

Proclamation – Corrective Services and Other Legislation Amendment Act 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services provide this human rights certificate with respect to the Proclamation to commence section 39 of the *Corrective Services and Other Legislation Amendment Act 2020* (the Amendment Act).

In my opinion, the Proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the Proclamation is to commence section 39 of the Amendment Act. Section 39 of the Amendment Act amends section 266 of the *Corrective Services Act 2006* (CS Act).

The amendment removes the specific requirement for the chief executive to establish medical programs or services under section 266 of the CS Act, reflecting Queensland Health's responsibility for the delivery of medical services.

The amendment instead inserts that the chief executive must establish or facilitate programs or services to support the health and wellbeing of prisoners. This better reflects the more holistic role Queensland Corrective Services has in supporting the health and wellbeing of prisoners.

The Proclamation fixes 12 March 2021 as the day of commencement.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Proclamation commences section 39 of the Amendment Act which amends section 266 of the CS Act to expand the programs and services to help offenders to include health and wellbeing, instead of the specific reference to medical.

The amendment was not considered to limit human rights in the statement of compatibility that accompanied the Amendment Act. Further, as the Proclamation does not contain any substantive legislative provisions and is of a machinery nature, it does not raise any further human rights issues.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

As the Proclamation itself does not raise any human rights issues, it is not necessary to consider section 13 of the HR Act.

Conclusion

I consider that the Proclamation, is compatible with the HR Act because it does not raise a human rights issue.

THE HONOURABLE MARK RYAN MP
Minister for Police and Corrective Services and
Minister for Fire and Emergency Services

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