipsychotics, hypnotics and tranquillisers) are only used for therapeutic purposes and never to restrain a prisoner.
- Health staff complete a restraint handling plan for all prisoners with a health condition, disability or history of trauma who may be adversely affected by restraints. All staff are aware of the content of restraint handling plans and use this information when restraining a prisoner.
- Prisoners with challenging behaviours, including because of past abuse, neglect, trauma, disability or mental health concerns, have care plans which highlight risk factors and set out alternative management protocols to reduce the likelihood of restraint techniques and the use of force becoming necessary.

BR 23; CSA 143; EPR 68.2, 68.3, 68.4; GP 3.1.5, 3.1.14, 3.1.15, 3.1.16; Mandela Rules 47.2, 48, 75.2, 76(c), 82

Standard

34

Weapons are only used as a last resort when no lesser form of control would be effective to address the risks posed in the circumstances. The use of weapons is legitimate, necessary, proportionate and subject to rigorous governance.

Indicators

- Weapons are only lawfully used as a last resort in exceptional circumstances, and never as a punishment.
- Weapons are only used by staff trained in the use of those weapons. Training is kept up to date.
- Firearms are not carried by staff in direct contact with prisoners, except in special circumstances when no lesser form of control would be effective to address the risks posed by the individual prisoner. These risks are identified and clearly documented.
- All weapons that are approved for use are documented. The approved weapons are regularly reviewed.
- Clear policies and procedures around the use of weapons are in place and known by staff.
- Weapons are never used on prisoners who are already restrained.
- Weapons, ammunition, chemical agents and restraints are appropriately secured, stored, maintained and audited each week.
- The use of weapons is appropriately documented, including the requirement to retain CCTV footage and body-worn camera footage.
- Only staff who have been trained and have current certification in the use of a weapon may draw a weapon. Staff responsible for the carriage and discharge of firearms are required to participate in accredited firearms training and be assessed as competent at least annually.

Basic principles on the use of force and firearms 15-17; CSA 144 - 148; EPR 69.2, 69.3; GP 3.1.5, 3.1.14, 3.1.15; Mandela Rules 82

Standard

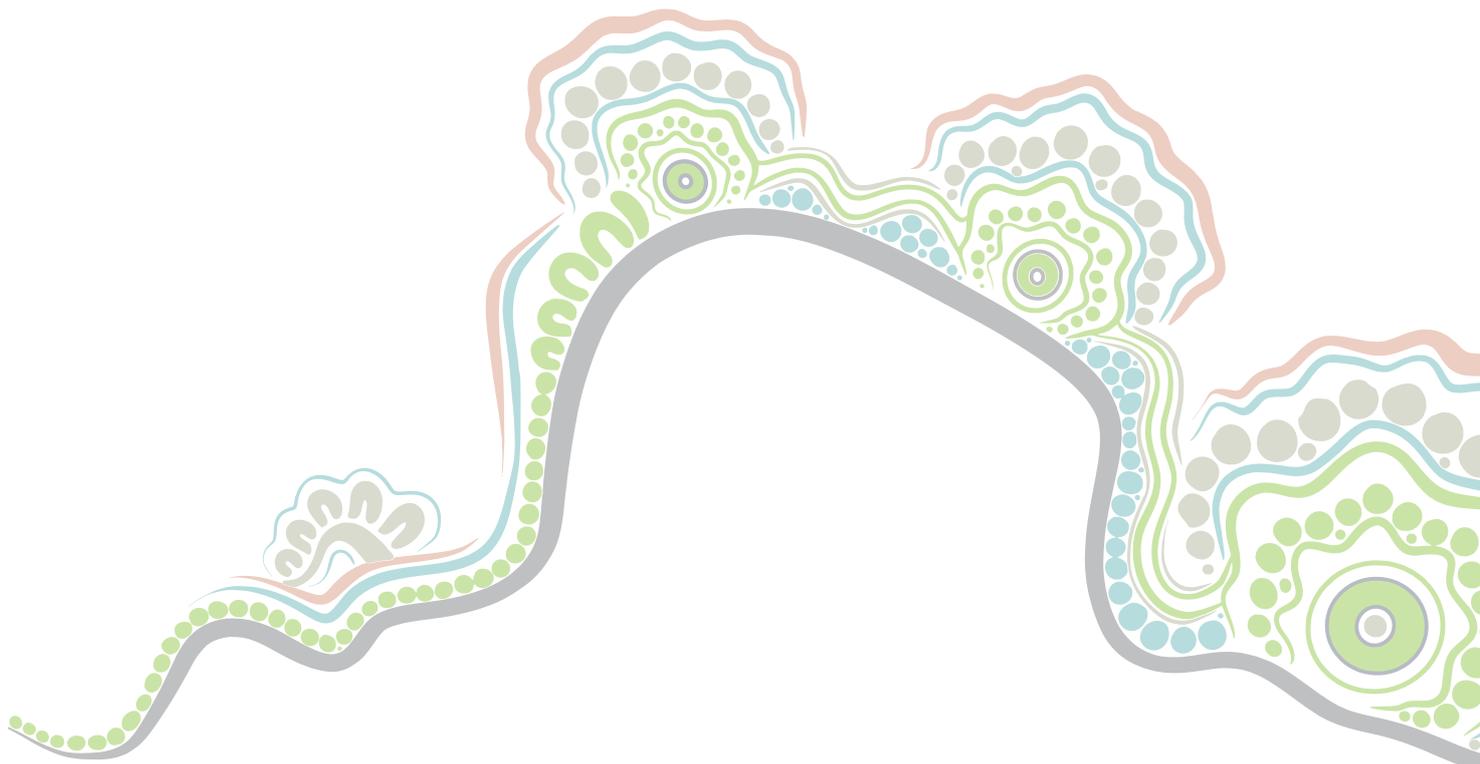
35

Prisoners are not held in special accommodation and placed in mechanical restraints or anti-rip clothing except as a last resort and when properly authorised.

Indicators

- A cell can be authorised, recorded and used as 'special accommodation' if all normal furniture, bedding and sanitation has been removed from it. In addition, a cell housing a prisoner who is held in anti-rip clothing can also be authorised as special accommodation.
- Special accommodation, mechanical restraints and anti-rip clothing are authorised and only used for the shortest time necessary. Decisions to hold prisoners in special accommodation are recorded and take into consideration the prisoner's human rights.
- Prisoners are not strip searched or deprived of their normal clothing in special accommodation without a risk assessment identifying the relevant risk and authorisation.
- Prisoners with severe mental illness and those at risk of suicide or self-harm are not held in special accommodation except in clearly documented and authorised exceptional circumstances, and in consultation with the mental health team.
- The design of special accommodation for prisoners deemed to be at risk of suicide and/or self-harm incorporates therapeutic environmental principles, including access to sufficient amenities and activities, natural light, high levels of staff-prisoner interaction and appropriate monitoring facilities.
- Prisoners in special accommodation are monitored at frequent and irregular intervals, with staff maintaining up-to-date, comprehensive and accurate records.
- Prisoners are encouraged to return to a standard cell at the earliest opportunity.

CSA 143; EPR 68.2, 68.3, 68.4; GP 3.1.15, 3.3.9; Mandela Rules 47.2, 48



Daily life

Regime

Standard

36 The regime is purposeful and sufficiently flexible to account for the diversity of the prisoner population.

Indicators

- The prison has a balanced regime that safely meets the varied skills, capacities, needs and interests of all prisoners, including those from culturally diverse backgrounds.
- The regime empowers all prisoners to make good choices and to be actively involved in purposeful activities.
- The regime maximises time spent out of cell.
- The regime minimises the difference between life in prison and life in the community.
- The prison has separate sections for the various prisoner cohorts, including appropriate levels of privacy.

EPR 5, 18.8, 25, 49, 52.3, 102, 103.5, 104.1; **GP** 2.1.1, 2.1.3, 2.1.4, 3.1.1, 3.3.4; **Mandela Rules** 3, 5.1, 11

Living conditions and hygiene

Standard

37 The prison provides a clean and suitable environment that is fit for purpose and compliant with public health practices.

Indicators

- Prison infrastructure is compliant with all relevant environmental health regulations.
- Prisoners live, work and eat in a hygienic environment that is properly maintained. The prison is clean and free of rubbish and debris.
- Each unit has sufficient laundry, kitchen and dining facilities to meet the needs of the prisoners accommodated.
- No restriction or disciplinary sanction can negatively affect the legal minimum living conditions.
- Good quality drinking water is available and food safety standards are met.
- Appropriate precautions minimise hazards and protect prisoners from risks to their health.
- All cells have suitable climatic controls to guard against extreme temperatures.
- The prison has robust infection prevention and control measures.
- Hygiene and ventilation in industry areas are adequate. Equipment is properly maintained and regularly cleaned.
- Smoking is prohibited anywhere on prison grounds.

Bangkok Rules 5; **EPR** 19.3, 19.4; **GP** 1.1.7, 2.1.2, 4.1.7, 4.2.1; **Mandela Rules** 13, 17, 22

Standard

38 Prisoners are encouraged to keep themselves, their cells and communal areas clean.

Indicators

- Prisoners can shower or wash in private every day, except where the prisoner's safety is at risk.
- Shower and washing facilities are clean and accessible.
- Prisoners receive basic hygiene and toiletry products, including sanitary items, for their personal use.
- Prisoners can access cleaning materials to keep their cells and communal areas clean.
- Adequate water, of an appropriate temperature, is available.
- Information promoting good hygiene practices is available to prisoners.
- Prison practices ensure the day-to-day cleaning of cells and communal areas is sufficient to maintain proper standards of hygiene.

EPR 18.1, 19; **GP** 1.1.7, 2.1.2, 3.2.2, 4.1.7, 4.2.1, 4.2.4, 4.2.6; **Mandela Rules** 15, 16, 17, 18

Standard

39 Prisoners are held in a safe environment where security is proportionate to risk and not unduly restrictive.

Indicators

- Perimeter barriers can deter and withstand a determined internal or external breach, but do not overpower the senses or cause fear.
- A prison without perimeter barriers, or one where these barriers are open for part of the day, has clear zoning and signs indicating the limits of prisoner and outsider access.
- Infrastructure is built and maintained to recognised building standards with a 'healthy buildings' approach to climate control, amenity, lighting and outlook.
- Building design and layout are suitably functional and meet the prisoner profile.
- Internal buildings and static security measures have regard for prisoner, staff and visitor safety while 'normalising' the environment as much as possible. The quality and capability of CCTV technology is reviewed and replaced, when necessary, to ensure high-risk blind spots are reduced and the recording capability is of a high quality.
- Prison cells are designed to minimise ligature points.

EPR 51.2; **GP** 3.3.2; **TGPP**

Standard**40 Accommodation units and prisons do not exceed design capacity.****Indicators**

- Where cells or units are at or near capacity, every effort is made to ensure prisoners are still able to fully access all relevant services, programs, facilities and visits, and that they are still able to have adequate time out of cells.
- In case of overcrowding, compensatory processes are implemented to mitigate risk and disadvantage to both staff and prisoners. For example, reducing the time prisoners are locked away, enhancing the availability of activities and employing more staff to ensure the regime and services are not disrupted or diluted.

EPR 18.1, 18.4, 52.3; GP 1.4.4

Standard**41 The built environment is culturally appropriate, particularly for the high over-representation of Aboriginal and Torres Strait Islander prisoners.****Indicators**

- Prison infrastructure acknowledges the diversity of Aboriginal and Torres Strait Islander cultures, beliefs and languages, and provides a range of spaces appropriate to the needs of these different groups.
- Prison infrastructure allows for First Nations avoidance customs and practices.

EPR 38; GP 2.1.5; Mandela Rules 105

Clothing and bedding**Standard****42 Prisoners have adequate clothing, which is clean, presentable and suitable for their needs.****Indicators**

- Prison-issued clothing is not undignified or humiliating. It fits properly, is in good repair and does not cause discomfort or health issues.
- Prisoners have sufficient sets of appropriate clothing for general use, work and recreation.
- Clothing is suitable for the climate.
- Culturally appropriate and religious items of clothing are available to prisoners, where assessed risk permits.
- Prisoners have regular access to laundry facilities, sufficient for a daily change of clean clothes.

- Prisoners receive new underwear on arrival in prison and are not required to share underwear with other prisoners. They receive enough underwear and socks to be able to change them daily.
- Protection prisoners' laundry is safeguarded from tampering.

EPR 20.1, 20.2, 20.3; **GP** 4.2.4; **Mandela Rules** 19, 20

Standard

43

Prisoners can wear non-prison clothing when attending court and on release.

Indicators

- Prisoners can wear their own clothes when attending court.
- Prisoners' personal clothing stored at the prison is cleaned prior to being worn.
- Prisoners' families can deliver suitable clothing to the prison for the prisoner to wear in court or on release.
- The prison has a suitable variety of clean, good quality clothes for prisoners' use when they do not have access to their own clothes.

EPR 20.4; **Mandela Rules** 19, 20; **MGP** 4.2.4

Standard

44

Prisoners have a bed and clean bedding suitable for their needs.

Indicators

- Every prisoner is provided with a bed and bedding. Prisoners do not sleep on the floor.
- Sufficient clean bedding is provided for each new prisoner on arrival.
- Bedding is in good repair and is suitable to the climate.
- Bedding is laundered weekly to ensure cleanliness. Where necessary, it is replaced.
- Mattresses and pillows provide adequate comfort and support. They are clean and replaced when needed.
- Mattresses and bedding are durable and non-flammable.

EPR 21; **GP** 2.1.2, 4.2.4; **Mandela Rules** 21

Family and community contact

Standard

45

The prison provides adequate resources for Virtual Prison Visits (VPVs), as well as phone, email and mail contact.

Indicators

- Prisoners know their entitlements to VPVs, phone calls, email and mail. The prison provides adequate resources to meet the needs of prisoners.
- The costs of phone calls, VPVs, emails and mail are kept to a minimum.
- The prison may pay for a prisoner's phone call if satisfied there is a reason to do so.
- The location of phones and VPV terminals permits reasonable privacy.
- Prisoners can send as many letters as they can afford. There are no restrictions on the quantity received.
- If the prison is satisfied that a prisoner cannot pay for postage, the prisoner is permitted to post mail up to twice per week (or more with approval) at the cost of the prison.
- Outgoing mail is sent within 24 hours; incoming mail is received by the prisoner within 24 hours of arrival.
- Prisons are encouraged to implement innovative solutions for prisoners to access various electronic options to maintain family contact including, but not limited to, in-cell technology.
- Prisoners can access the phone numbers of outside organisations and know which numbers they can call.
- Prisoners know of and can access a telephone interpreting service.
- Prisoners unlikely to get regular visits due to distance receive extra phone calls and/or allowances.
- Officer-initiated calls are provided where necessary, particularly for Aboriginal and Torres Strait Islander prisoners from remote communities and foreign national prisoners who may need help and resources to keep in touch with family abroad. Calls are appropriately monitored and adequately recorded.

Bangkok Rules 26; **CSA** 44 (2) and (3), 50, 51; **EPR** 24.1, 24.2 24.5, 99(a); **GPA** 2.3.7, 5.2.2; **Mandela Rules** 58, 60

Standard

46

Appropriate measures prevent the inappropriate use of phone and mail systems without unduly interfering with privacy.

Indicators

- Recipients of prisoner communication approve of the contact.
- Prisoners know that their mail and phone calls can be security checked and recorded.
- Mail is only opened to check for unauthorised enclosures. Valid reasons must exist to read a prisoner's mail.
- Staff observe confidentiality. They do not discuss communications except in proper reporting procedures.

CSA 45, 46, 52; **EPR** 24.2; **GPA** 5.1.4, 5.2.2

Standard**47 Prisoners are encouraged to maintain and develop relationships with family and friends through visits.****Indicators**

- Contact between prisoners and the community is encouraged.
- Sentenced prisoners are permitted a minimum of one visit each week.
- Unconvicted prisoners can receive visits every day where this does not unfairly affect the visits of others.
- Searches of prisoners are respectful and proportionate and take account of individual needs.
- Visitor searches are not so excessive as to discourage the visitor.
- The prison has flexible and special arrangements for visits where there is a genuine need, including offering extended visits for those travelling long distances.
- Extra visits or phone calls are included in the earned incentive and privilege scheme.
- Approval arrangements for visitors are culturally appropriate.
- Prisoners are encouraged to have visits with their children unless this is not in the child's best interests.
- The prison facilitates regular inter-prison and intra-prison visits.
- There is adequate provision of children's/family days to meet the needs of the prison population.

Bangkok Rules 28; **BPT** 10; **CSA** 153; **CSR** 23, 26; **EPR** 24.1, 24.4, 24.5, 99(a); **GP** 5.2.2, 5.2.3, 3.1.10; **Mandela Rules** 58, 106

Standard**48 Prisoners have safe, secure and direct contact with their visitors.****Indicators**

- Prisoners can receive contact visits.
- Security arrangements and restrictions on physical contact are not excessive.
- The prison ensures visits start and finish on time. Visit session times are not impacted by procedural security processes and delays in prisoner movement.
- Non-contact visits are only authorised if a significant risk arises from previous contact visits. They are to be justified by intelligence and include documented consideration of human rights impacts.
- The use of non-contact visits is reviewed regularly.
- Sufficient visit spaces and non-contact rooms are available to meet standard demand.
- Prisoners are informed if their visit is denied or has been changed to a non-contact visit.
- Visitors allowed non-contact visits when all non-contact rooms are full are offered the next available time.

CSA 154; **EPR** 24.4; **GP** 2.1.10, 3.2.7; **Mandela Rules** 1, 106

Standard**49 The prison has an accessible and child-friendly visitor centre with adequate amenities.****Indicators**

- Family support services are available before and after visits.
- Amenities are welcoming and child-friendly. There is safe storage available for visitors' property.
- Effective and efficient processes minimise wait times. Delays are not detrimental to the visit session.
- The visit booking system is simple, accessible and flexible enough to deal with the number and diverse requirements of visitors.
- Information about transport services, visiting hours and what visitors can expect is readily available.
- There are arrangements for visitors to get to/from the prison if public transport is unavailable or far away.
- Visitor parking and access arrangements are appropriate, especially for visitors with disability.

