



Queensland

Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024



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2024

A Bill

for

An Act to amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, the *Corrective Services Act 2006*, the *Corrective Services Regulation 2017*, the *Parole Orders (Transfer) Act 1984* and the *Police Powers and Responsibilities Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Corrective Services (Promoting Safety) and Other Legislation Amendment Act 2024*. 4
5

Clause 2 Commencement 6

(1) The following provisions of this Act commence on a day to be 7
fixed by proclamation— 8

(a) part 2, division 3, other than sections 36 to 39; 9

(b) part 4, division 1; 10

(c) part 4, division 3. 11

(2) Sections 36 to 39 commence on the day on which a regulation 12
made for the *Corrective Services Act 2006*, section 39A (as 13
inserted by section 39) commences. 14

Part 2 Amendment of Corrective Services Act 2006 15
16

Division 1 Preliminary 17

Clause 3 Act amended 18

This part and schedule 1 amend the *Corrective Services Act 2006*. 19
20

Division 2	Amendments commencing on assent	1 2	
Clause 4	Insertion of new ch 2, pt 1A	3	
	Chapter 2—	4	
	<i>insert—</i>	5	
	Part 1A	Prisoners from Norfolk Island	6 7
	18A Definitions for part	8	
	In this part—	9	
	<i>constable</i> means a constable as defined under the <i>Removal of Prisoners Act 2004</i> (Norfolk Island), section 3(1), other than a person mentioned in paragraph (b) of that definition.	10 11 12 13	
	<i>Norfolk Island court</i> means a court under the <i>Removal of Prisoners Act 2004</i> (Norfolk Island).	14 15	
	<i>Norfolk Island magistrate</i> means a Magistrate of the Territory under the <i>Norfolk Island Act 1979</i> (Cwlth).	16 17 18	
	<i>Norfolk Island prisoner</i> see section 18B.	19	
	<i>Norfolk Island warrant</i> means a warrant issued under the <i>Removal of Prisoners Act 2004</i> (Norfolk Island).	20 21 22	
	<i>order</i> , in relation to a Norfolk Island court or Norfolk Island magistrate—	23 24	
	(a) means an order under the <i>Removal of Prisoners Act 2004</i> (Norfolk Island); and	25 26	
	(b) includes a warrant mentioned in the <i>Removal of Prisoners Act 2004</i> (Norfolk Island), section 3(3) issued by the court or magistrate.	27 28 29 30	

[s 4]

- 18B Meaning of *Norfolk Island prisoner*** 1
- (1) A *Norfolk Island prisoner* is a person who is 2
liable to undergo imprisonment or other detention 3
in custody in Queensland under a law in force in 4
Norfolk Island. 5
- (2) However, a *Norfolk Island prisoner* does not 6
include a person who is the subject of a direction 7
under the *Removal of Prisoners Act 2004* 8
(Norfolk Island), section 9. 9
- 18C Custody and detention of Norfolk Island 10
prisoners** 11
- (1) A constable who has a Norfolk Island prisoner in 12
custody under a Norfolk Island warrant is 13
authorised to have custody of, and deal with, the 14
Norfolk Island prisoner in Queensland under the 15
warrant. 16
- (2) A corrective services officer may, under a 17
Norfolk Island warrant— 18
- (a) take control of the Norfolk Island prisoner 19
the subject of the warrant from a constable 20
in Queensland; and 21
- (b) transport the Norfolk Island prisoner to a 22
corrective services facility. 23
- (3) However, a corrective services officer may act 24
under subsection (2) only if the chief executive 25
has been given the Norfolk Island warrant or a 26
copy of the warrant. 27
- (4) A Norfolk Island prisoner may be admitted to and 28
detained in a corrective services facility specified 29
by the chief executive for the period of the 30
Norfolk Island prisoner’s imprisonment or other 31
detention. 32
- (5) A Norfolk Island prisoner is taken to be in the 33
chief executive’s custody— 34

-
- (a) while under the control of a corrective services officer under subsection (2); and 1
2
 - (b) while detained in a corrective services facility under subsection (4). 3
4
 - (6) The Norfolk Island prisoner remains in the chief executive's custody until discharged— 5
6
 - (a) except for any time when the Norfolk Island prisoner is lawfully in another person's custody; and 7
8
9
 - (b) even if the Norfolk Island prisoner is lawfully outside a corrective services facility. 10
11
12
 - (7) Subsection (4) applies despite anything stated in a Norfolk Island warrant about— 13
14
 - (a) a specified corrective services facility in which the period of imprisonment or other detention is to be served; or 15
16
17
 - (b) a specified person in charge of a corrective services facility to whom the Norfolk Island prisoner is to be produced. 18
19
20

18D Application of Act to Norfolk Island prisoners 21

- (1) This Act applies in relation to a Norfolk Island prisoner who is in the chief executive's custody under section 18C— 22
23
24
 - (a) as if the order or sentence of the Norfolk Island court or Norfolk Island magistrate under which the Norfolk Island prisoner is liable to undergo imprisonment or other detention were made or imposed by a court of the State under a law of the State; and 25
26
27
28
29
30
 - (b) subject to subsection (2) and a regulation made under subsection (3). 31
32
- (2) Chapter 5 does not apply in relation to the Norfolk 33

[s 4]

- Island prisoner unless a regulation under subsection (3) provides otherwise. 1
2
- (3) A regulation may provide that a provision of this Act, other than a provision of this part— 3
4
- (a) does, or does not, apply to the Norfolk Island prisoner; or 5
6
- (b) applies to the Norfolk Island prisoner as modified by the regulation. 7
8
- (4) A regulation under subsection (3) must declare it is made under that subsection. 9
10
- (5) However, the application of this Act to the Norfolk Island prisoner— 11
12
- (a) applies subject to— 13
- (i) the *Removal of Prisoners Act 2004* (Norfolk Island); and 14
15
- (ii) the *Sentencing Act 2007* (Norfolk Island); and 16
17
- (b) stops having effect if the Norfolk Island prisoner is discharged, or delivered into the custody of a constable under a Norfolk Island warrant. 18
19
20
21
- 18E Provision relating to parole for Norfolk Island prisoners** 22
23
- (1) This section applies if, under a regulation made under section 18D(3), all or a part of chapter 5 (with or without modification) applies to a Norfolk Island prisoner who is in the chief executive's custody under section 18C. 24
25
26
27
28
- (2) The parole board has the functions of a Board under the *Sentencing Act 2007* (Norfolk Island) in relation to the Norfolk Island prisoner. 29
30
31
- (3) The parole board is not required to perform a function in relation to a Norfolk Island prisoner 32
33

who is released on parole in Norfolk Island and is 1
not in the State, unless the parole board is required 2
to perform the function under an arrangement 3
made with the Commonwealth under the *Norfolk* 4
Island Act 1979 (Cwlth), section 18C. 5

**18F Producing Norfolk Island prisoners before 6
Norfolk Island court at place in Queensland 7**

- (1) The section applies if a Norfolk Island court, by 8
order or a notice given to the chief executive, 9
requires a Norfolk Island prisoner who is detained 10
in a corrective services facility under a Norfolk 11
Island warrant to be produced before a Norfolk 12
Island court at a stated place in Queensland, at a 13
stated time and for a stated purpose. 14
- (2) The chief executive must produce the Norfolk 15
Island prisoner at the place and time, and for the 16
purpose, stated in the order or notice of the 17
Norfolk Island court. 18
- (3) If the order or notice of the Norfolk Island court 19
requires the Norfolk Island prisoner to be 20
transferred to a Norfolk Island court at a place in 21
Queensland, the transfer of the Norfolk Island 22
prisoner to the Norfolk Island court must be 23
authorised by an order of the chief executive. 24
- (4) This section does not limit the application of 25
section 69, as applying under section 18D, in 26
relation to a Norfolk Island prisoner. 27

