

Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

The Crisafulli Government is committed to restoring safety in Queensland communities and ensuring Queensland's justice system puts the safety of the community and the rights of victims first.

The Bill amends the *Corrective Services Act 2006* (CSA) and other legislation, delivering significant reforms to the Queensland parole framework, enhancing the rights and participation of victims, and ensuring the parole system operates effectively, transparently and in a way that reflects community expectations. The reforms reinforce that parole is a privilege, not a right, and that community safety must be the paramount consideration in decisions about a prisoner's release on parole.

On 22 September 2025, the independent *Review of Parole Board Queensland Final Report* (the Review) was delivered to Government. The Crisafulli Government's *Response to the Review of Parole Board Queensland* (the Response), published on 25 May 2026, takes a victim-centric approach to parole system reform.

The Bill gives effect to recommendations supported by the Government in the Response, introduces further reforms consistent with the Government's commitment to enhance community safety, and prioritises the rights of victims.

Key amendments in the Bill:

- Expand the restricted prisoner framework to all prisoners serving a sentence of life imprisonment and require an initial restricted prisoner declaration for a minimum period of five years, ensuring a higher threshold for parole for prisoners convicted of the most serious offences and reducing the uncertainty and re-traumatisation repeated parole applications can cause victims and their families,
- Strengthen the No Body, No Parole (NBNP) framework by closing legislative loopholes to better incentivise prisoner cooperation and provide reassurance to victims' families,

- Strengthen exceptional circumstances parole to line up with the framework for restricted prisoners to be better aligned with community expectations,
- Promote victim and community safety in parole decision making,
- Prioritise victims' rights by better informing them and supporting them through the parole process,
- Improve the registration processes for victims for the Victims' Register,
- Improve the accountability, transparency and governance of the Parole Board Queensland (the Board),
- Improve the readability of the CSA and other legislation by reducing complexity,
- Ensure best correctional practice by enhancing the CSA, and
- Make related amendments to the *Youth Justice Act 1992* (YJA) and *Victims' Commissioner and Sexual Violence Review Board Act 2024*.

Expanding the restricted prisoner framework

A restricted prisoner is defined in the CSA as a prisoner who has been sentenced to life imprisonment for committing multiple murders or for murdering a child. The president of the Board has a discretion to declare that a restricted prisoner must not be considered for parole for a period of up to 10 years if it is in the public interest to do so. The president's consideration of a restricted prisoner declaration is triggered by the Queensland Corrective Services (QCS) chief executive providing a report about the restricted prisoner to the president or by the Board notifying the president that a restricted prisoner has applied for parole.

The Bill significantly strengthens the restricted prisoner framework by expanding the cohort of prisoners to whom the framework applies to all prisoners serving a sentence of life imprisonment, ensuring those who have committed the most serious offences will be captured. The Bill will also introduce an initial mandatory restricted prisoner declaration for a minimum period of five years for all restricted prisoners to reduce the re-traumatisation and uncertainty experienced by victims and their families when a prisoner serving a life sentence becomes eligible to apply for parole. The president or a deputy president may determine a longer period for the initial declaration, up to a maximum of ten years. Subsequent restricted prisoner declarations will also be available and applicable up to a maximum of ten years, reiterating that parole is a privilege and 'life should mean life'.

These reforms recognise the profound and enduring impact of the most serious offending on victims and families by ensuring prisoners serving life sentences are subject to an appropriately rigorous framework before they may be considered for release on parole. The amendments strengthen community safety and reinforce that parole is a privilege and not a right, particularly for those sentenced to life imprisonment. The mandatory restricted prisoner declaration safeguards against these prisoners being released into the community for at least an additional five to ten years to ensure that the risk these prisoners pose of further offending against members of the community is reduced to the greatest extent possible.

The amendments are designed to give certainty to victims and their families, reduce traumatisation of victims and put the rights of victims and their families before the rights of prisoners.

To support the efficient operation of the Board, and to ensure timely declarations may be made by an appropriately qualified person, the Bill will also enable deputy presidents to make restricted prisoner declarations. This implements the Government Response to recommendation 24 of the Review.