Bangkok Rules 28; GP 2.1.10, 3.1.10, 5.2.2, 5.2.3; Mandela Rules 58

Standard**50 Visit facilities are comfortable, pro-social and safe.****Indicators**

- Facilities reflect the needs of visitors, including having adequate disability access and a suitable area to feed and change young children. Suitable clean play facilities, equipment and toys are also available for children, and child-parent interaction.
- Enough comfortable tables and seating are provided.
- Clean and hygienic toilet and handwashing facilities are available.
- Visitors and prisoners can access refreshments during visits.
- The visits area is monitored for security by measures commensurate with the prison's security level.
- Security arrangements do not unduly encroach on privacy.
- Facilities allow for the observance of traditional cultural practices. If necessary, alternative venues are available to facilitate simultaneous visits by people observing Aboriginal and Torres Strait Islander avoidance customs.
- There is an effective system for prisoners and visitors to provide feedback about their visits.

EPR 24.4; GP 2.1.10; Mandela Rules 1; RCIADIC 170

Standard**51****Prisoners can visit sick relatives and attend the funeral of a family member.****Indicators**

- The prison advises a prisoner promptly about the death or serious illness of a family member and provides support for the prisoner's individual needs and continued wellbeing.
- Prisoners can visit sick relatives, attend funerals, burials, and other occasions of special family significance.
- The prison recognises the special family and kinship obligations of Aboriginal and Torres Strait Islander people.
- The prison seeks advice from relevant community members or groups about who should be permitted to attend and participate in a funeral. There is a presumption in favour of the community nominated prisoner.
- Restraint use during compassionate leave escorts is as discreet as possible.
- Prisoners can participate in the funeral and discharge any obligations, including those of cultural significance.
- Escorting staff are trained. They are professional, sensitive and culturally aware.
- Where attendance is not possible, the prison provides appropriate internal mechanisms for grieving.
- Sorry Business ceremonies can continue for as long as culturally appropriate, in a suitable space.

CSA 73(1)(a) and (b), 73(3); EPR 24.7; GP 2.3.15; Mandela Rules 70; RCIADIC 171

Standard**52****Prisoners are kept up to date with news and current events.****Indicators**

- Prisoners can access information about news and current events through various mediums.

EPR 24.10; Mandela Rules 63

Recreation

Standard

53 All prisoners can spend at least two hours recreating in open and fresh air every day.

Indicators

- All prisoners, including those subject to disciplinary sanctions or restrictive measures, can spend at least two daylight hours per day recreating in open and fresh air.
- Time out of cell is regular and predictable.
- Prisoners know that time in open and fresh air is vital to mental and physical health and promotes rehabilitation.
- Prisoners do not have to choose between access to open and fresh air and other important activities.

BPT 6; CSR 4(d); EPR 27; GP 2.3.2; Mandela Rules 23, 42, 105

Standard

54 Prisoners have regular access to physical exercise and recreational activities.

Indicators

- There is regular access to recreation for all prisoners.
- Access is equal and appropriate, including for prisoners in protection and solitary confinement.
- The range of activities available reflects the various health and fitness and accessibility/mobility needs of the prison population.
- Prisoners are encouraged to participate in physical education, fitness, team sports and games.
- Passive recreation options are available, well stocked and in good repair, particularly art materials and musical equipment.
- Intellectual property rights endure in artwork created by a prisoner, irrespective of whether the prison or the prisoner met the cost of producing it.
- Culturally appropriate recreational activities are available.
- Recreational activities allow prisoners to improve their personal development, acquire skills and continue training in a range of disciplines.
- Recreational areas are fit for purpose and have adequate and safe equipment.
- Prisoners can shelter from the weather in exercise areas. Outdoor exercise is only cancelled in severe conditions.
- The time allocated for recreation does not conflict with other purposeful or essential activities.
- Approved prisoners can participate in structured recreational activities outside of the prison.

EPR 27, 28; GP 2.3.6, 4.2.9, 5.3.2; Mandela Rules 4.2, 23, 105

Standard**55****Prisoners have regular access to a suitable library which meets Australian Standards and are encouraged to use it frequently¹¹.****Indicators**

- Prisoners can regularly access the library and its resources.
- The quality and quantity of the resources reflects the needs of the population and includes an adequate supply of culturally and linguistically appropriate material.
- Use of the library is encouraged for learning and social interaction in an informal and relaxed setting.
- The library promotes literacy, and the resources support educational and training programs.
- Prisoners are provided with access to books and/or other reading materials, including when they are separated, in solitary confinement or receiving health care.
- The library has up-to-date legal resources and copies of the Corrective Services Act, Corrective Services Regulation, Penalties and Sentences Act and Human Rights Act, as well as other rules and policy documents relating to the management, rights and entitlements of prisoners.

EPR 28.5, 28.6; GP 2.3.6; Mandela Rules 64

Food and nutrition**Standard****56****Prisoners have a varied, healthy and balanced diet which meets their individual needs.****Indicators**

- Menus are designed with advice from dietitians and nutritionists, to meet the prison population's needs.
- Menus consider the availability of fresh produce, the climate, prisoner employment demands and special meals.
- Prisoners are regularly consulted about the quality, quantity and variety of food. Opinions are respected and accounted for.
- Prisoners know about healthy eating and its benefits. Healthy eating education is culturally engaging and accommodates the various learning styles of all prisoners.
- Prisoners are provided with enough food so they are not hungry.
- Meal times are reasonable and generally match those in the community. Meals are available at non-meal times for those arriving at or returning to the prison at different times.
- The prison monitors the nutritional standards of meals in self-care facilities.
- Clean drinking water is available to every prisoner. Those working outside the prison or who are in transit have adequate supplies of clean drinking water.

EPR 22; GP 4.2.1, 4.2.2, 4.2.3; Mandela Rules 22

¹¹ See the Australian Library and Information Association, Minimum Standard Guidelines for Library Services to Prisoners (2015).

Standard**57 Prisoners' food and meals are stored, prepared and served in line with hygiene regulations.****Indicators**

- Prisoners and staff who work with food are trained, health-screened and wear appropriate clothing.
- Staff supervise the serving of food to prevent tampering and bullying, and to ensure portion control.
- Prisoners can eat outside their cells, and with others, wherever possible.
- Staff ensure that prisoners do not miss out on receiving meals, and gaps between meals are reasonable.
- Kitchens are regularly inspected for hygiene and safety standards.
- All areas where food and drinks are prepared and consumed are regularly inspected to ensure they meet food safety standards. This includes self-care facilities and cultural locations on site where traditional foods may be prepared, cooked and eaten.

EPR 22.1, 22.2, 22.3, 22.4, 22.5; GP 1.1.7, 2.1.2, 3.1.3, 4.2.3; Mandela Rules 22

Standard**58 Special diets are provided for medical reasons, religious beliefs, lifestyle choices and other reasonable special needs.****Indicators**

- Prisoners' medical diets are catered for, including the nutritional needs of pregnant women and nursing mothers.
- Prisoners' vegan and vegetarian lifestyle choices are catered for.
- Religious and cultural requirements for food procurement, storage, preparation, distribution and serving are fully observed.
- A range of traditional foods and bush tucker are available to meet the diversity of the prison population. The prison has working relationships with community groups to assist in securing regular supply.

EPR 22.1, 22.6; GP 4.2.3

Religious and spiritual support

Standard

59 Prisoners' freedom of religion is respected. They can practise their religion or beliefs fully and in safety.

Indicators

- The prison is supportive of religious and spiritual diversity acknowledging prisoners' human rights to freedom of religion.
- Prisoners are encouraged to practise their religion and fulfil religious lifestyle requirements.
- Prisoners have access to worship, faith-based groups and pastoral visits.
- Prisoners of no faith can, where appropriate, access their preferred spiritual support.
- There are suitable multi-faith facilities accessible to prisoners.
- Religious service times are advertised and do not clash with key regime activities.
- Staff supervision of faith services is respectful and proportionate.
- The prison provides food which respects prisoners' religious dietary requirements.
- Prisoners can obtain, keep and use artefacts of religious significance, including items of clothing, where assessed risk permits. They may also access religious publications.
- Aboriginal and Torres Strait Islander Elders or leaders can address the emotional and spiritual needs of Aboriginal and Torres Strait Islander prisoners.
- Aboriginal and Torres Strait Islander spirituality is encouraged and strengthened through the regular observance of customs relating to language, food, death, healing, storytelling, rites of passage and traditions.

BPT 3; CSA 169; CSR 24, 25; EPR 29.1, 29.3; GP 2.1.6; Mandela Rules 2.1, 65, 66; UDHR 18

Standard

60 Prisoners are supported by the chaplaincy, contributing to their overall care, support and rehabilitation.

Indicators

- Chaplaincy teams represent the broad range of faiths in the prison population. They establish and maintain links with faith communities outside the prison.
- Chaplains are involved immediately when a prisoner is approaching death or has died, to support the dying prisoner, relatives, other prisoners and staff.
- Chaplains can offer assistance to all prisoners who have experienced bereavement or loss.
- Chaplains can identify and challenge extremist ideologies that purport to be based on religious beliefs.
- Chaplains can help prisoners meet their faith needs on release.
- Chaplains are available to prisoners of no faith, ensuring that they are not less favourably treated than those of faith.

CSA 23 (b) and (c), 266(1)(a); EPR 29.3; GP 2.1.6; Mandela Rules 65, 66

Property

Standard

61 Prisoners' property held in storage is secure, and prisoners can access it on reasonable request.

Indicators

- Prisoners can keep and receive property subject to security and volume considerations.
- The list of allowed property adequately meets the needs of the population.
- The amount of property held in possession and storage accounts for individual needs.
- Prisoners' property cannot be destroyed by the prison.
- There are fair and effective processes for identifying and regulating property in cells.
- The removal of property is explained to prisoners, who can appeal such decisions.
- All property is accurately recorded, and securely and respectfully stored, transferred and controlled. Valuables are routinely security marked.
- Prisoners are fairly compensated for possessions that are lost or damaged in storage.
- All property is returned to prisoners on release or transfer.

EPR 15.1(d), 31.1, 31.3, 31.7, 33.4; **GPCA** 2.3.16; **Mandela Rules** 67.1, 67.2, 67.3

Incentives, earned privileges and gratuities

Standard

62 The incentive scheme is applied fairly, consistently and transparently.

Indicators

- The incentives scheme encourages good conduct, a sense of responsibility, cooperation and engagement in the functioning of the prison.
- Prisoners understand the incentives and earned privileges available to them. They know how to obtain them and are aware of the behaviours that may result in losing those privileges. This information is available to prisoners during the period of their imprisonment.
- All prisoners have equal opportunities to obtain incentives and earn privileges.
- Prisons are designed so that accommodation units, such as self-care units, can be incentives for progression through the prison.
- Prisoners' behaviour is reviewed regularly so they can demonstrate their progress.
- Prisoners know how to appeal any decisions about privileges and sanctions.
- Changes to incentives or earned privileges are clearly communicated and compensation is provided where appropriate.

CSR 18; **EPR** 26.10, 26.12, 28.4, 105.4; **GP** 2.3.11; **Mandela Rules** 95

Standard**63 The gratuity system is fair and transparent, and based on prisoner engagement and skill levels.****Indicators**

- Gratuities are credited accurately and on time.
- Gratuities are recorded and controlled in a transparent and effective manner.
- Different gratuity levels are applied fairly, based on skill and workload. Gender, disability, ethnic or cultural groups are not disproportionately represented in the lowest levels.
- Prisoners in education, training and programs are eligible for gratuities at all levels.
- Prisoners who leave work to participate in programs do not lose their gratuities. They can resume a commensurate work position after completing the program.
- Pregnant prisoners are considered eligible for some form of special provision with regard to gratuities while they are unable to participate in prison work.
- Positions key to the essential operating of the prison are not remunerated at the highest levels to the detriment of gratuities for education and training.
- Gratuities for full-time education and training are paid at the highest levels to encourage education and training.
- Gratuity levels reflect prisoners' willingness to participate in the regime. They are not unduly penalised if the prison has insufficient rehabilitative and reparative opportunities available.
- Prisoners have easy access to accurate and up-to date records of their finances.
- Prisoners receive education about budgeting and are encouraged to budget and save money.
- Visitors can easily deposit money into prisoners' accounts. The prison ensures the propriety of all deposits.
- Prisoners who arrive without private money are offered an advance for spending.

CSA 316; EPR 26.10, 26.12, 28.4, 105.4, 105.5; GP 2.3.11; Mandela Rules 97, 98, 99.1, 100, 101, 102, 103

Prisoner purchases**Standard****64 Prisoners can purchase a range of items to meet their needs.****Indicators**

- Prisoners can buy approved items through a prison spending system, placing orders at least once a week.
- New prisoners without private money can access an advance with repayment staged over time.
- Up-to-date price lists are prominently displayed with prices broadly equivalent to those in the community.
- The products available meet the diverse needs of the population, including culturally appropriate items and a range of healthy options.

- Prisoners can purchase a wide range of approved hobby materials.
- Prisoners are regularly consulted on the range of goods available for purchase.
- Processes are implemented to oversee prisoner purchases so that they are not intimidated and their purchases are not stolen.
- Purchases are available to new arrivals, those in court, and those confined to their cells due to illness or for other reasons.

EPR 26.11, 31.5; GP 4.2.8; Mandela Rules 103.2

Health and support

Physical health care

Standard

65 Health care services in prison are equivalent to those in the community and meet the needs of prisoners in an environment that promotes dignity and maintains privacy.

Indicators

- Prisoners are treated with dignity, respect, compassion and sensitivity.
- All prisoners have equal access to health, wellbeing and social care services.
- All prisoners have adequate and appropriate access to dental care.
- The prison has working partnerships with service providers, including a local Aboriginal and Torres Strait Islander medical service.
- There is a multidisciplinary approach to prisoners' health care.
- Prisoners can access accurate information about their health in a language and format they understand.
- Prisoners with medical/health concerns are seen promptly, and as required by the diagnosis and prognosis.
- Prisoners can access health staff of their own gender if desired and can have a representative present if they receive treatment from health staff of a different gender.
- Urgent health care is attended to immediately by a 24-hour on-call or standby health service.
- Prisoners can access 24-hour nursing care if required.
- Only qualified health staff triage prisoners. Triage policies and processes do not disadvantage any prisoner.
- Health staff respond promptly to medical emergencies with appropriate emergency equipment.
- Medical testing is conducted by appropriately qualified staff and results are accurately recorded. Due care is taken to communicate processes and results to the prisoner in a language and format they understand.
- Prisoners isolated for health reasons have all the rights and privileges afforded to other prisoners, provided that the health of others is not jeopardised.
- There are sufficient rooms to provide a full range of health services.

- Prisoners are seen in private, except in clearly documented exceptional circumstances.
- Health staff have all the required equipment to provide services that meet the needs of the population.
- All clinical equipment is appropriately cleaned, maintained and serviced.
- Prisoners are referred to an external health provider where required assessment, treatment or services are not available within prison or are more appropriately provided by others. Referral to such services is based upon medical opinion and community health standards and is not to be unduly influenced by issues of security.
- Robust systems identify, manage and aim to prevent the spread of communicable diseases.
- Health staff can communicate to prison management if a prisoner's physical or mental health has been, or will be, injuriously affected by continued imprisonment, or any condition of imprisonment.
- When receiving health care or treatment, prisoners are safe, shielded from abuse, and can access independent advocacy services if required.
- Prisoners can complain about their treatment in confidence without recrimination. Responses are timely, easy to understand and address all the issues raised.

EPR 38.3, 39-41, 42.1, 42.2, 43.1, 46; **GP** 1.1.4, 1.5.1, 2.3.1, 2.3.7, 3.1.8, 4.1.1, 4.1.4, 4.1.7, 4.1.16; **Mandela Rules** 24, 25.1, 27.2, 31; **RCIADIC** 150

Standard

66

Prisoners give informed consent for health care and information sharing.

Indicators

- Voluntary implied, written or oral consent is obtained for medical treatment. It can be withdrawn at any time.
- If there is any doubt about a prisoner's ability to decide, obtaining consent should be postponed.
- If a prisoner lacks the capacity to decide, health staff comply with relevant legislation, policies and guidelines relevant to medical consent such as consultation with the prisoner's substitute decision-maker.
- Prisoners are advised of all available health services, treatment options, potential side-effects and the cost of treatment in a language and format they understand.
- Accredited interpreters and Aboriginal and Torres Strait Islander health workers are used to ensure prisoners understand and can make informed decisions about their health care.
- A decision by a prisoner to refuse health treatment is respected and documented, with staff clearly explaining the effects of not receiving treatment.
- Information sharing is respectful of medical confidentiality, promotes continuity of care and maintains safety.
- If a prisoner's health needs will affect their management by prison staff, appropriate information is given to the relevant staff and accounted for in the prisoner's individual management plan.
- Prisoners are not the subject of unreasonable medical or scientific research.

EPR 42.3(a), 48; **GP** 1.5.3, 1.5.4; **Mandela Rules** 26, 31, 31.1(b), 32.2

Standard**67****Prisoners receive a health examination by qualified health staff within 72 hours of reception.****Indicators**

- Newly arrived prisoners receive a health examination within the first 72 hours.
- Transferred prisoners who have received a full assessment are further screened at the new prison.
- Health files from external health providers and previous periods in custody are obtained and consulted, with the consent of the prisoner.
- Prisoners receiving medical treatment or medication on reception can continue that treatment or medication if endorsed by health staff.
- Staff prepare, implement and regularly review care plans for prisoners with major or ongoing needs.

EPR 16a, 31.6, 42.3 (b-i); **GP** 4.1.8; **Mandela Rules** 30, 67.4**Standard****68****Health service delivery is culturally appropriate.****Indicators**

- Health care staff are culturally aware and have a clear understanding of the cultural factors and beliefs of the prison's significant prisoner cohorts to inform their diagnoses.
- Health care is provided in a culturally responsive and appropriate manner. Health staff are respectful of prisoners' cultural backgrounds and preferences, and are accommodating of their cultural rights, physical, spiritual, emotional and social wellbeing.
- All Aboriginal and Torres Strait Islander prisoners receive a comprehensive health check on admission, including assessment for cardiovascular conditions, blood-borne viruses, diabetes, mental health conditions and auditory capacity. A full family history of relevant health needs and status is also taken.
- The prison has an Aboriginal and Torres Strait Islander health worker.
- Accredited interpreters and Aboriginal and Torres Strait Islander health workers are used when required.
- Appropriate changes are made to medication schedules when they are affected by religious practices.

