

Corrective Services and Other Legislation Amendment (Postponement) Regulation 2021

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* (HRA), 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 *Corrective Services and Other Legislation Amendment (Postponement) Regulation 2021* (the postponement regulation) made under the *Corrective Services and Other Legislation Amendment Act 2020* (Amendment Act).

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

Overview of the Subordinate Legislation

The objective of the postponement regulation is to delay the automatic commencement on 21 July 2021 of section 50 and Schedule 1, Part 2 (to the extent it amends the *Corrective Services Act 2006*) of the Amendment Act by one year to the end of 21 July 2022.

Section 50 of the Amendment Act omits section 319F (Complaint to official visitor required first) from the *Corrective Services Act 2006* (CSA). Section 319F prescribes that an offender who is still detained in a corrective services facility, is required to make a complaint to an official visitor before making a complaint to the human rights commissioner under the *Anti-Discrimination Act 1991*. Official visitors are appointed to investigate prisoner complaints under the CSA and are empowered to enter prisons, interview prisoners and access certain documents. Minor consequential amendments resulting from the omission of section 319F are in Schedule 1, Part 2.

The omission of section 319F from the CSA Act anticipated the establishment of an independent inspectorate for Queensland. Consistent with recommendations from various reviews, including the QPSR and Taskforce Flaxton, the Queensland Government committed to establishing an independent inspectorate for Queensland in the 2019-20 State Budget. It is anticipated that oversight of the Official Visitor Scheme, currently administered under the CSA, will transfer to the independent inspectorate, once established.

It is proposed to postpone commencement of section 50 and Schedule 1, Part 2 (to the extent it amends the CSA) of the Amendment Act by one year to the end of 21 July 2022. The postponement is to allow the Official Visitor Scheme under the CSA to continue while the independent inspectorate for Queensland is established.

Human Rights Issues

The postponement regulation does not affect or engage a human right.

Conclusion

I consider that the postponement regulation is compatible with the HRA 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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