

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

Amendments during consideration in detail to be moved by
The Honourable the Minister for Fire and Disaster Recovery and Minister
for Corrective Services

1 Clause 32 (Insertion of new s 340AA)

Page 37, after line 7—

insert—

- (1A) In deciding whether to rely on subsection (1), the decision-maker must weigh the need to avoid the reasonably expected consequences of disclosure mentioned in subsection (1) against the need to avoid unfairness to an individual that the decision-maker is satisfied could reasonably be expected as a consequence of non-disclosure.
- (1B) If a decision-maker relies on subsection (1), the decision-maker must keep a written record of the decision to rely on the subsection and the reasons for the decision.
- (1C) The contents of the record may only be disclosed—
 - (a) to a court for the purpose of a proceeding relating to the decision or proposed decision; or
 - (b) with the approval of the chief executive.
- (1D) The court must ensure that the contents of the record are not disclosed except to a member of the court as constituted for the purpose of the proceeding.

2 Clause 34 (Insertion of new ch 7A, pt 17)

Page 37, line 20, ‘**provision**’—

omit, insert—

provisions

3 Clause 34 (Insertion of new ch 7A, pt 17)

Page 38, after line 11—

insert—

- (3A) For subsections (2) and (3), any non-compliance with new section 340AA(1A) or (1B) is to be disregarded.

4 Clause 34 (Insertion of new ch 7A, pt 17)

Page 38, after line 22—

insert—

490ZJ Validation of certain decisions of parole board

- (1) This section applies to a conditional parole decision made by the parole board on or after 26 May 2017 and before the commencement.
- (2) A decision made before the commencement by the parole board, or 1 or more members of the parole board, that the conditions referred to in a conditional parole decision have or have not been fulfilled is taken to be a parole decision of the parole board.
- (3) A decision made after the commencement by the parole board (properly constituted for a parole decision) that the conditions referred to in a conditional parole decision have or have not been fulfilled is also taken to be a parole decision of the parole board.
- (4) If a decision under subsection (2) or (3) is that the conditions have been fulfilled, the parole decision is a decision to release the prisoner on parole.
- (5) If the decision under subsection (2) or (3) is that the conditions have not been fulfilled, the parole decision is a decision not to release the prisoner on parole.
- (6) The parole decision is, and is taken to have always

been, as valid as it would have been if the decision had been made by the parole board as a parole decision without a conditional parole decision having been made.

- (7) To avoid any doubt, it is declared that, if subsection (6) applies, anything done or purported to have been done by an entity relying on the decision or the conditional parole decision is, and is taken to have always been, as valid as it would have been if the entity had relied on a valid decision of the parole board.
- (8) This section applies despite—
- (a) any lack of power for the making of—
 - (i) the conditional parole decision; or
 - (ii) the decision mentioned in subsection (2) or (3); and
 - (b) any defect in the constitution of the parole board, lack of quorum, or other procedural defect, for the making of the decision mentioned in subsection (2).
- (9) In this section—

conditional parole decision means a decision, however expressed, that is—

- (a) a parole decision that will have effect if a condition is fulfilled; or
- (b) a decision to make a parole decision if a condition is fulfilled.

parole decision means a decision to release or not to release a prisoner on parole by—

- (a) making or refusing to make a parole order; or
- (b) changing or not changing a decision suspending a prisoner's parole order.

5 After clause 57

Page 56, after line 17—

insert—

**Division 4 Amendment of
Queensland Civil and
Administrative Tribunal
Act 2009**

58 Act amended

This division amends the *Queensland Civil and Administrative Tribunal Act 2009*.

59 Amendment of ch 10, hdg (Other transitional provisions)

Chapter 10, heading, after ‘transitional’—

insert—

and validation

60 Insertion of new ch 10, pt 4

Chapter 10—

insert—

Part 4 Validation

291 Failure of member to take or make oath

(1) This section applies in relation to a person who—

- (a) was appointed to the office of supplementary member during the relevant period; and

- (b) did not take or make the prescribed oath before performing a function of the office.
- (2) It is declared that, despite section 228, a relevant exercise of jurisdiction by the member is, and always has been, as valid as it would be or would have been had the member taken or made the prescribed oath before performing a function of the office.
- (3) In this section—
- prescribed oath*** means the oath prescribed under section 228(2).

relevant exercise of jurisdiction means an exercise of the jurisdiction, powers and functions conferred on a supplementary member by or under any law of the State (including the making of any decision or order) by the member during the relevant period.

relevant period means the period from 1 February 2017 to 15 May 2024.

6 Long title

Long title, ‘and the *Police Powers and Responsibilities Act 2000*’—

omit, insert—

, the *Police Powers and Responsibilities Act 2000* and the *Queensland Civil and Administrative Tribunal Act 2009*

© State of Queensland 2024