GP 2.3.1, 4.1.9, 4.1.10, 5.1.6; **Mandela Rules** 80.2

Standard**69 Allied health and specialist services are provided on referral.****Indicators**

- Prisoners can receive treatment from specialist practitioners, as well as allied and private health professionals.
- Referrals are based on medical opinion and community standards and are not unduly influenced by security.
- Acute needs are immediately addressed.
- Prisoners on waiting lists are informed of expected wait times and any delays.

EPR 41.5, 46.1; **Mandela Rules** 27.1

Standard**70 Prisoners are supported and encouraged to optimise their health and wellbeing.****Indicators**

- There is a whole-of-prison approach to promoting health and wellbeing.
- Prisoners are assisted to be able to purchase items which support them maintaining physical hygiene.
- Prisoners receive individualised and general evidence-based health promotion and education that is non-judgemental, culturally appropriate and accommodates any individual impairments or access needs.
- Prisoners can access health checks, disease prevention and screening programs, sexual health services, smoking cessation programs, addiction support and counselling, and other programs to help manage their health.
- Prisoners can confidentially access dental dams, condoms, needles and syringes for harm minimisation.

GP 4.1.8, 4.2.5

Standard**71 Medication is safely distributed to prisoners.****Indicators**

- Medications that are managed by health staff are distributed at clinically appropriate times of the day.
- Prisoners can access over-the-counter medication which is documented, complies with general legal requirements and does not place any responsibility for clinical decisions on non-medical staff.
- Prisoners taking prescription medication upon entering a prison can continue to do so if endorsed by health staff following a clinical assessment.
- Prescription medications are only ceased on clinical grounds by appropriately qualified health staff and must not be ceased solely because a person is in prison.
- Prisoners are supported to manage their own prescribed medications where it is safe to do so.
- Medication with the potential to be used beyond prescription requirements or with the potential for dependency is only prescribed under strict controls and when there is no alternative.
- Prisoners with chronic conditions that require self-injection must be allowed to self-inject.

Standard**72 Health services promote continuity of care on release or transfer.****Indicators**

- On release, all prisoners receive a summary of their health status and current treatment program. They are referred to a community health care provider of their choice, including to Aboriginal and Torres Strait Islander community-controlled health organisations, where appropriate.
- Individualised health promotion advice is provided.
- Prescription medications are provided to prisoners on release or transfer.

EPR 42.2, 42.3(j); GP 4.1.8, 5.2.4

Standard**73****Prisoner health information is available to treating health practitioners and is accessed with the consent of the prisoner.****Indicators**

- Accurate health records are created for prisoners on initial assessment and are kept up to date with details from all subsequent health care interventions.
- Files are securely stored and access is limited to appropriate staff. Prisoners have the right to access their own health information and files.
- Prisoners' health information is provided to state and federal health record systems, either electronically or via the prisoner on discharge.

EPR 42.3(a); GP 1.5.3, 1.5.4; IPA 43; Mandela Rules 26, 32.1(b-c); RTI 24**Standard****74****Health staff are qualified and have input into the prison regime.****Indicators**

- Health services provided within prisons are adequately resourced. Health staff are competent and qualified to meet the needs of the detainee population. Staff may be registered or unregistered.
- Visiting Medical Officers are up to date with prisoner health issues.
- Health staff receive ongoing professional development.
- They maintain their professional registration, and undergo regular clinical and managerial supervision.
- Health staff are consulted and provide input into all areas of the prison regime relevant to prisoners' health.

EPR 41, 44, 45; GP 4.1.5; Mandela Rules 35

Mental health care

Standard

75 Prisoners have access to mental health services equivalent to those in the community so that their mental health needs are adequately and appropriately met, in line with individual preferences.

Indicators

- Prisoners' mental health needs, including any comorbidities and alcohol or other drug needs, are assessed during their initial health screening at reception. Prisoners are assessed by a qualified mental health clinician using validated screening tools.
- People who are remanded in prison and require psychiatric assessment are promptly referred to an appropriate mental health service to meet their needs.
- Competent practitioners deliver a community-equivalent range of evidence-based interventions and support for prisoners with mental health needs including learning disabilities, trauma, and neurological, mental and personality disorders.
- Effective psychological counselling services are available.
- Mentally ill prisoners are not punished for behaviour which is a consequence of their illness.
- Prisoners with mental illness have care plans which are regularly reviewed with their mental health practitioner/s. This includes suitable discharge planning for continuity of care after release.
- Prisoners entering custody under medical or psychiatric treatment can continue that treatment in prison.
- Prisoners requiring secure forensic mental health care can access it.
- On release, all prisoners receive a summary of their health status and referral to a community health care provider of their choice, including to Aboriginal and Torres Strait Islander community-controlled health organisations.

EPR 12, 40.4, 40.5, 43.1, 47.2; GP 4.1.4, 4.1.12, 4.1.13, 4.2.5, 5.1.6; Mandela Rules 24, 25.1, 31, 109, 110

Standard

76 Effective multidisciplinary processes detect and support prisoners in crisis.

Indicators

- Prisoners showing self-harm or suicidal behaviour are identified early and managed effectively under the least restrictive regime for their risk.
- All staff are trained in identifying self-harm and suicidal behaviour, and in suicide prevention.
- Multidisciplinary mental health crisis teams are available with minimal delay.
- Prisoners in crisis are consulted and informed about their care, including how to return to a standard regime.
- Aboriginal and Torres Strait Islander prisoners have access to traditional healers.
- Trauma and grief counselling is offered, where appropriate.

- Medical response equipment is easily accessible and readily available.
- Trained counsellors are available to all affected prisoners and staff after a crisis event.

EPR 40.4, 40.5,43.1, 47.2; **GP** 4.1.6, 5.1.6, 5.1.10; **Mandela Rules** 25.2

Standard

77 **Staff have suitable and culturally appropriate mental health training for the safe management of prisoners.**

Indicators

- All staff receive basic initial and ongoing mental health awareness training.
- All nurses have mental health training, and at least one nurse is a registered mental health nurse.
- All health and prison staff are up to date with the latest mental health practices and prisoner health issues.
- Staff have a clear understanding of cultural factors and beliefs to inform diagnoses of Aboriginal and Torres Strait Islander prisoners and other culturally and linguistically diverse prisoners.

GP 4.1.6, 4.1.13, 5.1.6; **Mandela Rules** 31

Standard

78 **The prison promotes and supports resilience in all prisoners.**

Indicators

- The prison regime promotes good mental health.
- Prisoners can access programs, interventions and health promotion that support positive mental health and building resilience.
- Prisoners are encouraged to manage stress in a timely and effective manner.
- The prison minimises the deleterious effects of imprisonment on prisoners' mental health by creating environments and cultures which are supportive of positive mental health.
- Staff assist prisoners to cope with changes in their circumstances.

GP 4.2.5, 4.2.7, 5.1.8; **Mandela Rules** 5.2

Substance use treatment

Standard

79 **The prison has strategies to safely reduce the demand for drugs and alcohol.**

Indicators

- The prison has an effective drug and alcohol strategy that includes smoking cessation.
- The prison has an evidence-based detoxification policy.
- The prison has working partnerships with local drug rehabilitation, counselling and education services.
- Regular and comprehensive needs assessments inform the strategy and action plans.
- Staff are adequately trained to effectively support and manage prisoners with substance misuse problems and to recognise when a prisoner requires referral to substance use services.
- There is a clear referral pathway.
- Therapeutic services meet the prisoners' needs, and their feedback and outcomes inform service delivery.
- Therapeutic services are integrated with each other, the prison and health services.
- Sufficiently competent staff provide effective evidence-based services.
- Prisoners with mental health and substance-related problems have prompt access to collaborative and comprehensive support.

GP 1.1.4, 4.1.11; **Mandela Rules** 24.2; **SHSAP** PHS4.1H

Standard

80 **Prisoners with histories of substance misuse receive specialised and individualised treatment, and culturally appropriate support, equivalent to that available in the community.**

Indicators

- Prisoners have personalised recovery plans which are regularly quality assured.
- Prisoners can access a range of gender-specific and culturally appropriate education programs, including information about the effects of substance misuse and available in-prison and community support.
- Prisoners can access clinical, psychosocial and harm reduction substance misuse interventions, including intensive counselling.
- Interventions are accredited, regularly evaluated and meet the specific needs of the prisoner cohorts.
- Initial health assessments identify dependencies, detoxification requirements and immediate risks of harm.
- Interventions for withdrawal and detoxification commence immediately. The withdrawal and detoxification process is clinically supervised and appropriate support should be offered to the prisoner.

- Pharmacotherapy programs are available under strict eligibility criteria and offer sufficient places to meet the demand in the prison. Prisoners under such programs are regularly and clinically monitored.
- Culturally appropriate support groups and individual supports are available.
- Assessment for offending behaviour programs identifies if substance misuse is a significant factor so that interventions can be delivered.
- Prisoners with substance-related needs can access a range of appropriate activities and regimes that support, change and challenge their offending behaviour.
- Prisoners with complex mental health, substance use and behaviour management challenges are supported by a multidisciplinary team who develop a program of support and treatment in consultation with the prisoner.
- People receiving treatment in the community can continue this once in prison and receive ongoing support.
- Prisoners receiving treatment in prison are supported to continue their treatment when they are released.

GP 5.1.6, 5.1.7; **Mandela Rules** 24.2

Support

Standard

81

Effective and valued cultural support and peer support programs meet the diverse risks and needs of the population.

Indicators

- Aboriginal and Torres Strait Islander peoples can access a Cultural Liaison Officer who effectively communicates with the various prisoner cohorts, including the diverse groups of prisoners.
- The Cultural Liaison Officer has strong links with First Nations communities and community organisations.
- An active and structured program of peer support is available to all prisoners.
- The makeup of the peer support group reflects the cultural diversity of the prison population, where possible. This includes acknowledging the diversity within Aboriginal and Torres Strait Islander populations.
- The Cultural Liaison Officer and the peer support group have access to prison management to raise contemporary concerns and issues.
- Cultural Liaison Officers and peer support workers are trained in identifying the signs of self-harm and at-risk prisoners and are aware of the process for referring prisoners for help.
- Cultural Liaison Officers are trained in self-harm and suicide prevention.
- Peer support workers are provided with incentives and gratuities for their work.
- Peer support workers are used effectively in reception, orientation and during first night arrangements.

EPR 50

Standard**82****An Aboriginal and Torres Strait Islander Elders program enhances the cultural life of the prison.****Indicators**

- The prison regularly convenes an Aboriginal and Torres Strait Islander Elders' forum to discuss matters affecting Aboriginal and Torres Strait Islander prisoners.
- Aboriginal and Torres Strait Islander Elders are invited to participate in cultural meetings, celebrations and events at the prison.
- Aboriginal and Torres Strait Islander Elders reflect the cultural and gender diversity of the prison population, where possible.
- Aboriginal and Torres Strait Islander Elders are nominated by their own community, accredited by the prison and compensated for out-of-pocket expenses in discharging their duties.

GP 5.4.4; RCIADIC 172

Security**Procedural security****Standard****83****Prisoners' wellbeing is safeguarded by effective security systems.****Indicators**

- Effective security systems and procedures keep prisoners safe and support interactive engagement between staff and prisoners to promote prisoner wellbeing.
- The frequency and style of prisoner counts is not oppressive and accounts for all prisoners, including those working or engaged outside the prison.
- Decisions based on intelligence are proportionate to risk and account for the reliability of the evidence especially when relied upon to remove a prisoner's access to entitlements available to other prisoners.
- The movement of protection and mainstream prisoners is managed to prevent contact.

EPR 49, 50, 51.2; GP 1.1.8

Standard**84****Effective systems control access to the prison.****Indicators**

- Effective processes and procedures control entry to the prison and manage movements in and around the prison.
- Access control processes and procedures do not interfere arbitrarily with family contact.

Standard**85** **Decisions relating to leave of absence applications adhere to the requirements of domestic legislation.****Indicators**

- Leave of absence applications are considered on individual merit and with regard to relevant legislation and the prisoner's individual risk.
- Leave of absence decisions must be recorded in writing and must document consideration of the prisoner's human rights. Prisoners are supported to request a review or appeal a leave of absence decision.
- When considering whether to grant compassionate leave to a prisoner, the chief executive must consider the prisoner's culturally specific needs.
- The prison advises a prisoner promptly about the death or serious illness of a family member and provides support for the prisoner's individual needs and continued wellbeing.
- Escorting staff are trained, and are professional, sensitive and culturally aware.
- If the chief executive authorises the provision of items, including money, to a prisoner approved for a leave of absence, the prisoner is made aware of their responsibility for those items.
- In circumstances where the costs associated with a prisoner attending a funeral are the only reason they cannot attend; the chief executive will provide financial support to the prisoner to enable their attendance.

CSA 83; EPR 24.7; RCIADIC 171

Standard**86** **The prison has an effective contraband and drug supply reduction strategy.****Indicators**

- The prison takes a strategic approach to reducing drug and alcohol supply, which reflects emerging trends and links effectively with the substance misuse demand reduction strategy.
- Searches of staff and visitors are conducted respectfully with the aim of reducing the introduction of contraband.
- Prisoner mail is searched sensitively with regard for the confidentiality of the information contained within the mail and with the aim of preventing the introduction of contraband.
- The drug testing of prisoners is subject to proper oversight to ensure fair targeting. All testing is carried out respectfully and sensitively by qualified staff and is subject to oversight and recordkeeping requirements.
- Wherever possible and subject to an assessment of the relevant risk factors, urine tests are conducted by a staff member of the prisoner's identified gender.
- The systems to test for drugs and other illicit substances are only used in strict compliance with the relevant legislation and standards to ensure the integrity of the testing process and results. Prisoners' blood samples are only taken by a doctor or nurse.

- There are clearly defined penalties for drug use or refusing to take a test.
- Prisoners who test positive, refuse drug testing or are involved in suspected drug-related incidents are referred to substance misuse services.
- For medication types which are at risk of misuse or diversion, prisoners take medication in front of staff unless instructed otherwise.

CSA 41-43, 159; GP 3.2.7

Standard

87 Incident prevention and emergency response capabilities align with assessed risk.

Indicators

- All staff are trained in incident response procedures.
- The prison has an emergency management plan.
- The prison has approved fire alarms and prevention systems.
- Emergency equipment is regularly tested and maintained.
- The prison takes all necessary measures to reduce and prevent accidents, self-harm and unnatural deaths.

GP 3.1.5, 3.2.1, 3.2.4

Searches

Standard

88 All searches are lawful, reasonable and proportionate to the risk posed. They are carried out in the least obtrusive way, only conducted when absolutely necessary, and in a manner that is respectful of the inherent dignity of the person being searched.

Indicators

- Searching is part of a wider safety and security strategy to detect items that may endanger the safety of anyone in the prison or pose a threat to security and good order.
- Search strategies and policies are regularly reviewed to assess their effectiveness and any scope for improvement.
- Emerging technologies are constantly being reviewed as an alternative to personal searches.
- Routine and targeted searches are properly documented, including the outcome of the search, to ensure they are not used in a discriminatory manner.
- The prison keeps up-to-date, comprehensive and accurate records of all searches which include the reason for the search, the results and the parties involved.
- Staff conducting searches are appropriately trained and provided with Personal Protective Equipment.
- Prisoners are advised of the search procedures and are never humiliated or degraded in the process.

Standard**89****Searches of all visitors and contractors are conducted when necessary and with regard for the person's dignity and privacy.****Indicators**

- Admission of visitors to the prison is contingent upon the visitor's consent to be searched. The visitor may withdraw their consent at any time, in which case they may be refused access.
- The searching of visitors, and their property, is conducted in accordance with the individual risk they pose. Visitors understand why they are being searched and how the search will be conducted. All visitor searches are conducted in the least obtrusive way possible.
- Clear information on search procedures, as well as prohibited and restricted items, is displayed and explained to visitors.
- Effective search procedures and recording systems are in place to check the entry and exit of all vehicles, as well as contractors' tools and other items that pose a potential security risk.
- Visitors to the prison or those contracted to undertake duties within the prison are informed about the search procedures. They are never humiliated or degraded.

Mandela Rules 60**Standard****90****Cell searches are only conducted when necessary and with respect to the prisoner's dignity and privacy.****Indicators**

- Searches of cells are conducted when there is a reasonable suspicion that contraband is present. Any search of personal possessions is conducted with respect and the room is always left as found, and preferably searched in the presence of the prisoner.
- All cell searches must be completed by two staff members and recorded using body-worn cameras. Staff have clear information about what is considered contraband and there are procedures on how to record, store, retain as evidence, or destroy any contraband found during searches. The prison keeps up-to-date, comprehensive and accurate records of contraband.
- Prisoners can keep documents relating to their legal proceedings. These cannot be searched.

EPR 54.1-54.5; GP 2.3.12; Mandela Rules 1, 50-51

Standard

91

The strip searching of prisoners is only conducted when absolutely necessary, in accordance with legislative requirements and with respect for their individual rights, dignity and comfort.

Indicators

- Searches of a prisoner are only conducted when reasonable and necessary to maintain the security and safety of the prison, its staff, and other people. Searches must be proportionate to the circumstances.
- Less intrusive search methods are used in preference to more invasive searches.
- Resident children are never strip searched or subject to personal searches.
- Forced strip searches are never conducted.
- Searches are conducted with due regard to gender, disability, religious and cultural sensitivities, the person's status, such as Aboriginal and Torres Strait Islander Elders, and trauma history. Particular care is taken with searches considering that some prisoners may have histories of sexual or physical abuse, and traumatic memories may be triggered by experiences of strip searching or being in other vulnerable positions.
- Searches do not harass, intimidate or unnecessarily intrude on a prisoner's privacy.
- Personal searches must be conducted humanely to protect the safety and dignity of those being searched.
- Searches are only conducted by appropriately trained staff, in a way that respects the dignity of the prisoner. Personal searches are only done by a staff member of the same gender as the person to be searched (except for fully clothed wand searches or walk-through detectors). There must be at least two staff present at a search – one to conduct the search and another to observe the searcher.
- Transgender prisoners, gender diverse prisoners and intersex prisoners are invited to nominate the gender of the staff member conducting the search.
- Cavity searches are never to be conducted.
- The prison has standard operating procedures in place for the refusal to comply with a search, and the consequences of refusing a search are explained to a prisoner before requesting their cooperation with the search.
- The prison keeps up-to-date, comprehensive and accurate records of all searches, including the reasons for the search, the names of staff who conducted the search and the outcomes.
- Strip searches are only used as a last resort and when permitted by legislation. Other means of searching must first be used, for example, pat searches, body scanners, metal detectors and increased surveillance.
- Strip searching is only used when there is an identified risk or reasonable suspicion that a prisoner is carrying dangerous contraband. They are not used as a random search or routine procedure.
- Strip searches are conducted as quickly as possible. Prisoners are allowed to remain partially clothed during searches and are permitted to dress as soon as the search is complete.
- Staff conduct strip searches in a private area or one that provides reasonable privacy for the prisoner being searched. Strip searches are not conducted in view of CCTV.
- Prisoners understand why they are being strip searched and the process for doing so.
- Every effort is made to minimise the frequency of strip searches.