**18G Return of Norfolk Island prisoners to Norfolk 28
Island 29**

- (1) This section applies if a constable gives the chief 30
executive a Norfolk Island warrant or a copy of a 31
Norfolk Island warrant requiring— 32
- (a) the delivery of a Norfolk Island prisoner 33
who is detained in a corrective services 34

[s 4]

facility under another Norfolk Island	1
warrant into the custody of the constable;	2
and	3
(b) the constable to convey the Norfolk Island	4
prisoner in custody to Norfolk Island.	5
(2) The chief executive must deliver the Norfolk	6
Island prisoner into the custody of the constable.	7
(3) The delivery of the Norfolk Island prisoner into	8
the custody of the constable must be authorised by	9
an order of the chief executive.	10
18H Early discharge or release not prevented	11
Nothing in this part prevents the early discharge	12
or release of a Norfolk Island prisoner under a law	13
of the Commonwealth or a law in force in Norfolk	14
Island.	15
18I Particular Acts do not apply to Norfolk Island	16
prisoners in chief executive's custody	17
(1) This section applies in relation to a Norfolk Island	18
prisoner who is in the chief executive's custody	19
under section 18C.	20
(2) The following Acts do not apply to the Norfolk	21
Island prisoner even though the Norfolk Island	22
prisoner is in the chief executive's custody—	23
(a) the <i>Dangerous Prisoners (Sexual Offenders)</i>	24
<i>Act 2003</i> ;	25
(b) another Act prescribed by regulation that	26
would otherwise apply to the Norfolk Island	27
prisoner because the Norfolk Island prisoner	28
is in the chief executive's custody.	29
(3) A regulation under subsection (2)(b)—	30
(a) must declare it is made under that	31
subsection; and	32

	(b) may be made in the same instrument as a regulation made under section 18D(3).	1 2
	18J Evidentiary aid for Norfolk Island prisoners	3
	(1) In a proceeding under an Act, a document purporting to be a Norfolk Island warrant or a copy of a Norfolk Island warrant and to be signed by an authorised person is evidence of the matters stated in the document.	4 5 6 7 8
	(2) In this section— <i>authorised person</i> has the meaning given by the <i>Removal of Prisoners Act 2004</i> (Norfolk Island).	9 10 11
Clause 5	Amendment of s 68 (Transfer to another corrective services facility or a health institution)	12 13
	(1) Section 68, heading, ‘or a health institution’— <i>omit, insert—</i> , health facility or personal care facility	14 15 16
	(2) Section 68(1)(b)— <i>insert—</i> (iii) assessment and provision of palliative or other personal care.	17 18 19 20
Clause 6	Amendment of s 70 (Removal of prisoner for law enforcement purposes)	21 22
	(1) Section 70— <i>insert—</i> (2A) A prisoner is taken to be in the presence of an official visitor if the official visitor can see and hear the prisoner by means of a contemporaneous communication link.	23 24 25 26 27 28
	(2) Section 70(2A) to (4)—	29

[s 7]

renumber as section 70(3) to (5).

		1
Clause 7	Insertion of new ch 3, pt 2B	2
	Chapter 3—	3
	<i>insert</i> —	4
	Part 2B	5
	Offence to possess	6
	restricted item on	7
	corrective services	8
	land	9
	124B Offence to possess restricted item on	10
	corrective services land	11
	(1) A person must not possess a restricted item while	12
	on corrective services land if the person knows, or	13
	ought reasonably to know, that the person is on	14
	corrective services land.	15
	Maximum penalty—2 years imprisonment.	16
	(2) Subsection (1) does not apply if—	17
	(a) the possession is approved by the chief	18
	executive; or	19
	(b) the person is an officer of a law enforcement	20
	agency, protective service or emergency	21
	service acting in that capacity; or	22
	(c) the person is assisting an officer acting	23
	under paragraph (b).	24
	(3) If it is established in a prosecution for an offence	25
	against subsection (1) that there was, at the time	26
	of the alleged offence, appropriate signage at the	27
	corrective services land, the defendant bears the	28
	evidential burden of proving the defendant did not	29
	know, and could not by the exercise of reasonable	30
	diligence have known, that the land was	

corrective services land.	1
(4) In this section—	2
<i>appropriate signage</i> , for corrective services land, means signage—	3 4
(a) identifying the land as corrective services land; or	5 6
(b) warning a person entering the land that there is an increased penalty for possessing a restricted item on the land and that prior approval of the chief executive is required for possessing a restricted item on the land.	7 8 9 10 11
<i>corrective services land</i> means—	12
(a) land on which a corrective services facility is located; or	13 14
(b) land owned or leased by the State adjacent to a corrective services facility and used for a purpose associated with the corrective services facility; or	15 16 17 18
(c) land owned or leased by the State and used for a purpose related to the supervision or accommodation of supervised dangerous prisoners (sexual offenders); or	19 20 21 22
(d) land comprising the premises and curtilage of a community corrections office or other place at which community corrective services are provided; or	23 24 25 26
(e) land owned or leased by the State and used as an educational or training facility for corrective services officers.	27 28 29
<i>restricted item</i> means an item prescribed by regulation to be a restricted item.	30 31

[s 8]

Clause 8	Amendment of s 175B (Definitions for chapter)	1
	Section 175B, definition <i>homicide offence</i> —	2
	<i>omit.</i>	3
Clause 9	Amendment of s 188 (Submission from eligible person)	4
(1)	Section 188(2), after ‘must’—	5
	<i>insert</i> —	6
	, subject to section 324AA,	7
(2)	Section 188(3) and (4), ‘written’—	8
	<i>omit.</i>	9
(3)	Section 188(6), ‘may have regard to’—	10
	<i>omit, insert</i> —	11
	must consider	12
(4)	Section 188—	13
	<i>insert</i> —	14
	(7) Submissions may be made under subsection	15
	(3)(c)—	16
	(a) in writing; or	17
	(b) in some other form approved by the parole	18
	board.	19
Clause 10	Replacement of s 217A (Parole Board not public sector entity)	20
	Section 217A—	21
	<i>omit, insert</i> —	22
	217A Nature of entity	23
	The parole board—	24
	(a) does not control funds (and is consequently	25
	not a statutory body within the meaning of	26
		27

	the <i>Statutory Bodies Financial Arrangements Act 1982</i> or the <i>Financial Accountability Act 2009</i>); and	1 2 3
	(b) is not a public sector entity for the <i>Public Sector Act 2022</i> , section 8(2)(s).	4 5
Clause 11	Amendment of s 221 (Membership)	6
	(1) Section 221(1)(c), ‘, including, for example, a legal or medical qualification’—	7 8
	<i>omit.</i>	9
	(2) Section 221(1)(e), ‘probation and parole matters’—	10
	<i>omit, insert—</i>	11
	the supervision or rehabilitation of offenders	12
	(3) Section 221—	13
	<i>insert—</i>	14
	(1A) Without limiting subsection (1), a qualification in law, criminology, medicine, psychology, behavioural science or social work is a relevant qualification for a professional board member.	15 16 17 18
	(1B) At least 1 of the professional board members must be an Aboriginal or Torres Strait Islander person.	19 20
	(1C) At least 1 of the community board members must be a person who has expertise or experience relevant to victims of crime, including how crimes affect victims and the challenges victims face in interacting with the criminal justice system.	21 22 23 24 25 26
	(4) Section 221(1A) to (4)—	27
	<i>renumber</i> as section 221(2) to (7).	28
Clause 12	Amendment of s 223 (Appointment)	29
	(1) Section 223(3)—	30

[s 13]

omit, insert— 1

(3) Before recommending a person to the Governor in Council for appointment, the Minister must request the chief executive to assess (under chapter 6, part 13, division 2) the person's suitability to perform functions as a board member. 2
3
4
5
6
7