Closing loopholes in the No Body, No Parole framework

The NBNP framework is intended to encourage homicide offenders to cooperate with authorities to locate, or identify the last known location of, a victim's body or remains by preventing their release on parole unless the Board is satisfied the prisoner has satisfactorily cooperated.

The framework recognises the profound and ongoing anguish experienced by families who are unable to recover and lay their loved one to rest. A prisoner should not be able to benefit from withholding cooperation, delaying cooperation until a victim's body or remains can no longer be located, or disposing of a victim's body in a way that makes its recovery impossible.

Recent judicial decisions have exposed gaps in the NBNP legislation. In *Armitage v Parole Board Queensland* [2023] QCA 239 (*Armitage*), the victim's remains had been left in a forest and Mr Armitage had not cooperated. The forest was subsequently ravaged by bushfire and, consequently, not all of the victim's remains could be located. The Court of Appeal held that Mr Armitage was not a NBNP prisoner because 'remains' refers to remains which continue to exist and are capable of being located. This decision exposed a significant flaw in the NBNP laws, which meant a prisoner may fall outside the NBNP framework in circumstances where a victim's body or remains no longer exist or are incapable of being located. The effect being that the definition of a NBNP prisoner will not be met where the prisoner delays cooperation for such a long time that the remains no longer exist or are unlikely to exist, nor where the prisoner destroys or disposes of the body in a manner that makes recovery of the victim's remains impossible.

The practical consequences of this flaw have arisen in subsequent parole matters. For example, a prisoner was convicted on his own plea of guilty to manslaughter and imprisoned for the offence in 2022. In 2007, the victim was shot and killed by another person and the prisoner rolled the victim's body into the ocean. The victim's body was never located. The Board previously considered that the body of the victim had not been located and therefore, the prisoner was a NBNP prisoner. However, the deficiencies in the legislation identified by *Armitage* meant the Board was subsequently required to consider whether the victim's body was capable of being located. Given the passage of time and the disposal of the victim's body in the ocean, the Board concluded that the victim's body was incapable of being located and therefore, as a consequence of the loophole in the NBNP framework, the prisoner could no longer be considered a NBNP prisoner.

Victims' families should not have to suffer the further indignity of being told that the prisoner involved in the homicide offence that took their loved one away from them is not a NBNP prisoner when they have never been able to recover and bury their loved one. Nor should a prisoner be placed in a more favourable position because the passage of time, their failure to cooperate, or the manner in which the victim's body was disposed of has made its recovery impossible.

The Bill closes this loophole by ensuring the NBNP framework applies where a victim's body or remains have not been located, irrespective of whether the body or remains continue to exist or are capable of being located. This restores the focus of the NBNP framework on the requirement for the prisoner to cooperate in a timely and satisfactory way, to provide closure to the victim's family, instead of being able to wait until there are no remains left.

A further flaw relates to the use of the phrase 'period of imprisonment, for a homicide offence' in the NBNP framework, identified by the decision in *R v Eveleigh* [2002] QCA 219. The implication of this use of this phrase is that where a prisoner is serving a period of imprisonment which includes a term of imprisonment for a non-homicide offence, the 'period of imprisonment' may relate to the homicide offence only, potentially limiting the application of the NBNP provisions to only part of the offender's time in prison. The use of this terminology in the NBNP framework limits the time in which the homicide offender must cooperate to locate the victim's body or remains and has the potential to retraumatise the victim's family, limiting their opportunity for closure.

The Bill addresses this issue by ensuring the NBNP framework applies throughout the prisoner's full period of imprisonment, including where terms of imprisonment for other offences are being served cumulatively or concurrently with the homicide offence.

Further, the Bill makes a technical amendment to clarify that where a 'no cooperation' declaration is made for a prisoner, any outstanding applications for parole by the prisoner will be automatically refused by the Board.

Exceptional circumstances parole

The exceptional circumstances parole framework allows a prisoner, other than a prisoner on remand or subject to a NBNP declaration, to apply at any time to the Board for an exceptional circumstances parole order.

