

# Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment (Postponement) Regulation 2024

Explanatory notes for SL 2024 No. 66

Made under the

*Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023*

## General Outline

### Short Title

Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment (Postponement) Regulation 2024.

### Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023*

### Policy objectives and the reasons for them

The objective of the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment (Postponement) Regulation 2024* (postponement regulation) is to postpone the automatic commencement of clauses 19 and 35 of the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023* (Amendment Act) by one year.

These provisions have not yet commenced. Section 15DA(2) of the *Acts Interpretation Act 1954* provides that if a law has not commenced within one year of its assent, it automatically commences on the next day. However, a regulation may extend the automatic commencement date for up to two years after the assent date. The Amendment Act received assent on 2 June 2023.

Section 19 and 35 of the Amendment Act will automatically commence on 3 June 2024, one year after the assent of the Amendment Act, unless a postponement regulation is made to extend the period before commencement.

The purpose of the Amendment Act is to ensure the safety and security of the correctional system. This includes by providing clear authority to use technology to maintain safety and monitor threats within the closed correctional environment.

Section 19 of the Amendment Act inserts a new section 173A *Electronic surveillance of corrective services facilities* into the *Corrective Services Act 2006* (CSA) to provide the chief executive with a clear head of power to authorise use of a surveillance device prescribed by regulation at a corrective services facility. Prescribed surveillance devices will be used to monitor and record activity in and around a facility for the purposes of enhancing safety, maintaining security and good order, preventing intimidation, corruption, and commission of other offences, and the detection of prohibited things entering, at or leaving the facilities.

Section 35 of the Amendment Act provides a transitional provision in relation to clause 19. The section applies if a prescribed surveillance device is in use at a facility immediately before commencement. From commencement, the use of the prescribed surveillance device is taken to be authorised by the chief executive.

Section 19 of the Amendment Act is subject to amendments being considered in the Corrective Service (Promoting Safety) and Other Legislation Amendment Bill 2024 (Promoting Safety Bill), which was introduced into Parliament on 13 February 2024. The Postponement Regulation is to postpone the automatic commencement of sections 19 and 35 of the Amendment Act by one year to the end of 2 June 2025. This will provide opportunity to seek Governor in Council approval to proclaim amendments in the Promoting Safety Bill and prescribe surveillance devices in the Corrective Services Regulation 2017 and commence section 19 and 35 of the Amendment Act at a date prior to 3 June 2025.

## **Achievement of policy objectives**

To achieve the policy objectives, the Postponement Regulation will postpone sections 19 and 35 of the Amendment Act that insert the new section 173A into the CSA. The postponement regulation will extend the commencement of clauses 19 and 35 of the Amendment Act by one year, to the end of 2 June 2025.

## **Consistency with policy objectives of authorising law**

The postponement regulation is consistent with the policy objectives of the Amendment Act and the *Acts Interpretation Act 1954*.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

There are no alternative means to achieve the policy objectives.

## **Benefits and costs of implementation**

There are no costs associated with the implementation of this postponement regulation.

## **Consistency with fundamental legislative principles**

The postponement regulation is consistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Consultation has occurred with the Department of the Premier and Cabinet and Queensland Treasury.

No further consultation was conducted as the amendment is minor and technical in nature.

The postponement is determined to be a proposal that is of a machinery nature not requiring further impact analysis. In accordance with the Queensland Government Better Regulation Policy, the Office of Best Practice Regulation was consulted in relation to the postponement regulation.