(3A) The president and the deputy presidents must be appointed on a full-time basis. 8
9

(3B) A professional board member may be appointed on a full-time or part-time basis. 10
11

(2) Section 223(3A) to (5)— 12

renumber as section 223(4) to (7). 13

Clause 13 Amendment of s 225 (Conditions of appointment) 14

Section 225— 15

insert— 16

(5) The president or the Minister may ask the chief executive to assess (under chapter 6, part 13, division 2) the suitability of a person to continue to perform functions as a board member. 17
18
19
20

Clause 14 Replacement of s 228 (Acting appointments) 21

Section 228— 22

omit, insert— 23

228 Acting prescribed members 24

(1) The Governor in Council may appoint a person to act as the president, a deputy president or a professional board member if the person meets the requirements for appointment to the office. 25
26
27
28

(2) A person appointed to act as the president is appointed, subject to any limitations stated in the 29
30

-
- instrument of appointment, to act as the president while— 1
2
- (a) the office of president is vacant; or 3
- (b) the president is absent from duty or from the State or cannot, for another reason, perform the duties of the president. 4
5
6
- (3) A person appointed to act as a deputy president or a professional board member is appointed to carry out duties from time to time as directed by the president— 7
8
9
10
- (a) during a stated period; or 11
- (b) for a stated matter. 12
- (4) Before making a recommendation to the Governor in Council for appointment of an acting board member, the Minister must request the chief executive to assess (under chapter 6, part 13, division 2) the person’s suitability to act in that capacity. 13
14
15
16
17
18
- (5) Before making a recommendation to the Governor in Council for appointment of an acting deputy president, the Minister must consult with the president. 19
20
21
22
- (6) A person may not be appointed as an acting board member for— 23
24
- (a) a continuous period of more than 1 year; or 25
- (b) a period that, with the periods of other appointments of the person as an acting board member, forms a continuous period of more than 1 year. 26
27
28
29
- (7) However, subsection (6) does not apply to the appointment of a person to act as the president or a deputy president if, in recommending the person for the appointment, the Minister has consulted with the parliamentary committee (within the meaning of section 223). 30
31
32
33
34
35

[s 15]

	(8) An acting board member is appointed on the terms, not otherwise provided for by this Act, decided by the Governor in Council.	1 2 3
	(9) The president or the Minister may ask the chief executive to assess (under chapter 6, part 13, division 2) the suitability of a person to continue to perform functions as an acting board member.	4 5 6 7
Clause 15	Amendment of s 229A (Functions of president)	8
	(1) Section 229A—	9
	<i>insert—</i>	10
	(1A) The functions of the president include—	11
	(a) managing the performance of appointed board members and acting appointed board members; and	12 13 14
	(b) giving directions about the practices and procedures to be followed by the board.	15 16
	(2) Section 229A—	17
	<i>insert—</i>	18
	(3) The president must promote the efficient and effective operation of the board.	19 20
	(3) Section 229A(1A) to (3)—	21
	<i>renumber</i> as section 229A(2) to (4).	22
Clause 16	Amendment of s 236 (Establishment and functions)	23
	(1) Section 236(2), ‘in performing its functions’—	24
	<i>omit, insert—</i>	25
	by providing administrative and legal support for the operation of the parole board	26 27
	(2) Section 236(3) and (4)—	28
	<i>omit, insert—</i>	29

	(3) The chief executive may assign public service employees of the chief executive’s department to the secretariat.	1 2 3
	<i>Note—</i>	4
	The employees are responsible to the chief executive under the <i>Public Sector Act 2022</i> .	5 6
Clause 17	Insertion of new s 242GA	7
	After section 242G—	8
	<i>insert—</i>	9
	242GA Information relevant to administration	10
	(1) If asked by the chief executive, the parole board must give the chief executive stated information about a matter affecting the management or administration of the board or the operations of the secretariat.	11 12 13 14 15
	(2) If asked by the chief executive, the information must be given in writing.	16 17
Clause 18	Insertion of new s 242I	18
	After section 242H—	19
	<i>insert—</i>	20
	242I Vacancies or failures in appointment of members	21 22
	An act or proceeding of the parole board is not invalid by reason only of—	23 24
	(a) a vacancy in its membership; or	25
	(b) a failure to comply with section 221(3) or (4).	26 27
Clause 19	Amendment of s 263 (Functions and powers)	28
	Section 263(1), after ‘Minister’—	29

[s 20]

insert—

and any administrative arrangements made by the
Governor in Council

		1
		2
		3
Clause 20	Amendment of s 294 (Appointing inspectors generally)	4
(1)	Section 294, heading—	5
	<i>omit, insert—</i>	6
	294 Appointment and functions of inspectors	7
(2)	Section 294(2)—	8
	<i>insert—</i>	9
	(f) to review services provided under this Act by corrective services officers to support the proper officer of a court.	10 11 12
	<i>Note—</i>	13
	The support provided under this Act comprises—	14
	(a) helping the proper officer of a court under section 308; and	15 16
	(b) performing functions and exercising powers delegated to corrective services officers by the proper officer of a court under section 309.	17 18 19
Clause 21	Insertion of new s 303A	20
	After section 303—	21
	<i>insert—</i>	22
	303A Inspector's powers relating to the proper officer of a court	23 24
(1)	For conducting a review under section 294(2)(f) of services provided by corrective services officers to the proper officer of a court, an inspector may—	25 26 27 28
	(a) with the consent or at the request of the proper officer—	29 30

	(i) enter an area in the court facilities not open to members of the public; and	1 2
	(ii) interview any prisoner, staff member, or court officer present at the facilities; and	3 4 5
	(iii) have access to a place in the facilities where the inspector may conduct an interview under subparagraph (ii) out of the hearing of other persons; and	6 7 8 9
	(iv) inspect and copy a document kept at the facilities that is relevant to services provided by corrective services officers, other than a document to which legal professional privilege attaches; and	10 11 12 13 14 15
	(b) request the proper officer to give stated information relevant to the review.	16 17
	(2) The proper officer of a court is not under an obligation to give information requested by an inspector but, if the request is refused, the proper officer must give the inspector a written notice stating the reasons for the refusal.	18 19 20 21 22
Clause 22	Amendment of s 305 (Inspectors' reports)	23
	Section 305—	24
	<i>insert—</i>	25
	(3) If the report states the result of a review mentioned in section 294(2)(f), the chief executive must give a copy of the report to the proper officer of the court to whom the services subject to the review were provided.	26 27 28 29 30

[s 23]

Clause 23	Amendment of s 309 (Delegation of powers of proper officer of a court)	1 2
	Section 309—	3
	<i>insert</i> —	4
	(2) The proper officer of a court may enter into a written agreement with the chief executive or commissioner governing the delegation of functions or powers by the proper officer to corrective services officers or watch-house officers (within the meaning of section 308), respectively.	5 6 7 8 9 10 11
	(3) However, non-compliance with an agreement under subsection (2) does not invalidate a delegation.	12 13 14
Clause 24	Amendment of ch 6, pt 13, div 1, hdg (Releasing information to eligible persons)	15 16
	Chapter 6, part 13, division 1, heading, ‘Releasing’—	17
	<i>omit, insert</i> —	18
	Giving notices and	19
Clause 25	Replacement of ss 320–323	20
	Sections 320 to 323—	21
	<i>omit, insert</i> —	22
	320 Eligible persons register	23
	(1) The chief executive must keep a register of eligible persons who may receive notices or information about prisoners or homicide offenders under this Act.	24 25 26 27
	<i>Note</i> —	28
	Subject to section 324AA—	29