- The number of staff present during a strip search is no greater than necessary and is reasonable to ensure the search is carried out as safely and effectively as possible.
- Staff are trained to conduct strip searches in a discreet and sensitive manner and are trained in trauma-informed searching techniques.

CSA 32(2); EPR 54.2, 54.4; Mandela Rules 1, 52.1; Yogyakarta Principles plus 10 9(H-I)

Emergency Management

Standard

92 The prison is prepared for emergency management incidents and monitors centre occurrences for predictors of disturbance.

Indicators

- Risk assessments and emergency management plans and procedures are in place and record any limitations of prisoners' human rights.
- Prevention and mitigation strategies are implemented and aimed at decreasing or eliminating the effect of foreseeable emergencies.
- The prison continuously monitors its operational performance for recognised predictors of disturbance.
- The frequency and type of incidents are continuously analysed and identified risks are acted upon.
- Staff are trained in relevant emergency procedures.
- Emergency management training exercises include the involvement of local emergency services agencies.

EPR 52.2; GP 1.4.6, 3.1.1, 3.2.1

Standard

93 Specialised services that can control, limit or modify an emergency to reduce its consequences are readily available and rapidly deployed for emergency management incidents.

Indicators

- The prison can access specialised services involving the use of controlled equipment and associated tactical knowledge, skills and abilities when necessary.
- Responses are tailored to each incident.
- Technological advances are assessed, standardised and implemented consistently.
- Specialised services are available for recovery, to return the prison to a state of preparedness post-incident.
- Timely recovery to a standard regime is a priority for emergency management incidents.
- Specialised services are subject to independent audit, review and investigation.

- When a use of force is the appropriate response, the least restrictive option guides decision-making.
- Staff only use the minimum force required to legally carry out their duties.
- Staff are held accountable for the use of force.

EPR 52.2; GP 3.1.1

Deaths in custody and serious incidents

Standard

94 **The prison promptly notifies all relevant parties about serious incidents and facilitates a comprehensive investigation.**

Indicators

- The prison notifies all relevant parties, including the next of kin, about any death in custody, escape, serious incident, injury, illness, admission to hospital or transfer to a mental health facility.
- The prison facilitates a comprehensive investigation of any serious incident. Investigations do not include the participation of any potentially implicated staff. Evidence is preserved, and victims and witnesses are protected.
- If a death occurs in a prison, the immediate vicinity is secured as a crime scene, and an appropriate authority is notified.
- The body of a deceased person is treated with dignity and respect.
- All actions regarding a death in custody comply with the requirements of the Corrective Services Act, Corrective Services Regulation, and the *Coroners Act 2003*.
- Support is offered to any staff member or prisoner affected by a death in custody or a serious incident.
- In the event of an Aboriginal or Torres Strait Islander person's death, the prison immediately notifies the deceased's family or other nominated person, as well as the Aboriginal and Torres Strait Islander Legal Service, a relevant Elder or other respected person known to the deceased.
- The prison facilitates any necessary and appropriate cultural practices when prisoners die in custody.

EPR 24.8, 24.9; GP 1.4.3, 1.4.6, 2.3.13, 2.3.14; **Mandela Rules** 8(f), 69, 71.1, 71.3, 72; **RCIADIC** 10

Maximum security management regimes

Standard

95 Prisoners under maximum security management regimes are treated with decency and humanity (consider standards 16-19 relevant to solitary confinement).

Indicators

- Maximum security management regimes are reserved for those prisoners unable to be safely managed under high security regimes. They require authorisation for initial placement and any extension.
- Strict guidelines ensure the prisoner is treated with decency and humanity.
- The regime provides an engaging, constructive, dynamic and non-alienating environment that is physiologically, emotionally and physically safe. Prisoners can access as many aspects of a normal regime as practicable, subject to the safety of themselves and others.
- The regime prioritises safety and the prevention of self-harm and suicide.
- Placement under a maximum security management regime, as well as the regime for each prisoner, is effectively monitored and regularly reviewed with enhanced levels of internal and external scrutiny.
- Prisoners' individual needs are addressed through individualised multidisciplinary case management plans, which are regularly reviewed.
- Prisoners subject to maximum security orders are aware of their right to request a review, their legal entitlements and how to access them.

EPR 53.1, 53.2, 53.4, 53.5, 53.7; **GP** 1.1.4, 3.1.4, 3.2.9, 3.2.9, 3.3.4, 3.3.8, 3.3.9

Transport

Standard

96 Transport arrangements ensure the safety and security of prisoners.

Indicators

- Prisoner transport only occurs where necessary and after a comprehensive risk assessment, particularly when transporting Aboriginal and Torres Strait Islander prisoners out of their country.
- Male and female prisoners are transported separately.
- The cost of transport is not borne by the prisoner.
- Prisoners are assessed pre-travel to identify and mitigate any potential negative effects of the travel.
- Medical advice for prisoners with special needs is considered when making transport arrangements.
- Prisoners are adequately prepared for long distance transport which only occurs in aircraft or appropriate long-haul vehicles with amenities.
- Prisoners travelling long distances are briefed at each destination point and receive a basic orientation at any facility they stop at for any length of time.

- Prisoners are given adequate comfort breaks (appropriate for the length of the journey), meals and refreshments while in transit.
- Auditable systems record the duration prisoners spend in a vehicle, including wait times.
- Regional or remote locations used for overnight stays provide adequate and hygienic accommodation that permits separation for different prisoner cohorts for their protection.
- Prisoners receive fresh nutritious food, clean potable water, bedding suited to the climate and clean linen and towels when housed in locations for overnight stays.
- Prisoners confined to a vehicle for extended periods can access at least one hour's exercise in the fresh air.
- High-security escorts are audio visually recorded for the security, safety, welfare and dignity of prisoners.
- Drivers are trained in vehicle emergency procedures.
- Robust contingency plans exist in case of breakdowns.

EPR 32.2, 32.3; GP 2.1.4, 3.1.5, 3.1.11, 3.1.13, 3.3.9; Mandela Rules 68, 73.3

Standard

97 Prisoners being transported are treated with respect and decency, and attention is paid to their individual needs.

Indicators

- Prisoners are informed in advance about the destination, duration and reason for the transfer and can inform their family, unless there are clearly documented security justifications not to.
- Vehicles meet the diverse needs of prisoners, including those who are infirm, injured, pregnant or have a disability. Non-standard prisoner transport vehicles are available for use where necessary.
- Prisoners' special needs are identified and catered for during their transport, including accounting for stress which can occur when transporting prisoners out of country and away from their family and community.
- Transporting staff know about the individual needs of the prisoners in their care and can effectively brief receiving staff.
- Comfort breaks are planned at least every two and half hours for long distance escorts and vehicles without toilets.
- Short distance and multiple location escorts may take extended periods of time due to roadworks, delays and frequent stopping at locations. Under these circumstances, prisoners will be afforded the same safety and well-being interventions (food, bottled water and comfort breaks) as long-distance escorts.
- Prisoners have access to clean, private toilets and handwashing facilities, and discreet access to sanitary products.
- Prisoners can access their prescribed medication, where necessary.
- Prisoners can access stress reduction treatments for long-haul journeys, including nicotine replacement therapy.
- Transport does not subject prisoners to unreasonable hardship or unnecessary exposure to public view.

- Prisoners are not kept waiting in vehicles.
- Private property and identity papers accompany prisoners unless it is known that they will not be needed.
- Vehicles are clean and hygienic; smoking is not permitted inside vehicles.
- Vehicles allow sight and sound separation of categories of prisoners, where necessary.
- Prisoners are always monitored and can communicate with staff while in transit.
- Vehicles meet all necessary safety and security standards including, but not limited to, having:
 - seat belts for each seat
 - moulded or cushioned forward or rear facing seats (not sideways), with sufficient width and leg room
 - cells with one-way windows for natural light, external views and privacy
 - cells that are safe-cell compliant and have rescue exits
 - cells with hatches so that items can be passed and handcuffs securely applied
 - effective audio-visual monitoring and communication systems
 - robust climate control, adjustable in each zone of the vehicle, with good natural ventilation readily available if climate control fails
 - the capacity to broadcast music, radio or essential information to passengers
 - adequate storage for valuables, paperwork and other property
 - real-time satellite tracking and an activity trace that is securely recorded
 - storage capacity for clean drinking water and healthy meals.

EPR 17.3, 32.2; **GP** 3.1.11, 3.1.12; **Mandela Rules** 18.1, 21, 22, 73.2

Standard

98

Escorts ensure the safety and security of the community and have regard for the welfare and dignity of prisoners.

Indicators

- Methods of restraint are only used if they are justified by a documented risk assessment.
- The type of restraint used during transport is the least restrictive having regard to the risk. The application of restraints is authorised and their continued use is regularly reviewed.
- Restraints are not used on prisoners receiving treatment for significant medical conditions, such as end-of-life care, unless there is a documented serious risk to themselves or others, a justifiable risk of escape, or where they cannot be managed by other reasonable means.
- Restraints are not used when escorting pregnant prisoners unless there are exceptional circumstances, which must be documented and approved.
- If prisoners are handcuffed and/or leg-cuffed, care is taken to reduce their public exposure.
- Management of escorts, such as those to hospitals, ensures that security requirements for the prisoners do not impact on the provision of medical treatment to them.

- Prisoners under static escort must have access to shower and toilet facilities, and prison staff have regard for their dignity when using those facilities.
- Consideration is given to medical advice on the removal of restraints for prisoners. Regular medical checks are conducted to ensure prisoners on long-term static escorts are not harmed by the ongoing application of restraints.
- Accurate records of a prisoner’s movements within the static escort are maintained and these records are auditable.
- Incidents occurring on escort are responded to in accordance with incident response procedures and are investigated accordingly.

Bangkok Rules 24; **EPR** 32.1, 68.2, 68.3; **Mandela Rules** 48.1, 73.1

Rehabilitation and reparation

Classification, sentence administration and case management

Standard

99

Prisoners are held in custody and released in accordance with the law.

Indicators

- Prisoners are only admitted to and released from custody with valid documentation.
- Effective processes ensure the legality of a prisoner’s time in prison.
- Prisoners’ release dates, including possible parole dates, are accurately calculated.
- Prisoners are released at the earliest possible time. They are never held beyond their date of release except when they request in writing to remain in prison overnight for travel or other compassionate reasons.
- Opportunities and conditions for early release are explained to prisoners at the start of their sentence, in a language and format they understand.
- If a parole release is withdrawn, the prisoner knows why and is aware of available appeal mechanisms.
- Prisoners facing deportation or immigration removal have a Commonwealth Holding Order or similar valid authorisation for further imprisonment.
- Prison staff are trained in release processes.

EPR 14, 16(b), 30.3,33.1; **GP** 1.1.1, 1.1.3; **Mandela Rules** 7, 8(a), 119.1

Standard**100 Prisoners know the details of their custody.****Indicators**

- Prisoners are told of the reason for their custody in a language and format they understand.
- People on remand are informed of their next court appearance.
- Prisoners know their key sentence dates, including possible release dates, and are told of any updates.
- All dates are reconfirmed with the prisoner at least every six months.
- Prisoners know how to request a check of the accuracy of their sentence calculation.

EPR 30.2, 30.3; **GP** 2.1.9

Standard**101 The security classification of a prisoner is based on their individual risks and needs.****Indicators**

- Assessment of security classification is accurate, timely and transparent.
- Classifications have graduated levels of security, privileges, opportunities and freedoms.
- Assessments of classification are based on the individual risks and needs of the prisoner.
- Prisoners are safely held under the least restrictive regime and lowest security rating based on their assessment.
- Security classifications are reviewed at least every 12 months.
- Prisoners know the outcome of their assessment and classification, and any reviews.
- Assessments are objective, validated and evidence based. The assessment tools are validated on gender-specific and culturally diverse populations, they are inclusive of understandings of the impact of any identified disability and they are regularly reviewed.
- Professional override of an assessment outcome is used appropriately and accountably.

EPR 51, 52.1; **GP** 2.1.3, 2.1.8,3.3.1; **Mandela Rules** 8(b-c), 89.1,93

Standard

102 A prisoner is held in a prison that is as close as possible to their family and community of interest.

Indicators

- Prisoners are held in prisons close to home unless they need specialist services or there are compelling reasons for placing them further away. Where prisoners are placed far from home, it is for the minimum time necessary.
- Aboriginal and Torres Strait Islander prisoners are held on country. However, where off country placements of Aboriginal and Torres Strait Islander prisoners with strong attachments to country are unavoidable, they are compensated appropriately.
- Aboriginal and Torres Strait Islander prisoners held off country are not individually isolated. They are placed with prisoners who are family and/or community members for social support.
- Foreign national prisoners are placed in prisons that best provide for non-standard services like access to translators, interpreters and consular services.

EPR 17; GP 5.1.5; Mandela Rules 59; RCIADIC 169

Standard

103 All prisoners have an individual case management plan which meets their assessed needs and risks.

Indicators

- Case management plans for prisoners are developed promptly upon their entry into custody.
- Prisoners actively participate in developing their case management plan and any subsequent reviews.
- The needs assessment tool used to develop these plans is comprehensive, validated and competently administered by trained assessors.
- Plans contain measurable and achievable short and long-term goals.
- Prisoners' criminogenic needs are identified and addressed in their individual plans.
- Needs relevant to a prisoner's mental impairment, cognitive or intellectual disability are addressed in individual plans.
- Plans provide a pathway for a prisoner's safe release into the community.
- Accurate records are kept and updated regularly, with progress and changes clearly recorded.
- A Cultural Liaison Officer is involved in developing case management plans for Aboriginal and Torres Strait Islander prisoners.

EPR 16(c), 103, 104; GP 5.1.1, 5.1.2, 5.1.3; Mandela Rules 92, 94

Standard

104 Prisoners are supported to achieve the goals of their individual case management plans.

Indicators

- There are appropriate and sufficient purposeful activities and criminogenic programs available to prisoners, which are designed to reduce the risk of reoffending and to help prisoners prepare for release.
- These activities and criminogenic programs have been appropriately adapted to meet the diverse learning needs of prisoners where required.
- Staff proactively support and motivate prisoners to engage positively in these activities and programs.
- Where progress to the agreed goals in a plan is delayed, appropriate support is delivered.

GP 5.3.1

Standard

105 Appropriate information is shared with relevant authorities and stakeholders.

Indicators

- Up-to-date, impartial and appropriate information, including any significant changes to a prisoner's circumstances, is shared with courts, releasing authorities and other relevant stakeholders.
- Substitute decision-makers are informed where relevant.
- The sharing of information is timely.
- Case management is seamless across prisons and community corrections.

GP 1.1.1, 1.1.2

Programs**Standard**

106 All prisoners are assessed to identify their risks and program needs.

Indicators

- Needs assessment tools are validated, comprehensive, gender responsive and culturally appropriate.
- Prisoners actively participate in the assessment process.
- Prisoners know the outcome of the assessment and the programs available to them.

Mandela Rules 92

Standard**107 Prisoners' risks and needs are addressed through relevant programs.****Indicators**

- Prisoners can access appropriate criminogenic interventions.
- Prisoners can access psycho-educational and cognitive development short courses and programs.
- Prisoners have access to and are encouraged to engage in self-help programs.
- Access to counselling and programs delivered by external providers, including on a fee-for-service basis, is not unduly restricted.
- Access is equitable.
- Programs and counselling services are reliably available and are gender and culturally appropriate.
- Sufficient programs and counselling services are available to prisoners at the highest levels of risk and need.
- Program facilitators are trained. They are from diverse backgrounds, which reflect the prison population.
- The programs delivered provide relevant information and promote successful reintegration.
- Prisoners are encouraged to accept full responsibility for their offending behaviour and its consequences.
- Prisoners are encouraged and helped to take responsibility for their own rehabilitation.
- Prisoners waitlisted for programs are provided with opportunities to complete those programs prior to their parole eligibility date.
- The prison has appropriate links with community corrections, as well as care and support services for prisoners who commence programs in prison but are unable to complete them prior to their release.
- Staff know about and promote the programs and counselling services available to prisoners.

GP 5.1.9, 5.3.1; **Mandela Rules** 88.1, 91, 92.1

Standard**108 All programs and counselling services are best practice and evidence based.****Indicators**

- Programs are best practice and there is evidence of their efficacy.
- Programs are applied according to 'what works' principles in relation to responsivity and intensity.
- Prisoners who are waitlisted for a program are offered an opportunity to complete the program prior to their parole eligibility date.

- Interventions are developed and adapted for delivery to prisoners with diverse learning, gender, cultural and responsiveness needs.
- Programs meet the specific needs of different prisoner cohorts.
- Effective governance is in place for program and counselling delivery.
- Programs are periodically evaluated including by obtaining the views and experiences of the participants.
- Programs delivered by external service providers are monitored and regularly assessed.
- Non-accredited interventions are carefully managed and their effectiveness is monitored.

GP 5.1.6, 5.1.7

Standard

109 Life skills courses meet the needs of the prisoner population.

Indicators

- The prison offers life skills courses that are of value to prisoners on release, including budgeting and debt management, household maintenance, leadership and civic responsibilities, and healthy lifestyles.
- The prison conducts regular reviews of the life skills' needs of the population and responds accordingly.
- Life skills courses run continuously to meet demand, and access is equitable.
- Delivery is culturally appropriate and gender responsive.

GP 5.1.8

Education

Standard

110 All prisoners are assessed to identify their educational needs, wants and abilities.

Indicators

- Prisoners are assessed for their learning needs, wants and abilities when they arrive in prison.
- Prisoners actively participate in the assessment process.
- Prisoners know the outcome of the assessment and the opportunities available to them.

