

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

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, Nikki Boyd, Minister for Fire and Disaster Recovery and Minister for Corrective Services, provide this human rights certificate with respect to the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment (Postponement) Regulation 2024* (Postponement Regulation) made under the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023* (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 3 June 2024 of sections 19 and 35 of the Amendment Act by one year to the end of 2 June 2025.

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.

It is proposed to postpone commencement of sections 19 and 35 of the Amendment Act by one year to the end of 2 June 2025.

Human Rights Issues

The Statement of Compatibility for the Amendment Act noted that sections 19 and 35 engage the right to privacy (section 25(a) of the HRA) and the right to humane treatment while deprived of liberty (section 30(1) of the HRA). Any limitation on human rights is considered justified due to the closed nature of the corrective services facility and the need to maintain safety and security in the closed environment.

Postponing the commencement of these sections 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 NIKKI BOYD MP
Minister for Fire and Disaster Recovery and
Minister for Corrective Services

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