-
- notice of an application by a prisoner for a parole order must be given to an eligible person under section 188; and 1
2
3
 - information about a prisoner (including a prisoner who is a homicide offender) must be given to an eligible person under section 324A; and 4
5
6
 - information about a prisoner or homicide offender may be given to an eligible person under section 325. 7
8
9
- (2) To make an entry in the eligible persons register, the chief executive must be satisfied— 10
11
- (a) the prisoner or homicide offender is a prisoner or homicide offender for whom an entry can be made; and 12
13
14
 - (b) the person proposed to be registered against the prisoner or homicide offender is— 15
16
 - (i) entitled to be registered; and 17
 - (ii) requests or consents to the registration. 18
- (3) Despite being satisfied of the matters stated in subsection (2), the chief executive may refuse to register a person against a prisoner or homicide offender if the chief executive reasonably believes that giving the person a notice or information as an eligible person may endanger— 19
20
21
22
23
24
- (a) the security of a corrective services facility; or 25
26
 - (b) the safe custody or welfare of a prisoner; or 27
 - (c) the safety or welfare of someone else. 28
- (4) The chief executive may make an entry in the eligible persons register against a prisoner or homicide offender— 29
30
31
- (a) on application in the approved form by a person claiming to be an eligible person; or 32
33
 - (b) on a referral in the approved form by an entity supporting an eligible person; or 34
35

[s 25]

(c) on the chief executive's own initiative. 1

321 Effect of offence and violence as ground for registration 2
3

- (1) An entry can be made in the eligible persons register against a prisoner— 4
5
- (a) who has been sentenced to a period of imprisonment for an offence of violence or a sexual offence; or 6
7
8
- (b) who is subject to a continuing or interim detention order, or a supervision or interim supervision order, under the *Dangerous Prisoners (Sexual Offenders) Act 2003*, having been found guilty of a serious sexual offence within the meaning of that Act. 9
10
11
12
13
14
- (2) A person is entitled to be registered as an eligible person against the prisoner if— 15
16
- (a) the person is one of the following— 17
- (i) a person against whom the offence was committed (the *victim*); 18
19
- (ii) an immediate family member of a deceased victim of the offence; or 20
21
- (b) the chief executive is satisfied the person's life or physical safety could reasonably be expected to be endangered because of— 22
23
24
- (i) a documented history of violence by the prisoner against the person; or 25
26
- (ii) a connection between the person and the offence. 27
28
- (3) In this section— 29
- offence of violence* means an offence in which a victim suffers actual or threatened violence. 30
31

-
- 322 Domestic violence as ground for registration** 1
- (1) An entry can be made in the eligible persons 2
register against a prisoner who has been sentenced 3
to a period of imprisonment for an offence if— 4
- (a) there is or has been a domestic violence 5
order or notice in force against the prisoner; 6
or 7
- (b) the chief executive is satisfied, by a 8
documented history of domestic violence by 9
the prisoner or by other evidence, the 10
prisoner has committed domestic violence. 11
- (2) A person is entitled to be registered as an eligible 12
person against the prisoner if the chief executive 13
is satisfied the person is at risk of domestic 14
violence from the prisoner. 15
- 323 Registration against homicide offender** 16
- (1) An entry can be made in the eligible persons 17
register against a homicide offender. 18
- (2) A person is entitled to be registered as an eligible 19
person against a homicide offender if— 20
- (a) the person is an immediate family member 21
of a victim of the homicide offence; or 22
- (b) the chief executive is satisfied registration of 23
the person against the prisoner is warranted 24
because of the effect of the homicide 25
offence on the person; or 26
- (c) the chief executive is satisfied the person’s 27
life or physical safety could reasonably be 28
expected to be endangered because of— 29
- (i) a documented history of violence by 30
the offender against the person; or 31
- (ii) a connection between the person and 32
the homicide offence. 33

[s 25]

323A Registration if eligible person is child or person with impaired capacity	1 2
(1) If an eligible person is a child—	3
(a) a parent or guardian of the child is taken to be an eligible person; and	4 5
(b) subject to this Act, the parent or guardian may be registered instead of, or as well as, the child.	6 7 8
(2) If an eligible person is a person with impaired capacity—	9 10
(a) a guardian of the person or an attorney of the person with an enduring power of attorney is taken to be an eligible person; and	11 12 13 14
(b) subject to this Act, the guardian or attorney may be registered instead of, or as well as, the person with impaired capacity.	15 16 17
(3) If a person proposed to be registered as an eligible person is a child—	18 19
(a) the child is only eligible to be registered if the chief executive is satisfied that registration is in the child's best interests; and	20 21 22 23
(b) in the case of a child who is in care, the chief executive must consult with the child protection chief executive in deciding whether registration of the child is in the child's best interests; and	24 25 26 27 28
(c) if the chief executive decides to register the child, the chief executive must—	29 30
(i) give the child information about being an eligible person and about how to be removed from the register; and	31 32 33

-
- (ii) tell the child and the child’s parent or guardian that the parent or guardian may register as an eligible person instead of, or as well as, the child.

323B Nomination of entity to receive information on behalf of eligible person

- (1) An eligible person may nominate an entity as an entity to whom the chief executive may give a notice or information required or authorised to be given to the eligible person under this Act.
- Example of nominee—*
a victims support agency
- (2) The chief executive may refuse to accept a nomination if the chief executive—
- (a) is not satisfied that the entity consents to the nomination; or
- (b) reasonably considers the entity not to be suitable in the circumstances.
- (3) Details of a nominee must be noted in the eligible persons register.
- (4) If a nominee withdraws consent to the nomination, the details must be removed from the register.

Clause 26 Amendment of s 324 (Removing details from eligible persons register)

- (1) Section 324(1)(a), before ‘when’—
insert—
for a prisoner other than a homicide offender,
- (2) Section 324(1)(a)(iii), ‘in custody’—
omit.

[s 26]

(3) Section 324(1)—	1
<i>insert—</i>	2
(ab) for a homicide offender, when the homicide offender dies; or	3 4
(4) Section 324(1)(b), ‘prisoner’s conviction’—	5
<i>omit, insert—</i>	6
conviction of the prisoner or homicide offender	7
(5) Section 324(1)(ab) to (c)—	8
<i>renumber</i> as section 324(1)(b) to (d).	9
(6) Section 324(2)(a), ‘considers the person’s continued registration’—	10 11
<i>omit, insert—</i>	12
believes that giving the person a notice or information as an eligible person	13 14
(7) Section 324(2)(b), ‘prisoner information released to the person under this division’—	15 16
<i>omit, insert—</i>	17
notice or information given to the person under this Act as an eligible person	18 19
(8) Section 324—	20
<i>insert—</i>	21
(3A) The chief executive may, on the chief executive’s own initiative, reinstate details of an eligible person registered against a prisoner other than a homicide offender if, within 90 days after the removal of the details, the prisoner is again in the custody of the chief executive.	22 23 24 25 26 27
(9) Section 324(4), definition <i>details</i> , ‘prisoner information’—	28
<i>omit, insert—</i>	29
a notice or information under this Act	30
(10) Section 324(3A) and (4)—	31

renumber as section 324(4) and (5). 1

Clause 27 Insertion of new s 324AA 2

After section 324— 3

insert— 4

324AA Provision of notice or information to eligible person 5
6

- (1) The chief executive must not give an eligible person a notice or information under this Act unless— 7
8
9
- (a) the person has given the chief executive a signed declaration stating that the person will not disclose, for public dissemination, any notice or information about a prisoner given to the person under this Act; and 10
11
12
13
14
 - (b) if a nominee for the eligible person is noted in the eligible persons register—both the nominee and the eligible person have given the chief executive a signed declaration stating that the person will not disclose, for public dissemination, any notice or information about a prisoner given to the nominee under this Act. 15
16
17
18
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21
22
- (2) The chief executive may refuse to give an eligible person a notice or information under this Act if the chief executive reasonably believes that giving the notice or information to the person may endanger— 23
24
25
26
27
- (a) the security of a corrective services facility; or 28
29
 - (b) the safe custody or welfare of a prisoner; or 30
 - (c) the safety or welfare of someone else. 31
- (3) If there is a nominee of an eligible person on the eligible persons register when the chief executive 32
33