EPR 106.2; GP 5.1.11, 5.2.1; Mandela Rules 4.2, 89

Standard**111****Educational opportunities are relevant to the needs and interests of prisoners.****Indicators**

- All prisoners are encouraged to participate in education and training, including those on remand. They know about the opportunities available to them.
- A wide range of courses are available, including social, technical, professional and higher education.
- Education and vocational training reflect personal interest and community demand, typically leading to formal qualifications and employment upon release.
- Prisoners assessed with low levels of literacy and/or numeracy can access appropriate education as soon as they arrive in prison.
- Education and training opportunities are culturally appropriate and reflect the diversity of prisoners' cultures, traditions and histories.
- Education, training and resources are customised to suit the learning needs and styles of prisoners, particularly Aboriginal and Torres Strait Islander prisoners.
- Appropriate and sufficient staff, locations, resources and technologies are available.
- The prison has qualified Aboriginal and Torres Strait Islander instructors, educators and Aboriginal and Torres Strait Islander Education Workers.
- Educational pathways ensure continuity as prisoners move between prisons, and progress through their sentence. Where possible, education is linked to community providers that can support continuity post release.

EPR 28.1, 28.228.7(a), 89.1, 106; GP 5.1.6, 5.1.11, 5.2.1; Mandela Rules 78, 92.1, 104

Employment**Standard****112****All prisoners can engage in work that is purposeful and increases their employability on release.****Indicators**

- There are sufficient meaningful employment opportunities to employ all prisoners.
- The workday is constructive and of a reasonable length.
- All sentenced prisoners work, or undertake education or training, subject to their individual capacities.
- All prisoners have equal opportunities to apply for all work positions and can acquire the skills necessary for promotion.
- Prisoners engage in work that benefits them, enhances their self-esteem and improves their wellbeing and chances of successful reintegration.
- Prisoners can be released from work to attend approved programs and education.
- Employment increases a prisoner's employability on release and offers them the opportunity to achieve national competency accreditation, where possible.
- Prisons have beneficial links with suitable external employers, particularly with regional industries for prisoners returning to regional locations.

- Work supervisors have appropriate qualifications, experience and expertise.
- Aboriginal and Torres Strait Islander prisoners intending to return to remote communities can gain skills likely to be of value there.

EPR 26, 105.3; **GP** 5.1.12, 5.1.13, 5.3.2; **Mandela Rules** 96, 98

Standard

113 Prisoners' work is not exploitative, harmful or for the private benefit of staff.

Indicators

- Prisoner employment complies with occupational health and safety standards.
- All prisoners and staff have occupational health and safety training prior to, or early in, their employment.
- Provision is made to indemnify prisoners against industrial injury, including industrial disease.
- Prisoners have a workplace Code of Conduct.
- Prison work is not for the private benefit of staff or the company operating the prison.

EPR 26; **GP** 1.1.7; **Mandela Rules** 97, 100, 101

Standard

114 Prisoners' work provides specific benefit to the community.

Indicators

- Prison employment resembles similar work in the community.
- Suitable prisoners participate in community work outside the prison.
- The management and supervision of community work reflects the complexity of the tasks being completed and the number of prisoners requiring supervision. Community and victim safety is prioritised.
- Prison industry and work in the community does not unduly affect local business and employment.
- The prison ensures that local communities and not-for-profit organisations benefit from the external work and reparative activities performed by prisoners, particularly in Aboriginal and Torres Strait Islander communities.

EPR 26, 105.3; **GP** 3.3.10, 5.3.3, 5.4.2-5.4.4; **Mandela Rules** 98, 99, 102, 103.1

Preparation for release

Standard

115 The prison adequately prepares all prisoners for their release (consider standard 6 for remand prisoners).

Indicators

- All prisoners receive programs and services to assist their successful transition back to the community.
- Sentenced prisoners are gradually reintroduced to community life through pre-release programs.
- Prisoners with continuing health and social care needs, including disability support and those who are at risk, are prepared and assisted to access appropriate post-release services.
- Prisoners with a history of drug and/or alcohol problems are prepared and assisted to access appropriate post-release services, including continued treatment.
- All prisoners have an up-to-date plan for addressing outstanding rehabilitation needs. Plans are managed in partnership with community corrections, where necessary.
- Prisoners understand the requirements of their parole conditions and can discuss their rights and responsibilities prior to release.
- Prisoners receive advice, support, and skills to manage their finances adequately in prison and on release.
- Aboriginal and Torres Strait Islander prisoners receive culturally relevant reintegration and post-release services, particularly post-release employment and suitable accommodation.
- All prisoners receive sexual health advice and contraception on release.
- Prisoners with additional needs receive appropriate information and links to support services.

EPR 6, 33.3, 33.4, 107; GP 5.2.1, 5.2.3, 5.2.4; Mandela Rules 88.1, 90, 107, 108

Standard

116 Prisoners near release are accommodated at low security centres.

Indicators

- Low security centres and work camp facilities are widely available.
- Prisoners obtain necessary qualifications prior to or during placement at work camps.
- Prisoners at low security centres and work camps, obtain skills and knowledge suitable for their release. They can engage with external providers in training and employment.

GP 5.2.6, 5.3.3; Mandela Rules 87, 89.2

Standard**117 Prisoners receive all necessary practical support and information for the day of their release.****Indicators**

- The prison ensures prisoners have the means to safely reach their home, particularly Aboriginal and Torres Strait Islander prisoners from remote communities that are not serviced by public transport.
- The prison ensures prisoners, including those on remand, have accommodation on release.
- Prisoners released from court upon sentencing are provided with information regarding support services and are promptly provided with any documentation, money and property held by the prison.
- Prisoners have appropriate identity documents.
- Prisoners receive all their property, including money, on release.
- Identity documents, valuable property and money are sent to court for all prisoners required to appear without a return-to-prison order.
- Prisoners' clothing is cleaned or aired when it has been in storage for long periods.
- Suitable clothes and bags are available to discharged prisoners who do not have them.
- Prisoners can make a phone call and charge their mobile phone prior to release.
- Prisoners are given information about sources of help and support in the community and are connected to support services prior to their release.
- Prisoners who need additional support are met at the gate and taken to their initial appointments.

EPR 6, 33.3, 33.4, 33.7, 33.8, 107; **GP** 5.2.1; **Mandela Rules** 67.2

Equity and diversity

Younger prisoners

Standard

118 The distinct gender-specific needs of young prisoners are identified and appropriately responded to.

Indicators

- Young prisoners experiencing their first time in custody or who have transferred into adult custody from youth detention, are promptly identified on reception. They are actively supported by staff and effective peer support processes.
- Young prisoners are accommodated separately from older prisoners.
- Young prisoners are involved in the development, implementation and regular review of their individual multidisciplinary care plans.
- The prison understands the vulnerability of younger prisoners and ensures they are safe from harassment, victimisation and bullying.
- Younger prisoners have equal access to available employment, activities, programs and services.
- The age of younger prisoners is accounted for in behaviour management and disciplinary processes.
- Staff are trained to understand the distinct needs of young prisoners, particularly regarding maturity.

EPR 18.8(c), 26.5, 28.3, 81.3; **Mandela Rules** 11(d), 98.2, 104.1

Culturally and linguistically diverse prisoners

Standard

119 Prisoners from culturally and linguistically diverse (CALD) backgrounds have fair and equitable access to services, activities, employment, and education including those relating specifically to their CALD status.

Indicators

- CALD prisoners have access to interpreters and, where necessary, documents are made available in their preferred language.
- The prison provides access to cultural support services to assist CALD prisoners to maintain connection to their communities.
- CALD prisoners are permitted to express their cultural identity inclusive of dietary requirements and food preparation, communication styles, religious considerations, access to religious leaders and cultural advisors, and living conditions.

EPR 81.3

Foreign national prisoners

Standard

120 Foreign national prisoners are supported to maintain connection with their family and community of interest.

Indicators

- Foreign national prisoners know how to maintain connection with their family and community of interest.
- Information is provided to them in a language and format they understand.
- Foreign national prisoners receive extra phone calls and/or allowances where they are unlikely to receive regular visits. Where necessary, phone calls are facilitated at a mutually appropriate time of day.
- Staff encourage foreign national prisoners to maintain connection to reduce isolation.
- The prison provides support to prisoners to correspond with the Department of Home Affairs relating to immigration status and visa requirements. The prison also ensures foreign national prisoners can access the resources and support required to engage in fair appeals processes.
- The prison provides support to prisoners who are subject to a removal order by the Department of Home Affairs to better understand immigration detention.

EPR 81.3

Sexual orientation

Standard

121 The needs of prisoners of all sexual orientations are recognised with equitable access to services, activities and facilities.

Indicators

- When determining placement of a prisoner, the risks associated with the prisoner's disclosed sexual orientation are taken into consideration, having regard for their safety and wellbeing.
- All prisoners are provided with suitable education regarding sexual orientation to reduce violence and ill-treatment towards lesbian, gay and bisexual prisoners.
- Acceptance of all sexual orientations is promoted.
- Staff training and development includes human rights standards and principles of equality and non-discrimination, with an awareness of the discrimination faced by gay, lesbian and bisexual people.
- Action is taken to identify and prevent homophobic language and behaviour, and interventions for challenging homophobic behaviour and bullying are in place.
- Prisoners who are bisexual, homosexual, pansexual and asexual are supported by specific support groups and programs within the prison and through referral to external support services.

EPR 13; **Mandela Rules** 76.2; **Yogyakarta Principles** 9(b), 9(d), 9(g), 10(a), 10(b), 10(c); **Yogyakarta Principles plus 10** 9(h), 30(a), 30(b), 30(e), 30(f), 33(a), 33(e), 38(a)

Female prisoners

Female prisoners make up a small proportion of the total number of prisoners held in Queensland. The number of women who have been sentenced to imprisonment has grown considerably over time, with Aboriginal and Torres Strait Islander women being significantly over-represented.¹² Female prisoners are accommodated in separate prisons from male prisoners.

The specific needs of female prisoners are inherently different, including their lived experiences of abuse and trauma prior to entering detention. The needs of female prisoners have been considered in a number of recent reviews in Queensland which highlighted the demand for a trauma-informed approach in addressing mental and physical health, sexual and physical abuse, substance use, parenting and cultural needs.¹³

These standards apply in addition to the standards for all prisoners.

Early days in custody

Reception and admission

Standard

122 Female prisoners feel safe and respected during their first days in custody.

Indicators

- Support and counselling services are available to reduce the trauma of separation from children and other dependents.
- Pregnant prisoners and mothers of young children receive information on reception about options to have their children remain with them in prison. Staff assist prisoners to make the appropriate applications.
- In circumstances where there is no order restricting contact between a female prisoner and a child, information is provided as to how contact can be maintained.

Bangkok Rules 2

¹² *Engendering justice: The sentencing of women and girls in Queensland*, Queensland Sentencing Advisory Council, 2022

¹³ *Hear her voice: Women and girls' experiences across the criminal justice system*, report two, vol. 1 & 2, 2022.

Gender-responsive health assessment on reception

Standard

123 Female prisoners receive a comprehensive, gender-specific health examination on reception.

Indicators

- Health examinations account for the gender-specific needs of female prisoners and include assessment for physical, mental and psychiatric care needs, self-harm and suicide risks, substance misuse and dependencies, blood-borne diseases, sexually transmitted infections, reproductive health history and signs of abuse and violence.

Bangkok Rules 6; EPR 34.1, 34.2

Orientation

Standard

124 Induction processes are gender-specific and culturally appropriate.

Indicators

- Female prisoners are provided with information about their rights, responsibilities and entitlements while in custody, including the gender-specific rehabilitative and reparative opportunities available to them. All information is provided in a language and format they understand.
- Induction is culturally appropriate and acknowledges the roles women play in various cultures.

EPR 34.1, 34.2

Duty of care

At-risk female prisoners

Standard

125 At-risk female prisoners are treated with dignity and respect through individualised urgent and ongoing care.

Indicators

- Responses to risks of self-harm and suicide are gender-specific, culturally appropriate and specific to a prisoner's individual needs.

Bangkok Rules 16

Placement and accommodation

Standard

126 Female prisoners are held in accommodation suitable to their needs and under the least restrictive regime for their assessed risks.

Indicators

- The prison has a gender-responsive placement assessment tool.
- Female prisoners are held in prisons close to their family and community, under the least restrictive regime and lowest security rating based on their assessment.
- Female prisoners are held in appropriate accommodation that supports their health and wellbeing.
- Female prisoners have equitable access to low security centres and work camps.
- Female prisoners are placed in separate confinement only as a last resort, and consideration is given to the effect on their children and family.

Bangkok Rules 4; **EPR** 18.8(b), 34.1; **GP** 2.1.4; **Mandela Rules** 11(a)

Daily life

Regime

Standard

127 The regime for female prisoners is purposeful, respectful and gender responsive.

Indicators

- The prison has a gender-responsive and constructive regime that meets the varied needs of female prisoners, including being flexible for pregnant women, nursing mothers and women with resident children.
- Female prisoners are encouraged to actively participate in the regime, including as advisors on issues affecting them.

Bangkok Rules 42.2; **EPR** 34.1

Living conditions and hygiene

Standard

128 Female prisoners are held in conditions that are clean and dignified. Women are encouraged to maintain their own personal care and hygiene.

Indicators

- The prison is clean and hygienic, including the shower and washing facilities, which affords privacy to female prisoners.
- Female prisoners are active participants in maintaining their own personal care and hygiene.
- Staff sensitively and professionally encourage female prisoners to maintain their personal care and hygiene, particularly for women from disadvantaged and marginalised circumstances.
- Female prisoners have facilities, materials and products required to meet specific hygiene needs, including needs arising from menstruation, incontinence, pregnancy and breastfeeding. This includes the provision
- of sanitary towels, tampons and other menstruation management products free of charge and never require a request to a male officer.

Bangkok Rules 5; **EPR** 19.3, 19.4, 19.7, 34.1; **Mandela Rules** 15, 16, 17, 18

Clothing

Standard

129 Female prisoners have adequate access to clean, gender-appropriate clothing that is in good condition.

Indicators

- Prison-issued clothing and underwear is designed for the needs of female prisoners.
- Clothing is clean, fits properly, and is in good condition to ensure a prisoner's feelings of wellbeing and self-esteem.
- Underwear provides adequate support for daily life and physical activity.
- Suitable clothing is provided for the specific needs of pregnant prisoners and nursing mothers.

EPR 34.1; **Mandela Rules** 19

Family and community contact

Standard

130 Female prisoners are encouraged to develop and maintain strong relationships with family and community.

Indicators

- Female prisoners who are mothers can have contact, including visits, mail and phone calls, with their children, unless it is not in the child's best interests.
- The prison respects the important role of Aboriginal and Torres Strait Islander women in their communities, including their responsibilities and obligations to family and extended kinship ties.
- The prison adequately addresses the disadvantages for off-country Aboriginal and Torres Strait Islander women, with special assistance provided so they can maintain strong family and community contact.

Bangkok Rules 26; Mandela Rules 106

Incentives, earned privileges and gratuities

Standard

131 Female prisoners' access to incentives and earned privileges is not less than that available to male prisoners.

Indicators

- Female prisoners can access the highest level of incentives, earned privileges and gratuities.
- Pregnant prisoners unable to work can maintain their incentives, earned privileges and gratuities.

Health and support

Physical health care

Standard

132 Health care services meet the complex needs of female prisoners in a safe and dignified environment.

Indicators

- Female prisoners' complex health and wellbeing needs are adequately identified, treated and managed holistically and, where necessary, account for experiences of childhood sexual assault, intimate partner violence, grief and anxiety associated with separation from children and other dependents, low self-esteem, and histories of self-harm and/or attempted suicide.
- Female prisoners are offered access to routine health screening and preventative health measures that are available in the community.
- Female prisoners can access female doctors, where this is preferred. They can have a representative present if they receive treatment from health staff of a different gender.
- If non-medical staff must be present during medical examinations, they must be female.

GP 4.1.1, 4.1.14

Standard

133 Pregnant prisoners' health care needs are met by services and support equivalent to that in the community.

Indicators

- Pregnant prisoners have individual health care plans developed when pregnancy is confirmed.
- Appropriate health checks and screening are conducted.
- Qualified staff provide information and counselling about pregnancy and termination options.
- Antenatal and postnatal treatment and support are available, including advice on health, diet and exercise.
- Antenatal services and postnatal care are equivalent to that available in the community and include 24-hour access to hospital and community-based obstetric and midwifery services.
- All necessary steps are taken to reduce the chances of stillbirth and infant mortality, and to support the child's healthy development.
- Pregnant prisoners are held in prisons close to their family and community unless there is a medical reason to transfer them to another prison.
- Prisoners give birth in a hospital. If a child is born in prison, this is not recorded on the birth certificate.
- Female prisoners are not discouraged from breastfeeding unless there are specific health reasons for doing so.

- The medical and nutritional needs of female prisoners who have recently given birth, but whose babies do not reside with them, are included in their health care plans.
- Health staff are trained to manage emergencies arising for pregnant prisoners.
- Suitable, culturally appropriate antenatal and postnatal accommodation is available and meets demand, including ground level cells without bunks.

EPR 22.6; Mandela Rules 24.1, 28

Standard

134 Gender-specific preventative health care services, including promotional information, are available.

Indicators

- Female prisoners can access gender-specific preventative health care services equivalent to those available in the community, including regular cervical screening and mammograms.
- Female prisoners are encouraged to access and learn about preventative health care. Predisposed female prisoners, older women and those with family histories of disease are particularly encouraged to learn more.
- Health checks and screening are performed by qualified health staff the prisoner is comfortable with, and counselling is provided where necessary.

GP 4.1.1, 4.1.14

Mental health care

Standard

135 Female prisoners' gender-specific mental health needs are identified, treated and supported by services equivalent to those in the community.

Indicators

- Gender-specific mental health services, including counselling and support, are provided to meet the risks and needs of female prisoners.
- Health staff are qualified to identify, treat and support gender-specific mental health needs.
- Mental health programs are gender-specific and trauma informed.
- Staff are advised when female prisoners are feeling particularly distressed and can ensure sensitivity and support in the situation.

Bangkok Rules 12, 13, 16, 35; EPR 34.1; GP 4.1.6, 4.2.5; Mandela Rules 24.1

Substance use treatment

Standard

136 Female prisoners receive gender-specific substance use treatment and support.

Indicators

- Female prisoners' complex substance use issues, including poly-substance use are identified and appropriately managed with gender-specific treatment, programs, support and counselling.
- Access is substantively equivalent to that available to male prisoners and does not require female prisoners to be transferred to another prison away from their family and community.

Bangkok Rules 15

Security

Searches

Standard

137 Search practices maintain the inherent dignity of female prisoners, resident children and child visitors.

Indicators

- Searches of female prisoners are only conducted by female staff. Searches are respectful and have regard for the woman's possible experiences of trauma, violence and abuse.
- Female prisoners are not strip searched unless absolutely necessary. Where there is no other alternative to conducting a strip search, a woman is never to be fully naked during the search, and only two appropriately trained female staff are to be present.
- Staff are trained in trauma-informed practice and how to conduct searches where a prisoner is pregnant or menstruating.
- Resident children are only searched if absolutely necessary.
- Resident children are never strip searched.
- Staff show sensitivity and professionalism when searching resident children.
- A parent or guardian must be present for all searches of resident children.

Bangkok Rules 19, 20, 21; **EPR** 34.1, 54.5; **Mandela Rules** 50, 51, 52.1

Solitary confinement

Standard

138 Solitary confinement for female prisoners is used only in exceptional circumstances and for the shortest possible period of time. Prisoners with resident children and those who are pregnant or breastfeeding are not placed in solitary confinement.

Indicators

- The decision to place a female prisoner in solitary confinement must include a risk assessment. This assessment considers the harmful effects of increased security measures and isolation as a result of solitary confinement, and it sets out the actions which can be taken to mitigate those risks.

Bangkok Rules 22; Mandela Rules 45

Punishment and disciplinary procedures

Standard

139 Disciplinary processes and outcomes for female prisoners are fair, reasonable and gender responsive. They do not unduly affect prisoners' children.

Indicators

- Female prisoners do not face disciplinary procedures conducted by all-male personnel.
- Sanctions for female prisoners do not restrict contact with their children.
- Female prisoners who are pregnant, breastfeeding or residing with children are not placed in solitary confinement or separated from their children as punishment.

Bangkok Rules 22, 23

Use of force and restraints

Standard

140 Use of force and restraint practices are respectful and gender responsive.

Indicators

- Force is not used against pregnant prisoners or women with resident children unless absolutely necessary and unless all other de-escalation options and means have been exhausted and have failed. The safety of the unborn baby or resident child is paramount.
- Restraints are not used on pregnant prisoners unless there are exceptional circumstances, which must be documented and approved.
- Female prisoners are never restrained during a termination, labour, while giving birth or immediately after delivery.

- Staff know which female prisoners are pregnant.
- The use of force and restraints on female prisoners is only administered by female staff, where possible.
- Staff are trained in trauma-informed practice and know that the use of force and restraints can further distress female prisoners who have experienced trauma, violence or abuse.

Bangkok Rules 24; **EPR** 34.1; **GP** 3.1.16; **Mandela Rules** 48.2, 49

Rehabilitation and reparation

Classification, sentence administration and case management

Standard

141 The classification, sentence administration and case management of female prisoners account for their specific risks and needs.

Indicators

- Female prisoners' risks and needs are identified through gender-responsive assessment tools which acknowledge the generally lower risks women pose.

Bangkok Rules 40, 41(a); **EPR** 34.1

Access to gender-responsive programs

Standard

142 Female prisoners can access gender-specific programs that are culturally appropriate.

Indicators

- Gender-specific criminogenic programs meet the needs of female prisoners, including Aboriginal and Torres Strait Islander women.
- Access is substantively equivalent to that available to male prisoners and does not require female prisoners to be transferred to another prison away from their family and community.
- Program facilitators are trained and know that female prisoners can respond differently to interventions compared to men.
- The prison has a safe therapeutic environment to support female prisoners dealing with victimisation, trauma and abuse. Individual counselling is available in addition to programs addressing these issues.
- There are programs for pregnant prisoners, nursing mothers and women with resident children.

Bangkok Rules 24; **EPR** 34.1; **GP** 5.1.9

Education and employment

Standard

143 Education and employment opportunities for female prisoners are diverse, of interest to this cohort, and increase the likelihood of successful reintegration.

Indicators

- Education and employment opportunities reflect the diversity of female prisoners and are not limited to stereotypical gender skills and roles.
- Education and employment opportunities for female prisoners develop the necessary skills for employment after release, including for those women entering the workforce for the first time.
- Female prisoners have access to education and employment which is at least equivalent to that available to male prisoners.

EPR 26.4, 34.1

Preparation for release

Standard

144 Female prisoners are prepared for their release.

Indicators

- Plans are developed in consultation with prisoners and include links with government services, gender- responsive and culturally appropriate community networks, and support services.
- Female prisoners can access personal development programs about parenting, communication and money management.
- Female prisoners have access to low custody centres and work camps allowing for reparation and reintegration into the community.
- Female prisoners can access support to help reduce the discrimination associated with gendered stereotypes they may receive after release.

Bangkok Rules 45, 46, 47, 55; EPR 34.1; Mandela Rules 108.1, 108.2;

Prisoners and children

Pregnancy and postnatal support

Standard

145 Pregnant and postnatal prisoners are adequately supported and treated with dignity and respect.

Indicators

- Pregnant and postnatal prisoners can appropriately access advice, counselling and support services to meet their needs, including in the event of miscarriage and removal of their babies into government care.
- Information on pregnancy, parenting and other related topics is accessible in a language and format the prisoner understands.
- The prison's regime is flexible, allowing access to the full range of opportunities. It does not exclude or cause harm to pregnant or postnatal prisoners, or mothers with babies or resident children.
- Individualised support plans for pregnant prisoners are developed, implemented and regularly reviewed. They include all information relevant to the prisoner's daily management and support needs.
- Plans are developed promptly and in consultation with the prisoner.
- Staff are well trained. They know about pregnancy and postnatal care requirements.
- Pregnant and postnatal prisoners' needs are a prioritised consideration in their placement.
- Suitable, culturally appropriate antenatal and postnatal accommodation is available and meets demand, including ground level cells without bunks.

Bangkok Rules 45, 46, 47, 55; **EPR** 34.1; **Mandela Rules** 28

Child wellbeing

Standard

146 Female prisoners can access programs and support to develop and maintain their relationship with their child, where it is in the child's best interests. This includes prisoners who are mothers, as well as those who are the recognised primary carers of children.

Indicators

- Female prisoners can access various opportunities to develop and maintain their relationship with their children, including a child residence program.
- The primary consideration for access to these programs is what is in the best interests of the child.
- The prison respects the cultural diversity of female prisoners and supports their different childcare traditions.

Resident children

Standard

147 Policies for the resident children program are comprehensive, and the processes are fair, equitable and inclusive.

Indicators

- The prison has comprehensive policies and local instructions governing programs for children accommodated with prisoners.
- Female prisoners can easily apply to have their children reside with them in prison. Women are assisted in the application process, where necessary.
- Female prisoners are active participants in the processes for the resident children program, including initial decisions and regular reviews.
- Female prisoners know how to appeal decisions and can get assistance to do so.
- Female prisoners know that the primary consideration for access to the resident child program is what is in the best interests of the child. They also know that consideration is given to environmental conditions, risks, expected quality of care inside and outside prison, and a prisoner's remaining time in custody.
- Access is equal for all female prisoners with children, including for women placed at regional prisons. The prison has a dedicated coordinator responsible for overseeing the resident children program.

Bangkok Rules 33.3, 49, 50, 51.2; **CSA** 29, s 30; **EPR** 36.1, 36.3; **GP** 3.1.9; **Mandela Rules** 29

Standard

148 Resident children are always safe.

Indicators

- Resident children are not treated as prisoners.
- Female prisoners are responsible for the care of their children residing in the prison and they can exercise their parental responsibilities through informed choices.
- Female prisoners with resident children can spend the maximum possible time with their children.
- Female prisoners can access parenting support programs equivalent to those in the community.
- Female prisoners in parenting support programs are supported to undertake rehabilitation or education programs.
- Accommodation for resident children and their mothers is domestic rather than custodial, the environment is suitable, child safe, and includes well-maintained outdoor play spaces.
- There is sufficient capacity to meet the demand for the resident children program.
- Female prisoners are provided with the knowledge and skills necessary for child emergencies, including first aid.
- Staff are appropriately qualified to work with children.
- Staff have adequate training, knowledge and skills necessary for child emergencies.

Bangkok Rules 33.3, 49, 50, 51.2; **CSA** 29, 30; **EPR** 36.1, 36.2, 36.3; **Mandela Rules** 29

Health care for resident children

Standard

149 The health care needs of resident children are adequately met.

Indicators

- The prison facilitates regular child health nurse visits and is situated close to general health care services for children.
- Access is equivalent to that available in the community.
- Female prisoners can attend their children's health appointments, where their assessed risk permits. If this is not possible, the prison facilitates contact between the mother and the child's nominated carer.
- Health staff can advise on and assess the health care needs of resident children in emergencies.
- The prison has access to after-hours health care services for children.
- Female prisoners can access over-the-counter medication for their resident children. Supply is documented, complies with general legal requirements, and does not place any responsibility for clinical decisions on non- medical staff.
- The prison provides varied and healthy food options for resident children.

Bangkok Rules 9, 33.3, 51.1; **CSA** 24(4)

The removal of a child from prison

Standard

150 Female prisoners are supported when their children are removed from the prison.

Indicators

- Decisions regarding the removal of a child from prison are based on individualised and comprehensive assessments focused on the best interests of the child.
- A separation management plan is developed in consultation with the mother and nominated carer.
- Female prisoners can access counselling and support services as part of the separation process, including culturally appropriate support networks.
- Female prisoners receive all necessary practical supports to arrange for the separation.
- Separation is performed sensitively and professionally with the child's safety being the primary consideration.
- After the child is removed, the prison makes every effort to facilitate contact between the mother and child.

Bangkok Rules 52; **CSA** 31

Aboriginal and Torres Strait Islander females

Standard

151 Aboriginal and Torres Strait Islander female prisoners are treated with dignity and respect.

Indicators

- Aboriginal and Torres Strait Islander female prisoners' gender and culture are supported, and their opinions are actively sought and considered.
- The prison respects the important role of Aboriginal and Torres Strait Islander women in their communities, including their responsibilities and obligations to family and extended kinship ties.

Bangkok Rules 54, 55

Prison staff

Standard

152 Prison staff are adequately trained in the distinct needs of female prisoners.

Indicators

- All staff working in prisons which have female prisoners have completed a working with women course.
- Staff can adequately and appropriately manage the gender-specific risks and needs of female prisoners. All staff working in prisons with female prisoners are selected based on their suitability to work with women.

Bangkok Rules 29, 33.1; **EPR** 81.3; **GP** 1.2.2; **Mandela Rules** 76.2

Transgender prisoners and gender diverse prisoners

The Yogyakarta Principles and the Yogyakarta Principles plus 10 are sets of principles about the application of international human rights standards in relation to sexual orientation and gender identity which have been referenced in the development of these standards. The principles define gender identity as referring to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned to them at birth.

Transgender and gender diverse prisoners have the same right to recognition of their gender identities as any other person. In Queensland, prisons are designed to accommodate only men or women. Transgender prisoners and gender diverse prisoners have the same right to recognition of their gender identities as any other prisoner. These standards recognise a prisoner's right to be treated humanely and managed in a way that is individualised, seeks to preserve their dignity, safety and privacy, and enables the maintenance of prisoners gender identity.

These specific standards apply in addition to the standards for all prisoners.

Early days in custody

Gender identity

Standard

153 Where a person identifies as transgender or gender diverse on admission to custody, they must be treated as the gender they identify with.

Indicators

- Transgender prisoners and gender diverse prisoners are sensitively asked their preferred name and gender identity.
- Prisoners are addressed using agreed terminology, including the use of the correct name and pronouns.
- Records accurately reflect prisoners' details.

Yogyakarta Principles 9(a)

Respect

Standard

154 The dignity, sensitivity and privacy of transgender prisoners and gender diverse prisoners is respected.

Indicators

- Transgender prisoners and gender diverse prisoners are treated with dignity, sensitivity and respect.
- Staff ensure prisoners' rights to privacy.
- A person's gender identity is sensitive and is personal information. Steps must be taken to safeguard the privacy of this information. The information is only available to staff who require it to support the safe custody of the prisoner.
- Staff know the principles of equality and non-discrimination relating to gender identity.
- Prisoners are supported in relation to their gender identity and expression through specific support groups and programs available within the prison and through referral to external support networks.
- Prisoners can identify as transgender or gender diverse at any stage during their time in prison and receive the necessary support to do so.
- Staff refer to prisoners by their correct name and pronouns in their interactions and recorded notes.
- Prisoners who are transgender or gender diverse will have access to shower, toilet and laundry facilities that maximise their safety, personal privacy and dignity.

Yogyakarta Principles 6

Bullying and violence reduction

Standard

155 Transgender prisoners and gender diverse prisoners are safe from violence and abuse.

Indicators

- All prisoners are provided with suitable education regarding gender identity to reduce violence and ill-treatment towards transgender and gender diverse prisoners.
- The prison has effective measures to prevent violence towards, or abuse of, prisoners identifying as transgender or gender diverse.
- Transgender prisoners and gender diverse prisoners are not separated or placed in protection due to their gender identity without a risk assessment for the individual prisoners.
- Staff are trained with an awareness of human rights and principles of equality and non-discrimination, including in regard to gender identity.

EPR 13, 81.3; Mandela Rules 76.2; Yogyakarta Principles 9(d), 9(g), 10(a), 10(b), 10(c)

Placement and accommodation

Standard

156 Decisions about the placement and accommodation of transgender prisoners and gender diverse prisoners involve a comprehensive assessment of their safety and wellbeing and include consideration of their preference. These decisions also reflect the prisoner's self-identified gender.

Indicators

- Wherever possible and subject to an assessment of the relevant risk factors, transgender prisoners and gender diverse prisoners are placed at a prison or accommodated in a unit consistent with the gender with which they identify.
- Placement decisions record engagement with the prisoner and consideration of their preference and most suitable unit to place them in.
- A multidisciplinary team conducts placement assessments for transgender and gender diverse prisoners.
- Assessments determine the prisoner's individual needs, particularly their medical and support requirements, and the risks and safety implications of potential placement options.
- Consideration must be given to the risks associated with shared cell accommodation for transgender and gender diverse prisoners. All considerations relating to the accommodation and placement of transgender prisoners and gender diverse prisoners must be recorded.
- All staff determining placement and accommodation of prisoners receive training in relation to understanding the needs of individuals who are transgender and gender diverse, and the potential risks to safety and wellbeing.
- Prisoners are permitted to live permanently in the gender with which they identify.
- Prisoners know how to appeal decisions about their placement and can easily do so.

Yogyakarta Principles 9(a), 9(c), 9(d); Yogyakarta Principles plus 10 9(h)

Standard

157 Transgender prisoners and gender diverse prisoners are managed under the least restrictive regime for their assessed needs and risk, and they are not unduly segregated.

Indicators

- Prisoners identifying as transgender and gender diverse, are not unduly restricted regarding the opportunities available to them. They are not routinely segregated due to their gender identity.
- Prisoners can apply for protection or be placed in protection by the prison if it is assessed as appropriate.
- Transgender prisoners and gender diverse prisoners have equitable access to low security prisons and work camps.

Yogyakarta Principles 9(a); Yogyakarta Principles plus 10 9(h), 9(i)

Daily life

Property, clothing and appearance

Standard

158 Transgender prisoners and gender diverse prisoners can access personal effects to maintain their gender expression and appearance.

Indicators

- Transgender prisoners and gender diverse prisoners can access personal property and purchase items using the prison canteen or sales to prisoner processes to maintain their gender identity and appearance, subject to safety and security assessments.
- Prisoners know how to access items to maintain their gender identity and appearance.
- Staff help prisoners to apply for items, where required.
- Prisoners are asked about their preferred gendered clothing and underwear, which are available on request.
- Prisoners can maintain hairstyles they feel are consistent with their gender identity, including wearing wigs.

Mandela Rules 18

Health and support

Health care

Standard

159 Access to physical and mental health care, including both treatment and assessment, adequately and appropriately meets the needs of transgender prisoners and gender diverse prisoners, and is equivalent to that which they can receive in the community.

Indicators

- Prisoners can access and receive health care services, including mental health care for their assessed needs and risks. This also includes individualised health promotion.
- Health care is respectful, aware and supportive of the identities and life experiences of transgender prisoners and gender diverse prisoners.
- Access to health care is at least equivalent to that available in the community and prisoners are involved in their health management.
- Transgender prisoners and gender diverse prisoners are informed of the right to request examination by a doctor or nurse of a particular gender, and any request will be complied with subject to reasonable operational limitations or situations requiring urgent medical intervention.
- Health staff are competent in responding to the needs of transgender prisoners and gender diverse prisoners.
- Prisoners undergoing gender affirmation on reception, can continue treatment if endorsed by health staff.

- Prisoners who have begun or wish to begin gender affirmation treatment in prison are able to access appropriate, specialist medical and psychological support that meets their needs and is equivalent to what they would receive in the community.
- Health services promote continuity of care on release, particularly for hormone therapy and specialist care.

GP 4.1.16, 4.2.5; **Mandela Rules** 24; **Yogyakarta Principles** 9(b)

Support

Standard

160 Comprehensive and individualised support plans meet the needs of transgender prisoners and gender diverse prisoners.

Indicators

- Individualised support plans for prisoners identifying as transgender or gender diverse are developed, implemented and regularly reviewed. These plans include all information relevant to the prisoner's daily management and their support and counselling needs.
- Plans are developed promptly and in consultation with the prisoner.
- Prisoners can access the support and counselling they require. Access is not unduly restricted.
- Prisoners know how to and can contact appropriate external support networks.

Yogyakarta Principles plus 10 9(h)

Security

Searches

Standard

161 Search procedures maintain the inherent dignity of transgender prisoners and gender diverse prisoners.

Indicators

- Transgender prisoners and gender diverse prisoners are not searched more often than other prisoners, and they are not searched by more officers than is reasonably necessary to safely conduct the search.
- Prisoners will nominate the gender of the officer carrying out person searches. Searches are conducted in line with the prisoner's advice. If there is no preference, the search is carried out by an officer of the gender identification of the prisoner.
- Where a search cannot be immediately conducted by an officer of the gender preferred by the prisoner, they are safely managed until a search, or appropriate alternative, takes place.
- Staff are adequately trained to perform searches, including having knowledge of the sensitivities of transgender prisoners and gender diverse prisoners ensuring their rights to privacy are protected.