[s 28]

	is required or authorised to give a notice or information to the eligible person, the chief executive—	1 2 3
	(a) must endeavour to give the notice or information to the nominee; but	4 5
	(b) may give the notice or information directly to the eligible person if the chief executive has been unable to give the notice or information to the nominee despite a reasonable attempt to do so.	6 7 8 9 10
	(4) A requirement to give a notice or information to an eligible person ceases to apply if the chief executive has made a reasonable attempt to give the notice or information to the person but has been unable to do so.	11 12 13 14 15
	(5) This section does not apply to confidential information disclosed to an eligible person or nominee under section 341.	16 17 18
Clause 28	Amendment of s 324A (Right of eligible persons to receive particular information)	19 20
	(1) Section 324A(1), after ‘must’—	21
	<i>insert—</i>	22
	, subject to section 324AA,	23
	(2) Section 324A(1), after ‘about a prisoner’—	24
	<i>insert—</i>	25
	(including a prisoner who is a homicide offender)	26
	(3) Section 324A(1)(c)—	27
	<i>omit, insert—</i>	28
	(c) the death of the prisoner and, if the prisoner died while detained in a corrective services facility, the date of death;	29 30 31

	(ca) the escape of the prisoner and the date of escape;	1 2
	(cb) details of a change of name of the prisoner registered under a law of the State about births, deaths and marriages;	3 4 5
(4)	Section 324A(1)(ca) to (e)— <i>renumber</i> as section 324A(1)(d) to (g).	6 7
(5)	Section 324A(2)(a), ‘or (e)’— <i>omit, insert</i> — , (e) or (g)	8 9 10
(6)	Section 324A(2)(b), ‘or (d)’— <i>omit, insert</i> — , (d) or (f)	11 12 13
(7)	Section 324A(3)— <i>omit.</i>	14 15
Clause 29	Replacement of s 325 (Releasing other information)	16
	Section 325— <i>omit, insert</i> —	17 18
	325 Giving eligible persons other information	19
	(1) Subject to section 324AA, the chief executive may give an eligible person registered against a prisoner or homicide offender information, within the knowledge of the chief executive, about the prisoner or offender as the chief executive considers appropriate.	20 21 22 23 24 25
	(2) Without limiting the information that may be given, the information may include the following information about a prisoner (including a homicide offender)—	26 27 28 29
	(a) the current location of the prisoner;	30

[s 29]

- | | |
|--|----------------------------|
| (b) the transfer of the prisoner— | 1 |
| (i) between corrective services facilities; | 2 |
| or | 3 |
| (ii) interstate or overseas; | 4 |
| (c) the length of the term of imprisonment the prisoner is serving; | 5
6 |
| (d) any further cumulative terms of imprisonment imposed on the prisoner while in custody for the offence; | 7
8
9 |
| (e) the nature of an order under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> , to which the prisoner is or becomes subject; | 10
11
12 |
| (f) the prisoner ceasing to be subject to an order mentioned in paragraph (e); | 13
14 |
| (g) the results of the prisoner’s application for parole orders; | 15
16 |
| (h) other matters relevant to parole of the prisoner; | 17
18 |
| (i) details of a reassignment or alteration of the sex of the prisoner noted or recorded in a register kept under a law of the State about births, deaths and marriages; | 19
20
21
22 |
| (j) the deportation or removal status of the prisoner under the <i>Migration Act 1958</i> (Cwlth); | 23
24
25 |
| (k) other exceptional events relating to the prisoner. | 26
27 |
| (3) Without limiting the information that may be given, the information may include the following information, within the knowledge of the chief executive, about a homicide offender who is not a prisoner— | 28
29
30
31
32 |

(a)	the current location of the offender or that the offender is no longer resident in the State;	1 2 3
(b)	the nature of a community based order, parole order, or order under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> , to which the offender is or becomes subject;	4 5 6 7
(c)	the offender ceasing to be subject to an order mentioned in paragraph (b);	8 9
(d)	details of a change of name of the offender registered under a law of the State about births, deaths and marriages;	10 11 12
(e)	details of a reassignment or alteration of the sex of the offender noted or recorded in a register kept under a law of the State about births, deaths and marriages;	13 14 15 16
(f)	the deportation or removal status of the offender under the <i>Migration Act 1958</i> (Cwlth);	17 18 19
(g)	the death of the offender;	20
(h)	other exceptional events relating to the offender.	21 22
Clause 30	Amendment of s 326 (Purpose of div 2)	23
	Section 326(1)—	24
	<i>omit, insert—</i>	25
	(1) The purpose of this division is to ensure—	26
	(a) the chief executive has all the relevant information the chief executive needs to assess a person’s suitability to be, or continue to be, a relevant person; and	27 28 29 30
	(b) the chief executive can give the Minister or the president all the relevant information	31 32

[s 31]

	needed to assess a person’s suitability to be,	1
	or continue to be, a board member or acting	2
	board member.	3
Clause 31	Amendment of s 336 (Use of information obtained under this division)	4
	Section 336(2)—	5
	<i>omit, insert—</i>	6
	(2) The information must be used only for the purposes of this division.	7
		8
		9
Clause 32	Insertion of new s 340AA	10
	Before section 340A—	11
	<i>insert—</i>	12
	340AA Sensitive information that need not be included in reasons	13
		14
	(1) A decision-maker need not, in giving reasons for a decision or proposed decision made under this Act, disclose anything that the decision-maker is satisfied could reasonably be expected to—	15
		16
		17
		18
	(a) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or	19
		20
		21
		22
		23
	(b) endanger a person’s life or physical safety; or	24
		25
	(c) seriously threaten a person’s welfare; or	26
	(d) prejudice public safety or national security; or	27
		28
	(e) prejudice the detection, investigation or prosecution by a law enforcement agency of—	29
		30
		31

	(i) a terrorism offence; or	1
	(ii) an offence with a maximum penalty of 14 years or more imprisonment; or	2 3
	(iii) another offence prescribed by regulation for this section; or	4 5
	(f) be prohibited under a law of this or another State or the Commonwealth.	6 7
	(2) In this section—	8
	<i>decision-maker</i> means—	9
	(a) the parole board; or	10
	(b) a person required or authorised to make a decision under this Act.	11 12
Clause 33	Amendment of ch 7A, hdg (Other transitional provisions)	13
	Chapter 7A, heading, after ‘transitional’—	14
	<i>insert—</i>	15
	and validation	16
Clause 34	Insertion of new ch 7A, pt 17	17
	Chapter 7A—	18
	<i>insert—</i>	19
	Part 17	Validation provision for 20
		Corrective Services 21
		(Promoting Safety) and 22
		Other Legislation 23
		Amendment Act 2024 24
	490ZI Validation of certain decisions	25
	(1) This section applies to a decision of an entity	26

[s 35]

	made under this Act or a repealed Act before the commencement.	1 2
(2)	The decision is, and is taken to have always been, as valid as it would have been if, at the time the decision was made, new section 340AA had applied to the decision.	3 4 5 6
(3)	Anything done as a result of the decision is, and is taken to have always been, as valid and lawful as it would have been if, at the time the decision was made, new section 340AA had applied to the decision.	7 8 9 10 11
(4)	However, if a decision to which this section applies has, before the commencement, been found by a court to be invalid or has been set aside by court order—	12 13 14 15
	(a) the finding or order stands; but	16
	(b) if the decision is remade after the commencement, new section 340AA applies to the decision as remade.	17 18 19
(5)	In this section—	20
	<i>new section 340AA</i> means section 340AA as in force from the commencement.	21 22
Clause 35	Amendment of sch 4 (Dictionary)	23
(1)	Schedule 4, definitions <i>homicide offence</i> , <i>immediate family member</i> and <i>prisoner information</i> —	24 25
	<i>omit.</i>	26
(2)	Schedule 4—	27
	<i>insert</i> —	28
	<i>constable</i> , for chapter 2, part 1A, see section 18A.	29
	<i>domestic violence</i> see the <i>Domestic and Family Violence Protection Act 2012</i> , section 8.	30 31
	<i>domestic violence order or notice</i> means an order	32

-
- or notice that would be included in a person's
domestic violence history under the *Domestic and
Family Violence Protection Act 2012*.
- homicide offence*** means any of the following
offences—
- (a) an offence against any of the following
provisions of the Criminal Code—
 - (i) section 236(2);
 - (ii) sections 302 and 305;
 - (iii) sections 303 and 310;
 - (iv) section 307;
 - (v) section 309;
 - (vi) section 314A;
 - (b) an offence of becoming an accessory after
the fact to an offence mentioned in
paragraph (a)(i), (iii), (v) or (vi);
 - (c) an offence of counselling or procuring the
commission of, or conspiring to commit, an
offence mentioned in paragraph (a) or (b);
 - (d) an offence against a law of another
jurisdiction that substantially corresponds to
an offence mentioned in paragraph (a), (b)
or (c).
- homicide offender*** means a person who has been
found guilty of a homicide offence.
- immediate family member***, of a person, means—
- (a) the person's spouse, child, stepchild, parent,
step-parent, brother, sister, stepbrother,
stepsister or grandparent; or
 - (b) the person's legal guardian; or
 - (c) if the person is an Aboriginal or Torres
Strait Islander person—a person who, under

[s 36]

	Aboriginal tradition or Island custom is regarded as an immediate family member of the person.	1 2 3
	<i>impaired capacity</i> see the <i>Guardianship and Administration Act 2000</i> , schedule 4.	4 5
	<i>Norfolk Island court</i> , for chapter 2, part 1A, see section 18A.	6 7
	<i>Norfolk Island magistrate</i> , for chapter 2, part 1A, see section 18A.	8 9
	<i>Norfolk Island prisoner</i> , for chapter 2, part 1A, see section 18B.	10 11
	<i>Norfolk Island warrant</i> , for chapter 2, part 1A, see section 18A.	12 13
	<i>order</i> , in relation to a Norfolk Island court or Norfolk Island magistrate, for chapter 2, part 1A, see section 18A.	14 15 16
(3)	Schedule 4, definition <i>inspector</i> , ‘, including the chief inspector,’—	17 18
	<i>omit.</i>	19
Division 3	Amendments commencing other than on assent	20 21
Clause 36	Amendment of s 34 (Personal search of prisoners leaving particular part of corrective services facility)	22 23
	Section 34(2)—	24
	<i>omit.</i>	25
Clause 37	Amendment of s 38 (Requirements for search requiring the removal of clothing)	26 27
(1)	Section 38(2) and (7)—	28
	<i>omit.</i>	29

-
- (2) Section 38(3) to (6)— 1
renumber as section 38(2) to (5). 2

Clause 38 Amendment of s 39 (Body search of particular prisoner) 3

- (1) Section 39(2), ‘, and at least 1 of the health practitioners must 4
be of the same sex as the prisoner’— 5
omit. 6
- (2) Section 39(4)— 7
omit. 8
- (3) Section 39(5) and (6)— 9
renumber as section 39(4) and (5). 10

Clause 39 Insertion of new s 39A 11

After section 39— 12
insert— 13

**39A Further requirements and procedures for 14
searches 15**

- (1) A regulation may prescribe further requirements 16
and procedures relating to the carrying out of a 17
search of a prisoner, including a personal search, 18
body search or search requiring the removal of 19
clothing. 20
- (2) Without limiting subsection (1), further 21
requirements and procedures may be prescribed 22
for— 23
- (a) the effective carrying out of the search; or 24
- (b) respecting a prisoner’s dignity; or 25
- (c) taking into account the special or diverse 26
needs of a prisoner. 27

[s 40]

Clause 40	Amendment of ch 2, pt 2, div 4, hdg (Mail, phone calls and other communications)	1 2
	Chapter 2, part 2, division 4, heading, ‘phone’—	3
	<i>omit, insert—</i>	4
	personal	5
Clause 41	Replacement of ch 2, pt 2, div 4, sdivs 2–4	6
	Chapter 2, part 2, division 4, subdivisions 2 to 4—	7
	<i>omit, insert—</i>	8
	Subdivision 2 Personal calls	9
	50 Personal calls	10
	(1) A prisoner in a corrective services facility may make personal calls on terms and conditions determined by the chief executive under section 51.	11 12 13 14
	(2) A <i>personal call</i> is a call made by a prisoner—	15
	(a) to an individual on admission to a corrective services facility; or	16 17
	(b) to an individual approved by the chief executive for the prisoner; or	18 19
	(c) to an entity approved by the chief executive for all prisoners or for a class of prisoners.	20 21
	(3) The chief executive may also allow the prisoner to have a <i>personal call</i> in other circumstances.	22 23
	<i>Example—</i>	24
	in the event of a family or other personal emergency	25
	(4) A call under subdivision 3 is not a <i>personal call</i> .	26
	(5) A personal call is to be made at the expense of the prisoner, except that—	27 28

-
- (a) the prisoner must be allowed to call an individual on admission to a corrective services facility free of charge; and
 - (b) the chief executive may excuse a prisoner from paying for a call on grounds considered sufficient by the chief executive.

51 Terms and conditions for making personal calls

- (1) Without limiting the chief executive’s power to determine terms and conditions for personal calls by prisoners in corrective services facilities, the terms and conditions may govern the following matters—
 - (a) when personal calls may be made by prisoners;
 - (b) how personal calls, which may include calls by audio-visual means, may be made by prisoners;
 - (c) the length and frequency of personal calls that may be made by prisoners.
- (2) The terms and conditions may differentiate between prisoners according to—
 - (a) the security classification, including risk sub-category, of the prisoners; or
 - (b) the special needs of prisoners; or
 - (c) another factor prescribed by regulation for this section.
- (3) The terms and conditions are to be set out in administrative procedures under section 265.
- (4) More restrictive terms and conditions may be applied to a prisoner if the chief executive reasonably believes the prisoner is likely to use personal calls to engage in prohibited prisoner

[s 41]

- communication. 1
- (5) For subsection (4), the chief executive may have regard to the following— 2
- (a) whether a domestic violence order or notice is, or has ever been, in force against the prisoner; 3
- (b) the terms of a domestic violence order or notice or other court order in force against the prisoner; 4
- (c) information from a law enforcement agency; 5
- (d) the record of the prisoner relating to prohibited prisoner communication and the making of personal calls in contravention of applicable terms and conditions; 6
- (e) the nature and seriousness of the prisoner’s criminal history or history of breaching domestic violence orders or notices or other court orders; 7
- (f) any other factor the chief executive considers relevant. 8
- (6) The terms and conditions must not limit a prisoner to fewer than 7 personal calls in any 7 day period. 9
- 52 Refusing and revoking approval of individual for personal call** 10
- (1) The chief executive must not approve an individual for personal calls by a prisoner, and must revoke the approval of an individual, if the individual informs the chief executive that the individual does not consent, or no longer consents, to the prisoner calling the individual. 11
- (2) The chief executive may refuse to approve an individual, and may revoke the approval of an individual, for personal calls by a prisoner if the chief executive reasonably believes— 12

-
- (a) the individual is a victim or alleged victim of an offence committed or alleged to have been committed by the prisoner; or
- (b) the contact details proposed for a personal call to the individual are not correct or are not suitable for a personal call made by a prisoner; or
- (c) a personal call from a prisoner to the individual has been, or is likely to be, used for a prohibited prisoner communication.
- (3) The chief executive may suspend the approval of an individual while investigating whether the approval should be revoked under subsection (2).
- (4) The suspension of an approval of an individual ceases to have effect 6 months after it was imposed if the chief executive has not before then revoked the approval or withdrawn the suspension.
- (5) Nothing in this section derogates from the power of the chief executive to revoke an approval under the *Acts Interpretation Act 1954*, section 24AA.