Mandela Rules 50, 52.1; **Yogyakarta Principles** 9(g), 10(c); **Yogyakarta Principles plus 10** 9(h), 33(e)

Transport

Standard

162 Transport arrangements for transgender prisoners and gender diverse prisoners ensure their safety and security.

Indicators

- A risk assessment is used to determine if transgender prisoners and gender diverse prisoners should be placed in separate vehicle cells from other prisoners. They are not routinely allocated to a single vehicle cell solely due to their gender identity unless it is deemed necessary after an individual risk assessment.

Yogyakarta Principles plus 10 9(h)

Rehabilitation and reparation

Standard

163 Transgender prisoners and gender diverse prisoners have equal access to rehabilitative and reparative opportunities.

Indicators

- Transgender prisoners and gender diverse prisoners have equal access to the full suite of services, programs and treatment available to other prisoners to meet their rehabilitative and reparative needs.
- Prisoners are not denied access to services, programs or treatment due to their gender identity.
- Transgender prisoners and gender diverse prisoners identifying as Aboriginal and Torres Strait Islander peoples are supported to access cultural programs, such as men's and women's business.

GPCA 5.1.9; Mandela Rules 108.2

Intersex prisoners

Prisoners with observable variations in sex characteristics may face harassment and stigma in places of detention and may be vulnerable to harm.¹⁴ Principle 9 of the Yogyakarta Principles states:

Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person's dignity.

These standards highlight the distinct needs of intersex prisoners while in prison and emphasise the importance of ensuring they are treated humanely, with dignity and respect, and in a way that preserves their safety and privacy, while respecting their chosen gender identity.

These specific standards apply in addition to the standards for all prisoners.

Gender identity

Standard

164 Intersex prisoners are addressed as, and referred to in, the gender they identify with.

Indicators

- Intersex prisoners are sensitively asked their preferred name and gender identity.
- Intersex prisoners are referred to and addressed using terminology agreed with the prisoner, including in relation to gender identity, names and pronouns.
- Records accurately reflect the prisoner's details.

Yogyakarta Principles 3, 9(a)

Respect

Standard

165 The dignity, sensitivity and privacy of intersex prisoners is respected.

Indicators

- Intersex prisoners are treated with dignity, sensitivity and respect.
- Staff ensure the prisoner's right to privacy. A prisoner's intersex status is sensitive and is personal information. Steps must be taken to safeguard the privacy of information. The information is only available to staff who require it to support the safe custody of the person.
- Staff know the principles of equality and non-discrimination relating to intersex prisoners.

¹⁴ Carpenter, M (2019) Detention, Intersex Human Rights Australia.

- Intersex prisoners are supported in relation to their chosen gender identity and expression both through specific support groups and programs within the prison, and also through referrals to external support networks.
- Intersex prisoners can advise staff they are intersex at any stage during their time in a prison and receive the necessary support to do so.
- Staff refer to the prisoner by their correct name and pronouns in their interactions and recorded notes.
- Prisoners who are intersex will have access to shower and toilet facilities that maximise their safety, personal privacy and dignity.

Yogyakarta Principles 6

Bullying and violence reduction

Standard

166 Intersex prisoners are safe from violence and abuse.

Indicators

- All prisoners are provided with suitable education to reduce violence towards and ill-treatment of intersex prisoners.
- The prison has measures to prevent violent acts or abuse of prisoners who are intersex.
- There are arrangements to educate prisoners and staff and enable them to adequately support prisoners on all matters relating to their chosen gender identity and expression. Staff are trained with an awareness of human rights standards and principles of equality and non-discrimination.

EPR 13, 81.3; Mandela Rules 76.2; Yogyakarta Principles 9(d), 9(g), 10(a), 10(b), 10(c)

Placement and accommodation

Standard

167 Decisions about the accommodation of intersex prisoners reflect the prisoner's self-identified gender and consider their preference. These decisions are made after a comprehensive assessment of the safety and wellbeing of the prisoner and others.

Indicators

- Wherever possible and subject to an assessment of the relevant risk factors, intersex prisoners are placed at a prison or accommodated in a unit consistent with their chosen gender with which they identify.
- Before an accommodation decision is made, intersex prisoners participate in discussions with staff about the most suitable unit to place them in.
- Placement decisions record engagement with the prisoner and consideration of their preference and most suitable unit to place them in.
- A multidisciplinary team conducts placement assessments for intersex prisoners.

- Assessments determine the prisoner’s individual needs, particularly their medical and support requirements, and the risks and safety implications of potential placement options.
- Consideration must be given to the risks associated with shared cell accommodation for intersex prisoners. All considerations relating to the accommodation and placement of intersex prisoners must be recorded.
- All staff determining placement and accommodation of prisoners receive training in relation to understanding the needs of individuals who are intersex, and the potential risks to safety and wellbeing.
- Prisoners are permitted to live permanently in their chosen gender.
- Prisoners know how to appeal decisions about their placement and can easily do so.

Yogyakarta Principles 9(a), 9(c), 9(d); **Yogyakarta Principles plus 10** 9(h)

Standard

168 Intersex prisoners are managed under the least restrictive regime for their assessed needs and risk, and they are not unduly segregated.

Indicators

- Intersex prisoners are not unduly restricted regarding the opportunities available to them. They are not routinely segregated due to their chosen gender.
- Prisoners can apply for protection or be placed in protection by the prison if it is assessed as appropriate.
- Prisoners have equal access to low security prisons and work camps.

Yogyakarta Principles 9(a); **Yogyakarta Principles plus 10** 9(h), 9(i)

Daily life

Property, clothing and appearance

Standard

169 Intersex prisoners can access personal effects to maintain their appearance.

Indicators

- Intersex prisoners can access personal property and purchase items, using the prison canteen or sales to prisoner processes to maintain their chosen gender identity and appearance, subject to safety and security assessments.
- Prisoners know how to access items to maintain their chosen gender identity and appearance.
- Staff help prisoners to apply for items, where required.
- Prisoners are asked about their preferred gendered clothing and underwear, which are available on request.
- Prisoners can maintain hairstyles they feel are consistent with their chosen gender identity, including wearing wigs.

Health and support

Health care

Standard

170 Access to physical and mental health care, including both treatment and assessment, adequately and appropriately meets the needs of intersex prisoners, and is equivalent to that which they can receive in the community.

Indicators

- Prisoners can access and receive health care services, including mental health care for their assessed needs and risks. This also includes individualised health promotion.
- Health care is respectful, aware and supportive of the identities and life experiences of intersex prisoners.
- Access to health care is at least equivalent to that available in the community and prisoners are involved in their health management.
- Intersex prisoners are informed of the right to request examination by a doctor or nurse of a particular gender, and any request will be complied with subject to reasonable operational limitations or situations requiring urgent medical intervention.
- Health staff are competent in responding to the needs of intersex prisoners.
- Intersex prisoners who have commenced a prescribed medication regime prior to their detention are permitted to continue their medication in prison.

GP 4.1.16, 4.2.5; **Mandela Rules** 24; **Yogyakarta Principles** 9(b)

Support

Standard

171 Comprehensive and individualised support plans meet the needs of intersex prisoners.

Indicators

- Individualised support plans for intersex prisoners are developed, implemented and regularly reviewed. These plans include all information relevant to the prisoner's daily management and their support and counselling needs.
- Plans are developed promptly and in consultation with the prisoner.
- Prisoners can access the support and counselling they require. Access is not unduly restricted.
- Prisoners know how to and can contact appropriate external support networks.

Yogyakarta Principles plus 10 9(h)

Security

Searches

Standard

172 Search procedures maintain the inherent dignity of intersex prisoners.

Indicators

- Intersex prisoners are not searched more often than other prisoners and are not searched by more officers than is reasonably necessary to safely conduct the search.
- Prisoners will nominate the gender of the officer carrying out a person search. Searches are conducted in line with the prisoner's advice. If there is no preference, the search is carried out by an officer of the chosen gender of the prisoner.
- Where a search cannot be immediately conducted by an officer of the gender preferred by the prisoner, they are safely managed until a search, or appropriate alternative, takes place.
- Staff are adequately trained to perform searches, including having knowledge of the sensitivities of intersex prisoners and ensuring their rights to privacy are protected.

Mandela Rules 50, 52.1; **Yogyakarta Principles** 9(g), 10(c); **Yogyakarta Principles plus 10** 9(h), 33(e)

Transport

Standard

173 Transport arrangements for intersex prisoners ensure their safety and security.

Indicators

- A risk assessment is used to determine if intersex prisoners should be placed in separate vehicle cells from other prisoners. They are not routinely allocated to a single vehicle cell solely due to their chosen gender unless it is deemed necessary after an individual risk assessment.

Yogyakarta Principles plus 10 9(h)

Rehabilitation and reparation

Standard

174 Intersex prisoners have equal access to rehabilitative and reparative opportunities.

Indicators

- Intersex prisoners have equal access to the full suite of services, programs and treatment available to other prisoners to meet their rehabilitative and reparative needs.
- Prisoners are not denied access to services, programs or treatment due to their chosen gender.
- Intersex prisoners identifying as Aboriginal and Torres Strait Islander peoples are supported to access cultural programs, such as men's and women's business.

GP 5.1.9; Mandela Rules 108.2



Older prisoners

‘There is no consensus as to what makes an ‘older prisoner’ with varied definition ranging from 45 years and over, to 65 years plus. Despite the disparity, many jurisdictions use the definition of 50 years and over.’¹⁵

Older prisoners are a growing cohort of Australia’s prison population and are more likely to experience poorer health, chronic physical conditions such as cardiovascular disease, and use multiple types of medications compared to younger prisoners.¹⁶ Research suggest prison environments accelerate age-related illnesses and conditions.¹⁷

These standards highlight the distinct needs of older prisoners and emphasise the importance of ensuring they are treated humanely, with dignity and respect, and in a way that preserves their safety.

These specific standards apply in addition to the standards for all prisoners.

Early days in custody

Standard

175 Older prisoners’ age-specific needs and risks are identified early so they can be appropriately managed in prison.

Indicators

- Older prisoners are identified on reception.
- Older prisoners’ needs and risks are identified promptly through a comprehensive assessment.
- If an older prisoner’s needs and risks will affect their management, appropriate information is given to the relevant staff and accounted for in the prisoner’s individual management plan, subject to privacy considerations.

¹⁵ Office of the Inspector of Custodial Services, Older prisoners April 2021, Executive Summary at iv.

¹⁶ Australian Institute of Health and Welfare 2020. Health and ageing of Australia’s prisoners 2018. Cat. no. PHE 269. Canberra AIHW.

¹⁷ Australian Institute of Health and Welfare 2020. Health and ageing of Australia’s prisoners 2018. Cat. no. PHE 269. Canberra AIHW.

Duty of care

Placement and accommodation

Standard

176 Older prisoners' age-related needs are a prioritised consideration in their placement.

Indicators

- Older prisoners age-related needs are assessed prior to their placement.
- Older prisoners have access to specialised accommodation and daily living aids that are equivalent to those generally found in residential aged care. However, where possible, these arrangements do not pose additional risks, such as ligature points.
- Prisoners with age-related mobility limitations are allocated to ground level cells and lower bunk beds.
- Staff are vigilant in identifying and responding to the bullying and victimisation of older, vulnerable prisoners.

EPR 81.3; Mandela Rules 76.2

Standard

177 Older prisoners with age-related health issues are managed respectfully and fairly.

Indicators

- Older prisoners with age-related health concerns are not routinely segregated or separately confined.
- Staff are trained and know about age-related physical and mental health decline such that older prisoners' behaviours associated with health concerns and diseases are not confused with non-compliance.
- Reasonable adjustments are made to the built environment and regime to manage prisoners with age-related health issues.

Daily life

Regime

Standard

178 The regime for older prisoners is purposeful, respectful and allows variation from the primary design aimed at younger prisoners.

Indicators

- The prison has a regime for older prisoners that meets their varied needs and is purposeful.
- Reasonable adjustments are made to standard regimes to ensure older prisoners are not routinely excluded.
- The regime is respectful of the contribution older prisoners offer, particularly the role and importance of older Aboriginal and Torres Strait Islander peoples and Elders.
- Older prisoners are engaged as advisors on ageing issues within the prison.

Health and support

Health care

Standard

179 Older prisoners receive proactive, compassionate and respectful health care for their age-related needs.

Indicators

- Older prisoners' health needs are regularly reviewed as illness may develop after initial screening assessments and they may not disclose their symptoms.
- High-quality physical and mental health care is provided to address age-related decline.
- The prison has specialist health staff qualified in aged care nursing and geriatrics.
- Older prisoners can access age-related health checks, disease prevention and screening programs equivalent to those services available in the community.
- The personal care and hygiene support needs of older prisoners are identified and provided for.
- The health and social care needs of terminally or chronically ill prisoners are adequately and compassionately managed, including permitting family visits during end-of-life circumstances.
- Older prisoners have access to legal rights for end-of-life decisions that are equivalent to those available in the community.

Support

Standard

180 Adequate support is provided to older prisoners.

Indicators

- Staff are well trained. They know about age-related physical and mental health decline, and are aware that imprisonment, and lifestyles leading to imprisonment, can accelerate aging.
- Individualised support plans for older prisoners are developed, implemented and regularly reviewed. Plans include all information relevant to a prisoner's daily management and support needs.
- These plans are developed promptly and in consultation with the prisoner.
- If necessary, appropriately trained prisoner carers are employed and assigned to older prisoners for support.

Rehabilitation and reparation

Employment, education and programs

Standard

181 Older prisoners have access to appropriate and meaningful education, employment and program opportunities that meet their needs.

Indicators

- Older prisoners are active and productive participants in their rehabilitation and reparation. They are consulted by staff and their opinions are considered.
- Older prisoners are not disadvantaged due to their age. They are afforded a reasonable gratuity level despite any limitations to regime participation and work placement options due to their age.
- The prison has sufficient educational, employment and program opportunities fit for older prisoners, including those who are medically unfit for physical work, and those past retirement age.

EPR 105.2; GP 5.1.9

Preparation for release

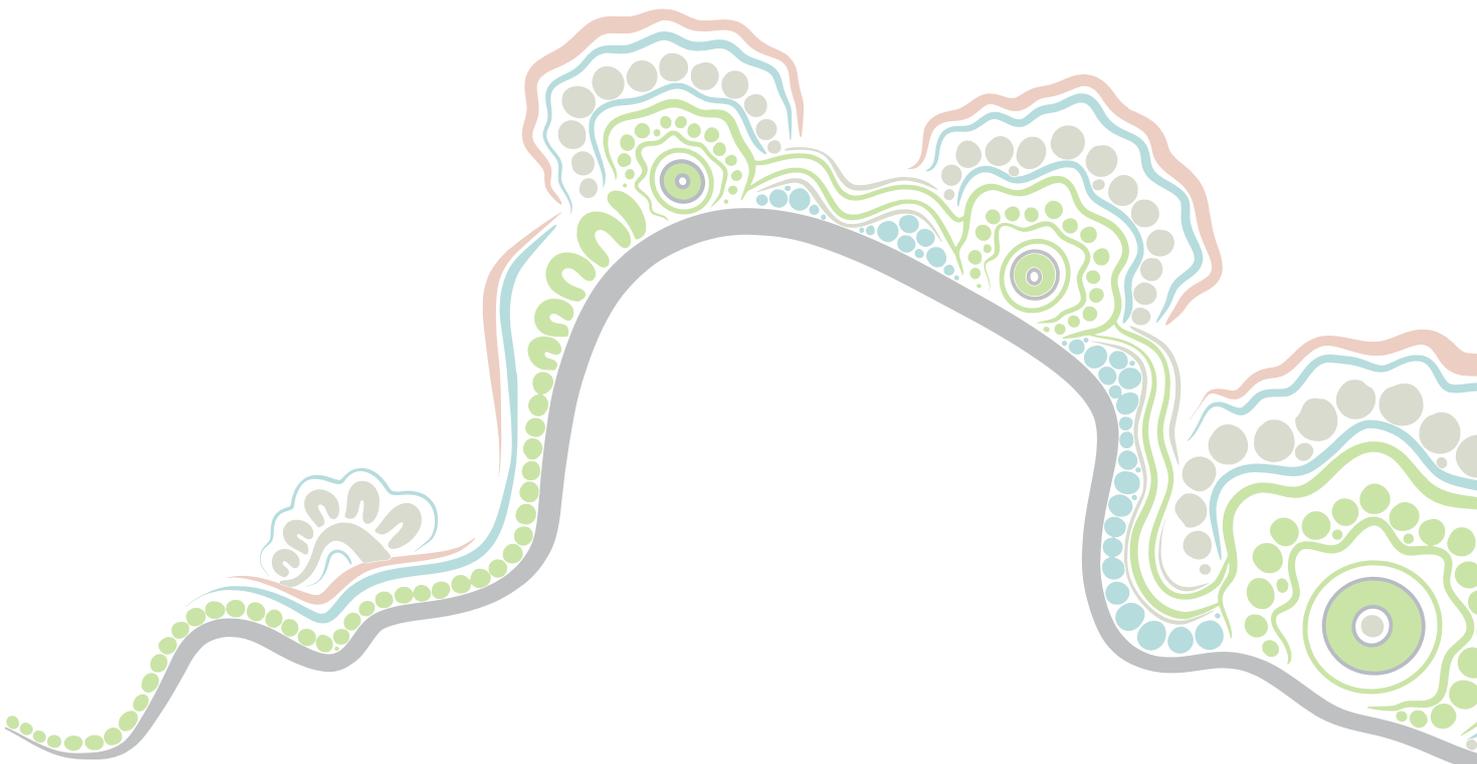
Standard

182 Older prisoners are adequately prepared for their release.

Indicators

- The prison has strategies which actively reduce institutionalisation.
- Older prisoners can access advice, support and skills to increase their economic stability on release, including those who are medically unfit for work and/or past retirement age.
- There is adequate transition support, including appropriate and coordinated links to aged care support agencies.

EPR 107.2; Mandela Rules 90, 108.1, 108.2



Prisoners with disability

People with disability in Queensland prisons are overrepresented¹⁸ and are at a heightened risk of violence, abuse, neglect and exploitation in criminal justice settings.¹⁹

The United Nations Convention on the Rights of Persons with Disabilities states that:

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (Article 1).