52A Offence by prisoner relating to diversion of personal call

A prisoner must not—

- (a) make a personal call knowing the call will be diverted to allow the prisoner to contact someone other than an individual approved for personal calls by the prisoner; or
- (b) intentionally continue with a personal call—
- (i) the prisoner knows is diverted; or
- (ii) that allows the prisoner to contact someone other than an individual approved for personal calls by the prisoner; or

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- (c) make a personal call and ask the person 1
called to make a conference call to someone 2
other than an individual approved for 3
personal calls by the prisoner. 4
- Maximum penalty—6 months imprisonment. 5

52B Recording or monitoring of personal calls 6

- (1) The chief executive may record or monitor a 7
prisoner’s personal calls. 8
- (2) The prisoner and the other party to a prisoner’s 9
personal call must be told the communication may 10
be recorded and monitored. 11
- (3) If a prisoner’s personal call recorded or monitored 12
under this section reveals information about the 13
commission of an offence, the chief executive 14
must give the information to the relevant law 15
enforcement agency. 16

52C Power to end personal calls 17

- The chief executive may end a prisoner’s personal 18
call if the chief executive reasonably believes— 19
- (a) there has been a contravention of the terms 20
and conditions applicable to the call under 21
section 51; or 22
 - (b) the call is being, or has been, used to engage 23
in prohibited prisoner communication. 24

Subdivision 3 Other communications 25

52D Communication with lawyer 26

- (1) A prisoner in a corrective services facility is 27
authorised to communicate by phone or other 28
approved means with the prisoner’s lawyer, 29

	subject to confirmation of the identity and appointment of the lawyer.	1 2
(2)	Communication with a prisoner under subsection (1)—	3 4
(a)	takes place in accordance with arrangements approved by the chief executive; and	5 6
(b)	must not be recorded or monitored by the chief executive.	7 8
	52E Other authorised prisoner communications	9
(1)	A prisoner in a corrective services facility may communicate with the following—	10 11
(a)	an officer of a law enforcement agency;	12
(b)	the parole board;	13
(c)	the ombudsman;	14
(d)	the inspector of detention services.	15
(2)	Communication with a prisoner under subsection (1)—	16 17
(a)	takes place in accordance with arrangements approved by the chief executive; and	18 19
(b)	must not be recorded or monitored by the chief executive.	20 21
Clause 42	Amendment of s 173A (Electronic surveillance of corrective services facilities)	22 23
(1)	Section 173A(3)—	24
	<i>insert—</i>	25
(c)	must not authorise the recording or monitoring of a prisoner communication that cannot be lawfully recorded or monitored under chapter 2, part 2, division 4, subdivision 3.	26 27 28 29 30

[s 43]

- (2) Section 173A(4), ‘the device is deliberately hidden from view or is disguised to look like another type of device’ — 1
2
omit, insert— 3
use of the device is not openly acknowledged 4
- (3) Section 173A(5)(c)— 5
omit. 6

- Clause 43 Insertion of new s 173B** 7
After section 173A— 8
insert— 9
- 173B Body-worn camera used by corrective services officer outside corrective services facility** 10
11
12
- (1) Subject to this section, a corrective services officer is authorised to use a body-worn camera while acting in the performance of the officer’s duties outside a corrective services facility. 13
14
15
16
- (2) A body-worn camera may only be used outside a corrective services facility to record or monitor activity when the corrective services officer— 17
18
19
- (a) has a prisoner under the officer’s control; or 20
- (b) is responding to an incident; or 21
- (c) is using, or considering using, force under chapter 3, part 5; or 22
23
- (d) believes there is an imminent and significant risk to the life, health or safety of an individual; or 24
25
26
- (e) believes that an offence or breach of discipline is being, has been or is about to be committed and that use of the device may provide evidence relevant to the offence or breach of discipline. 27
28
29
30
31

-
- (3) If an activity being recorded or monitored takes place in a sensitive location, a body-worn camera may only be used if the corrective services officer believes there is an imminent and significant risk to the life, health or safety of an individual. 1
2
3
4
5
- (4) A body-worn camera must not be used to record or monitor prisoner communication that could not be lawfully recorded or monitored under chapter 2, part 2, division 4, subdivision 3 if it took place in a corrective services facility. 6
7
8
9
10
- (5) A body-worn camera used by a corrective services officer— 11
12
- (a) must be a body-worn camera issued to the officer by the chief executive; and 13
14
- (b) must not be deliberately hidden from view or disguised to look like another type of device. 15
16
17
- (6) Use of a body-worn camera is not rendered unlawful only because it is— 18
19
- (a) incidental to an authorised use; or 20
- (b) inadvertent or unexpected. 21
- (7) This section is a provision authorising the use of a listening device for the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d). 22
23
24
- (8) The administrative procedures made by the chief executive under section 265 must include requirements about the use, storage and destruction of recordings made by corrective services officers using body-worn cameras outside a corrective services facility. 25
26
27
28
29
30
- (9) In this section— 31
- body-worn camera** means a prescribed surveillance device under section 173A— 32
33

[s 44]

- (a) worn on clothing or otherwise secured on a person; and 1
2
- (b) designed to be used to— 3
 - (i) record images; or 4
 - (ii) record images and sounds. 5
- sensitive location* means any of the following— 6
- (a) a room or other place where a court, tribunal or commission established under an Act is sitting; 7
8
9
- (b) a room or other place, other than a patient waiting area, where a person is being personally assessed or treated by a health practitioner or authorised mental health service; 10
11
12
13
14
- (c) a building or other place that is a place of worship; 15
16
- (d) a building or part of a building that is a private residence; 17
18
- (e) a room or other place where a person might reasonably be expected to be engaged in— 19
20
 - (i) showering, bathing or using a toilet; or 21
 - (ii) some other activity involving a state of undress; or 22
23
 - (iii) an intimate sexual activity not ordinarily done in public; 24
25
- (f) a location prescribed by regulation to be a sensitive location. 26
27

- Clause 44 Amendment of s 265 (Administrative procedures) 28**
- (1) Section 265— 29
- insert—* 30
- (1A) Also, the chief executive must make 31

	administrative procedures to facilitate the	1
	effective and efficient provision under this Act of	2
	support to proper officers of courts by corrective	3
	services officers.	4
	<i>Note—</i>	5
	The support provided under this Act comprises—	6
	(a) helping the proper officer of a court under section	7
	308; and	8
	(b) performing functions and exercising powers	9
	delegated to corrective services officers by the	10
	proper officer of a court under section 309.	11
	(1B) Before making administrative procedures under	12
	subsection (2), the chief executive must consult	13
	with the proper officer of the courts affected by	14
	the administrative procedures.	15
(2)	Section 265(1A) to (4)—	16
	<i>renumber</i> as section 265(2) to (6).	17
Clause 45	Amendment of s 311 (Prisoners trust fund)	18
(1)	Section 311(6)—	19
	<i>insert—</i>	20
	(d) the amount a prisoner may spend on	21
	personal calls within a stated period.	22
(2)	Section 311—	23
	<i>insert—</i>	24
	(6A) The limitations are to be set out in administrative	25
	procedures under section 265.	26
	(6B) More restrictive limitations may be applied to a	27
	prisoner if the chief executive reasonably believes	28
	the prisoner is likely to use personal calls to	29
	engage in prohibited prisoner communication.	30
	(6C) For subsection (8), the chief executive may have	31
	regard to the following—	32

[s 46]

(a)	whether a domestic violence order or notice is, or has ever been, in force against the prisoner;	1 2 3
(b)	the terms of a domestic violence order or notice or other court order in force against the prisoner;	4 5 6
(c)	information from a law enforcement agency;	7
(d)	the record of the prisoner relating to prohibited prisoner communication and the making of personal calls in contravention of applicable terms and conditions;	8 9 10 11
(e)	the nature and seriousness of the prisoner's criminal history or history of breaching domestic violence orders or notices or other court orders;	12 13 14 15
(f)	any other factor the chief executive considers relevant.	16 17
(6D)	The limitations must not be so restrictive as to effectively limit a prisoner to making fewer than 7 personal calls in any 7 day period.	18 19 20
(3)	Section 311(6A) to (7)— <i>renumber</i> as section 311(7) to (11).	21 22
Clause 46	Amendment of sch 4 (Dictionary)	23
	Schedule 4—	24
	<i>insert</i> —	25
	<i>personal call</i> see section 50(2) to (4).	26
	<i>prohibited prisoner communication</i> means communication during a prisoner's personal call that constitutes or facilitates—	27 28 29
	(a) an offence, including an offence against section 52A or 132; or	30 31

-
- (b) a breach of a domestic violence order or notice or other court order in force against a prisoner; or 1
2
3
 - (c) domestic violence; or 4
 - (d) a threat to a person’s safety or welfare; or 5
 - (e) an incitement to commit violence against a person or to destroy property; or 6
7
 - (f) gambling by a prisoner; or 8
 - (g) a threat to the security or good order of a corrective services facility. 9
10

Part 3 **Amendment of Corrective Services Regulation 2017** 11
12

Clause 47 **Regulation amended** 13
This part amends the *Corrective Services Regulation 2017*. 14

Clause 48 **Insertion of new s 45** 15
Before section 46— 16
insert— 17

45 Restricted item—Act, s 124B 18

For section 124B of the Act, a restricted item is an 19
item mentioned in the *Weapons Categories Regulation 1997*, section 9(f) or (g). 20
21

[s 49]

Part 4	Amendment of other Acts	1
Division 1	Amendment of Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	2 3 4
Clause 49	Act amended	5
	This division amends the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> .	6 7
Clause 50	Amendment of s 31 (Power to take photographs)	8
	Section 31(3), after ‘this part’—	9
	<i>insert—</i>	10
	or under a supervision order under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i>	11 12
Clause 51	Amendment of s 67FC (Access information for digital devices)	13 14
	Section 67FC(1), after ‘this Act’—	15
	<i>insert—</i>	16
	or the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i>	17 18
Division 2	Amendment of Parole Orders (Transfer) Act 1984	19 20
Clause 52	Act amended	21
	This division amends the <i>Parole Orders (Transfer) Act 1984</i> .	22

Clause 53	Amendment of s 3 (Definitions)	1
	Section 3, definition <i>corresponding law</i> —	2
	<i>omit, insert</i> —	3
	<i>corresponding law</i> means a law of another State	4
	or a Territory that relates to the transfer of parole	5
	orders.	6
Clause 54	Omission of s 4 (Declaration of corresponding laws)	7
	Section 4—	8
	<i>omit.</i>	9
Clause 55	Insertion of new s 15	10
	After section 14—	11
	<i>insert</i> —	12
	15 Validation provision	13
	(1) This section applies to the registration of a parole	14
	order under this Act or under a law of another	15
	State or a Territory before the commencement.	16
	(2) This Act is taken to have always applied in	17
	relation to the registration as if each law of	18
	another State or a Territory that relates to the	19
	transfer of parole orders had been declared as a	20
	corresponding law under this Act on whichever is	21
	the later of the following—	22
	(a) the day of commencement of section 3;	23
	(b) the day of commencement of the law;	24
	(c) the day of a declaration under section 4 as in	25
	force immediately before the	26
	commencement.	27

[s 56]

Division 3	Amendment of Police Powers and Responsibilities Act 2000	1 2
Clause 56	Act amended	3
	This division amends the <i>Police Powers and Responsibilities Act 2000</i> .	4 5
Clause 57	Amendment of s 21A (Power to enter residence of reportable offender)	6 7
	Section 21A(1)(a)—	8
	<i>omit, insert—</i>	9
	(a) to verify the offender’s personal details reported by the offender under—	10 11
	(i) the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> ; or	12 13 14
	(ii) a supervision order under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> ; or	15 16 17

Schedule 1	Other amendments	1
	section 3	2
	Corrective Services Act 2006	3
1	Section 12(4)(d), ‘to himself or herself, and other prisoners, staff members and’—	4
	<i>omit, insert—</i>	5
	of self harming, harming other prisoners and staff members and to	6
		7
		8
2	Section 18, ‘his or her own room’—	9
	<i>omit, insert—</i>	10
	a room that is not shared with any other prisoner	11
3	Section 25(1), from ‘A’ to ‘prisoner’—	12
	<i>omit, insert—</i>	13
	If, when a child is born, a parent of the child is a prisoner, the birth certificate for the child	14
		15
4	Section 30(2)(b), ‘his or her’—	16
	<i>omit, insert—</i>	17
	the child’s	18
5	Section 38(5), ‘his or her’—	19
	<i>omit, insert—</i>	20
	the prisoner’s	21

Schedule 1

6	Section 39(1)(b), ‘his or her person’—	1
	<i>omit, insert—</i>	2
	the prisoner’s body	3
7	Section 41(1)(b)(ii), ‘harm to himself or herself’—	4
	<i>omit, insert—</i>	5
	self harm	6
8	Section 53(1)(a), ‘harming himself, herself or’—	7
	<i>omit, insert—</i>	8
	self harming or harming	9
9	Section 58(1)(a), ‘harming himself, herself or’—	10
	<i>omit, insert—</i>	11
	self harming or harming	12
10	Section 58(1)(b), ‘harm himself, herself or’—	13
	<i>omit, insert—</i>	14
	self harm or harm	15
11	Section 116(7), ‘inform himself or herself’—	16
	<i>omit, insert—</i>	17
	obtain information	18
12	Section 124(1)(h), ‘, or disguise himself or herself,’—	19
	<i>omit, insert—</i>	20
	or adopt a disguise	21

13	Section 143(1)(e)(i), ‘harm himself or herself’—	1
	<i>omit, insert—</i>	2
	self harm	3
14	Section 143(1)(e)(ii)—	4
	<i>omit, insert—</i>	5
	(ii) self harming.	6
15	Section 143(3)(c)(i), ‘harm himself or herself’—	7
	<i>omit, insert—</i>	8
	self harm	9
16	Section 143(3)(c)(ii)—	10
	<i>omit, insert—</i>	11
	(ii) self harming.	12
17	Section 175A(2)(a), ‘his or her’—	13
	<i>omit, insert—</i>	14
	the person’s	15
18	Section 201(1)(b), ‘harm to himself or herself’—	16
	<i>omit, insert—</i>	17
	self harm	18
19	Section 205(1)(c), ‘harm to himself or herself’—	19
	<i>omit, insert—</i>	20
	self harm	21

Schedule 1

20	Section 307, ‘himself or herself’—	1
	<i>omit.</i>	2
21	Section 391(2), ‘section 70(4)’—	3
	<i>omit, insert—</i>	4
	section 70(5)	5
22	Schedule 4, definition <i>personal search</i>, ‘his or her’—	6
	<i>omit, insert—</i>	7
	the prisoner’s	8

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