Research indicates Aboriginal and Torres Strait Islander people with disability face particular disadvantages in the criminal justice system including experiencing multiple forms of discrimination due to the intersection of racism and ableism.²⁰ These standards ensure prisoners with a disability are treated humanely and that their distinct needs are identified and met while in prison.

These specific standards apply in addition to the standards for all prisoners.

Early days in custody

Disability screening

Standard

183

The needs of prisoners with a disability are assessed on admission and specific assistance is provided to support their needs.

Indicators

- The prison environment is safe and supportive allowing prisoners to disclose any impairments they have, not only those that are diagnosed disabilities.
- Screening is prompt, occurring within the first 72 hours of reception into prison. It is conducted by appropriately qualified staff and results are accurately recorded.
- Community equivalent valid and reliable assessment tools are used to identify disabilities to reduce reliance on prisoner self-report.
- If a disability is diagnosed in prison, due care is taken to communicate the details to the prisoner in a language and format they understand.
- If a prisoner's disability will affect their management, including due to communication difficulties and/or hearing impairment, appropriate information is only given to relevant staff and is accounted for in the prisoner's individual management plan, subject to privacy considerations.

GP 4.1.15

¹⁸ The health of Australia's prisoners, 2018

¹⁹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability, *Issues Paper Criminal justice system* January 2020 at pg 1.

²⁰ Eileen Baldry et al, 'It's just a big vicious cycle that swallows them up': Indigenous people with mental and cognitive disabilities in the criminal justice system' (2016) 8(22) *Indigenous Law Bulletin* 10, 11.

Duty of care

Guardianship

Standard

184 Prisoners under legal guardianship are appropriately represented while in prison.

Indicators

- Prisoners under legal guardianship orders can easily access their guardian.
- Staff are trained to identify when a prisoner under guardianship requires access to their legal guardian or administrator.
- The prison promptly informs legal guardians of significant changes to a prisoner's circumstances.
- The prison has procedures identifying when a prisoner may need a guardian to be appointed. Safeguards are in place until guardianship is activated.
- The prison implements a process for trust accounts to engage with the relevant administrator or guardian if prisoners require additional funds placed into their trust account.

GP 2.3.5, 2.3.8

Bullying and violence reduction

Standard

185 Prisoners with disability feel safe from bullying and victimisation and are supported to integrate within the prison.

Indicators

- All prisoners are provided with a suitable education regarding disability and impairment to reduce violence and ill-treatment of prisoners with disability.
- Staff are good role models and treat prisoners with disability in a respectful and dignified manner.
- Prisoners with disability can easily report occasions of bullying, victimisation and violence.
- Prisoners with disability are not discouraged from reporting where they feel unsafe.
- Reporting mechanisms account for the prisoner's specific impairment.
- Staff are vigilant in identifying and responding to instances of bullying, victimisation and violence towards prisoners with disability, particularly those who are vulnerable to such abuse.

HRA 30; UNCRPD 5(1-2)

Requests and complaints

Standard

186 Prisoners with disability can access disability advocacy support.

Indicators

- Access to this support is equivalent to that available in the community and includes assistance to make requests and submit complaints.
- The prison must provide other methods for submitting complaints beyond a written complaint form.

HRA 15; UNCRPD 5(2)

Placement and accommodation

Standard

187 Prisoners with disability are integrated within the prison and accommodated safely to support their needs and to positively address risks.

Indicators

- People who are remanded to prison and require psychiatric assessment are promptly referred to an appropriate mental health service to meet their needs.
- Prisoners' disability needs are assessed prior to their placement, including when deciding whether to allocate them to a shared cell. These considerations must be recorded.
- Prisoners with mobility aids are assessed on reception on an individual basis and with the relevant risk assessment relating to the ongoing use of the aids in the prison.
- Prisoners with mobility limitations are allocated ground level cells and lower bunk beds.
- Conditions in units and cells do not impose an undue burden on a prisoner's disability.
- The prison design reflects Australian standards for people with disability. Where required, necessary and appropriate modifications and adjustments are made to the built environment and regime.
- Prisoners with disability are not routinely segregated or placed in separate confinement.

HRA 30; Mandela Rules 45.2, 46.3; UNCRPD 5(3)

Managing behaviour

Disciplinary procedures and punishment

Standard

188 Disciplinary processes and punishment adequately and respectfully account for a prisoner's specific impairment.

Indicators

- Prisoners who lack the capacity to obey prison rules due to mental illness or disability are not unfairly disciplined. They cannot be disciplined for behaviour resulting from their disability.
- A prisoner's disability is confirmed prior to commencing a disciplinary process. Disciplinary procedures and outcomes account for the specific impairment of the prisoner.
- Behaviour management procedures are consistent with positive behaviour support for prisoners with disability.
- Advice from appropriately trained health staff is sought about a prisoner's participation in the disciplinary process.
- Prisoners are permitted access to an interpreter, and Aboriginal and Torres Strait Islander prisoners are permitted to present a defence which has a cultural dimension. Prisoners with an intellectual disability must have the option of having a support person available for all disciplinary procedures.
- Staff are encouraged to use alternative management options to prevent scenarios that result in the need for punishment and to avoid the types of punishment that may exacerbate or cause harm to a prisoner's disability.
- Punishment and discipline are accurately recorded, including when alternatives are used.

Mandela Rules 39.3, 45.2

Use of force and restraints

Standard

189 Use of force and restraint practices ensure the inherent dignity of prisoners with disability.

Indicators

- Prisoners with disability are not subject to use of force or restraint practices, which exacerbate their disability or cause harm.
- All verbal de-escalation techniques and instructions issued about potential use of force actions are delivered to prisoners with a disability in a way they can understand.
- Prisoners with disability have care plans which highlight risk factors and set out alternative management protocols which reduce the likelihood of restraint techniques becoming necessary.
- Only approved mechanisms of restraint are used to restrain prisoners with disability. These are reviewed regularly.

- In circumstances involving the use of restraints in response to an incident on a prisoner under a guardianship authority, the prisoner’s guardian must be notified in an appropriate way that restraints were used on the prisoner regardless of whether harm was assessed.
- Staff do not adjust restraints or restraining techniques if they are not trained and/or techniques have not been approved.
- Policies and practices about the use of force and restraints account for the needs of prisoners with a disability.

GP 3.1.16; **Mandela Rules** 39(3)

Daily life

Regime

Standard

190 Prisoners with disability are meaningfully and purposefully involved in a regime that accounts for their individual needs and positively addresses risks.

Indicators

- Prisoners with disability can access the necessary adjustments, aids and technology to support their involvement in daily prison activities.
- Prisoners with mobility issues who require assistance with personal care are accommodated for appropriately.
- They are not routinely excluded, and appropriate alternatives exist for them so they can participate in daily prison activities.
- Staff respectfully and sensitively engage with prisoners with disability, particularly those with psychosocial, intellectual and cognitive impairments, to ensure they understand prison rules and instructions.
- Privileges and entitlement schemes account for a prisoner’s specific impairment.
- Prisoners with disability are included in decisions affecting them within the prison.

HRA 30; **UNCPRD** 3(b-c)

Health and support

Health care

Standard

191 The specific health care needs of prisoners with disability are appropriately met.

Indicators

- Prisoners with disability can reasonably access the necessary treatment, therapies, aids/prosthetics and medication they need to adequately manage their health.
- Ongoing assessments are conducted on prisoners whose impairments are exacerbated by time in prison.
- The prison ensures community equivalent health assessments are conducted for prisoners with intellectual disability, as required.
- Health staff are qualified to work with prisoners with disabilities.
- Prisoners with disability have the same right to privacy, right to consent and right to refuse medical treatment as other prisoners. Where necessary, a prisoner's guardian is involved.

GP 2.3.8, 4.1.15; Mandela Rules 109.3

Support

Standard

192 Prisoners with disability receive comprehensive and individualised support to meet their needs.

Indicators

- The prison has effective policies to ensure prisoners with disability are treated with dignity and respect, and that they are adequately supported while in custody. Staff sensitively manage prisoners with disability, particularly at times of crisis.
- Individualised support plans for prisoners with disability are developed, implemented and regularly reviewed.
- These plans include all information relevant to the prisoner's daily management and support needs.
- Adequate cultural support is available, particularly for the disproportionately high number of Aboriginal and Torres Strait Islander prisoners with disability.
- Staff are trained so they can effectively manage prisoners with disability. This includes the skill to recognise behaviours associated with a lack of support for a prisoner's disability, and the ability to differentiate these behaviours from non-compliance.

EPR 81.3; Mandela Rules 76.2

Security

Searches

Standard

193 The needs of prisoners with disability are understood and they are treated with dignity and respect during all searches.

Indicators

- Prisoners with disability are not disproportionately searched more often than other prisoners.
- Prior to any search being conducted, prisoners with disability are given information about search procedures in a language and format they understand.
- Staff conduct a risk assessment prior to the search, considering the level and nature of the prisoner's disability and whether additional supports and aids can assist.
- Alternative search methods are used where searches of a prisoner may cause undue pain or discomfort.
- Prisoners with disability can sit down as much as required during the search process.
- Health staff are involved in the removal of any artificial limbs or aids, including temporary bandages or casts, where these impede a search and there is suspicion or intelligence of an unauthorised concealment.
- All aids are respectfully inspected during a search and promptly reassembled to purpose afterwards.
- Searches occur with due regard to the prisoner's privacy and modesty.

GP 2.3.12; Mandela Rules 50, 52.1

Transport

Standard

194 Prisoners with disability can attend court, medical appointments and other leave of absence activities in person. The transportation used is safe, secure and has regard for the dignity of the prisoner.

Indicators

- Leave of absence applications are assessed on individual merit, and with regard to the prisoner's individual risk, so that prisoners with disability are not unduly prevented from such escorts due to their disability.
- Staff conduct a risk assessment prior to any escort ensuring that adequate and appropriate resources, aids and vehicles are used in the transport.
- If necessary, suitable and safe, non-standard vehicles are available for use.
- Staff are well trained and equipped to respond to in-transit emergencies involving prisoners with disability.

GP 1.2.2

Rehabilitation and reparation

Employment, education and programs

Standard

195 Prisoners with disability have equitable access to tailored rehabilitative and reparative services and activities to meet their needs.

Indicators

- Prisoners with disability are consulted about their rehabilitation and reparation requirements and are not excluded from opportunities due to their disability.
- Prisoners with disability have access to the same educational, employment and program opportunities as other prisoners. The prison also has tailored educational, employment and program opportunities specifically for prisoners with disability.
- Staff are qualified to deliver courses and programs to prisoners with disability.

GP 5.1.9; UNCRPD 3(e)

Preparation for release

Standard

196 Prisoners with disability are adequately prepared for release, with reasonable and necessary supports in place prior to their release.

Indicators

- Prisoners with disability can access advice, support and skills to prepare them for their release. Available programs can be modified, or inclusive ones implemented, to ensure prisoners with differing intellectual capabilities can participate equally.
- Prisoners with disability have equal access to low security prisons and work camps, increasing their opportunities for rehabilitation and reparation. They are adequately and appropriately supported at these facilities.
- The prison has adequate transition support, including appropriate and coordinated connections to support organisations, government services and community health networks, to enable multi-agency management and release planning for prisoners with a disability.
- Support services (for example, ongoing disability supports) are assisted to engage with the prisoner on a regular basis in the lead up to release, to support the transition process.
- Every effort is made to ensure prisoners with disability have suitable accommodation which meets their needs on release.
- Prisoners with disability are provided with support on the day of their release, including access to their guardian and other relevant supports where necessary.

Mandela Rules 108.1, 108.2, 110

Governance

The safe, secure and humane management of prisoners is achieved through good governance. This involves comprehensive strategic planning, accountable and transparent systems, and sufficient, competent staffing to meet the objectives of imprisonment and the diverse needs of the prisoner population being managed.

Each prison should be integrated into a wider corporate learning environment to ensure lessons learned from recommendations of inquiries, investigations and reports are, where appropriate, integrated into prison operations.

Strategic planning

Standard

197

A strategic vision informs a comprehensive plan of the prison's general aims, principles, values and strategic actions.

Indicators

- Each prison has a strategic plan that defines the purpose, vision, values and goals of the correctional centre and supports the legislative objective of humane containment of prisoners.
- The plan includes an analysis of the prisoner population and the needs of significant cohorts.
- The plan is flexible enough to accommodate for the diverse population. It is regularly evaluated and updated as necessary.
- The plan sets performance targets.
- The plan is supported by a suitable budget process to access necessary financial resources and equipment.
- Staff are involved in the development and implementation of the plan, and it is readily available to them.
- Staff know the prison's operating philosophy.

EPR 72.2; GP 1.4.4, 2.3.4

Prison and community relations

Standard

198 A wide range of community-based service providers are regularly involved with the prison.

Indicators

- The prison has appropriate and ongoing contact with relevant community-based service providers, which can deliver spiritual guidance, post-release connections and supports, and domestic, financial, and life skills development.
- The prison continuously assesses the needs of the population so all prisoners can receive access to and assistance from service providers.
- The prison regularly evaluates materials presented, the results of programs, and the assistance offered by community-based service providers, using the views of participants in their decisions.
- All service providers are suitably checked and cleared, and they receive an adequate induction to the prison.
- Staff and prisoners understand the purpose of visits by Official Visitors.

EPR 90.2; GP 5.2.4, 5.4.2; Mandela Rules 88

Standard

199 The community knows about and has input into prisons, staff and their work.

Indicators

- Prison management meets regularly with Community Justice Groups and those meetings contribute to the operational agenda of the prison.
- The prison has a positive relationship with Aboriginal and Torres Strait Islander communities relevant to the population and engages with representatives of Aboriginal and Torres Strait Islander communities to address cultural issues.
- The prison has established good governance for the Community Justice Groups, including providing updates on initiatives undertaken by the prison.

EPR 90.1; GP 1.4.1, 5.1.6, 5.4.4; Mandela Rules 74.2

Records management

Standard

200 There are robust and accountable recordkeeping, auditing and reporting systems for major aspects of the prison's activities.

Indicators

- Official records are kept for each prisoner.
- All records are current, comprehensive, accurate and securely managed and archived.
- Key information required by law and policy is recorded.
- All records are kept confidential and made available only to those whose professional responsibilities require access to such records, including relevant staff at the prison and service providers. A secure audit trail prevents unauthorised access to, or modification of any information contained in the system.
- Arrangements are in place for the timely and appropriate exchange of information relevant to the management of prisoners, including with relevant stakeholders or authorities.
- Prisoners are informed they can access records about themselves, subject to redactions authorised under legislation, including upon release. Prisoners can challenge and correct inaccuracies in their records.
- A file management system is used to generate reliable data about trends relating to, and characteristics of, the prison population to create an evidence base for decision-making.

CSA 133; GP 1.5.1, 1.5.2, 1.5.3, 1.5.4, 1.5.5; Mandela Rules 6-9, 92.2, 92.3; Yogyakarta Principles 6(a)



Workforce

Prison staff

Standard

201 All staff have the necessary knowledge, skills and authority to work in a prison, and are trained to the highest standards of professional competence, integrity and honesty.

Indicators

- All staff demonstrate the knowledge and skills to perform their work professionally.
- All staff are trained and can access regular and ongoing training relevant to their role and skills development.
- All staff understand the legislation and policies to which they must adhere.
- All staff are culturally competent. They have specific awareness of the various cohorts within the prison population, particularly the diversity among Aboriginal and Torres Strait Islander groups.
- All staff are trained and can access regular and ongoing training to maintain and upgrade their skills (and qualifications, where relevant), and are able to access professional development activities.
- Preservation of life training (for example, CPR and first aid) is prioritised.
- All staff undertake training on trauma-informed practice, human rights, duty of care, emergency management, drug and alcohol awareness, disability awareness, neurodevelopmental awareness, and other relevant topics.
- The prison has a training plan to coordinate and record training required or delivered to all staff (custodial, non-custodial, administrative, managerial). The training plan considers specific staff training needs, refresher training in required skills, generic and crossover training relevant for all staff, and training specific to certain job roles and areas.
- Operational staff and staff with direct prisoner contact and supervision receive training in soft skills (including communication and de-escalation), use of force and other security-focused procedures.
- All staff have access to the appropriate resources and supports necessary to do their jobs, including those needed to manage compassion fatigue, burn out and vicarious trauma. Staff are encouraged to access these supports pro-actively to minimise and prevent these effects where possible.
- All staff are made aware of searching, screening and/or testing guidelines, including allowed and prohibited items, at the commencement of their employment and this is regularly refreshed. Staff who are found to bring prohibited items into the prison are disciplined accordingly.
- Each prison has an effective performance appraisal process that includes updating staff needs and professional interests.
- All staff understand the purpose of independent oversight agencies and cooperate with these agencies.
- Accurate records of staff misconduct (including evidence) are maintained to support decisions.

EPR 8, 72.2, 72.4, 73, 76, 77, 81.1-3; **GP** 1.1.4, 1.1.7, 1.2.2-1.2.5, 1.2.7, 1.5.6; **Mandela Rules** 74.2, 75, 76, 78.1; **RCIADIC** 122, 155, 210

Standard**202 Prison staffing meets the needs of the prison to manage prisoners safely and meet the aims of imprisonment.****Indicators**

- Staff numbers meet the prison's needs, including for adequate coverage of planned and unplanned leave.
- The staffing mix at all levels includes male and female staff from diverse cultural backgrounds, where possible, particularly ensuring the number of Aboriginal and Torres Strait Islander staff is proportionate to the number of Aboriginal and Torres Strait Islander prisoners detained at the prison.
- Recruitment is gender responsive and culturally appropriate.

EPR 83; GP 1.2.1; Mandela Rules 74.1, 80.1; RCIADIC 178, 237

Staff grievances**Standard****203 Staff are supported and have avenues to raise and address grievances that affect them in a timely and effective way.****Indicators**

- Staff know their rights and responsibilities in resolving grievances.
- Staff are able to make comments, suggestions or formal complaints to the prison and/or to external bodies.
- Grievances are resolved promptly, fairly, sensitively and confidentially so that every attempt is made to resolve the grievance at the lowest level.
- Staff are provided with information and support on how to make a complaint to a proper authority under the *Public Interest Disclosure Act 2010*.
- Staff have ongoing access to an Employee Assistance Program. They are offered appropriate support, including counselling and debriefing, after critical incidents or other situations that could cause distress.
- Measures are taken to prevent and address workplace bullying and harassment.

CCA 36; GP 2.4.6; HRA 64, 65; OA 20; PIDA 13





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