The Bill amends the exceptional circumstances parole framework to provide a consistent framework for all prisoners. The Bill provides that for all exceptional circumstances parole applications, a prisoner must satisfy stringent criteria relating to their medical condition, their physical capacity to cause harm, the risk they pose to the public, and whether release is justified in all the circumstances. A prisoner on remand or subject to a NBNP declaration will continue to be excluded from applying for this parole. The amendments in the Bill prioritise victim and community safety, reinforce the exceptional nature of release before a prisoner's parole eligibility date, and better reflect community expectations about circumstances in which such release should be considered.

Amendments that promote the protection of victims and the community

Community safety must be at the heart of every decision about whether a prisoner should be released on parole. The Bill strengthens this fundamental principle by expressly requiring the Board to treat community safety as the paramount consideration in deciding whether to make a parole order. In assessing the risk, a prisoner may pose to community safety, the Board will also be required to have regard to specified factors relevant to that risk. These amendments reinforce that parole is a privilege, not a right, and that a prisoner should only be released on parole where the Board is satisfied that release is consistent with the paramount consideration of community safety. This implements the Government Response to recommendation 11 of the Review.

The Board will be required to have regard to specific criteria to assist them to make their decision, which will enhance consistency in decision making that meets community expectations and reduce delays and the number of deferrals.

The Bill also strengthens the protection of victims. In considering whether to release a prisoner on parole, the Board will be expressly required to consider any conditions necessary to protect a victim. This implements the Government Response to recommendation 15 of the Review. The Bill also builds on this by requiring the Board to consider any information in a registered victim's submission that is relevant to the conditions to be included in the parole order.

To ensure the Board can make an informed decision, the chief executive will be required to provide a comprehensive report to the Board about a prisoner's parole application. The Board will be prohibited from disclosing information in the report that the chief executive identifies as personal or otherwise sensitive to the prisoner. The principles of natural justice will not apply in relation to the non-disclosure of personal or sensitive information. This builds on the Government Response to recommendation 4 of the Review.

Amendments that promote and prioritise the interests of victims in the parole process

The Bill delivers significant reforms to better recognise, support and protect victims throughout the parole process that builds on the Government's Response to the Review. The reforms recognise that parole decisions can have a profound impact on victims and their families, and that victims should be appropriately informed, supported and provided with meaningful opportunities to participate in decisions that may affect their safety and wellbeing.

Submissions from registered victims

A person registered on the Victims' Register, known as a 'registered victim,' is notified when the prisoner they are registered against applies for parole and may make a submission to the Board within 21 days (with possible extension). A submission may be in writing or another approved form and is currently limited to matters relevant to the Board's decision that was not before the court at the time of sentencing.

If a prisoner's application for parole is refused, section 193(6)(a) of the CSA requires the Board to give a prisoner written reasons for that decision. There is currently no express prohibition on a registered victim's submission being provided to the prisoner during the natural justice

process, unless threshold requirements for protecting confidential or sensitive information are met.

Victims bring an important perspective to parole decision-making, including about the continuing impact of the offending and the effect a prisoner's release may have on their safety and wellbeing. However, participating in the parole process and making a submission about the prospect of a prisoner's release on parole can be complex, confronting, and potentially re-traumatising.

The Bill therefore strengthens the rights, protections and support available to registered victims who participate in the parole process. It doubles the period for a registered victim to make a submission from 21 days to 42 days (with possible extension), enhances the information provided to registered victims about parole, and removes the existing restriction on the matters about which a victim may make a submission, allowing victims greater opportunity to have their voice heard. This implements the Government Response to recommendations 36, 37 and 41 of the Review.

Importantly, the Bill expressly protects the privacy and safety of registered victims by prohibiting their submissions from being provided to the prisoner. Victims should be able to participate meaningfully in the parole process without fear that the submission they make about their experiences, concerns, or safety will be subsequently provided to the person responsible for the offending against them. This implements the Government Response to recommendation 44(a) of the Review.

The Bill also provides a registered victim, with the leave of the Board, an opportunity to appear before the Board to make representations about a prisoner's parole application and enables them to be supported by a support person or advocate. This amendment builds on the Government's Response to the Review. Together, these reforms ensure victims are better supported to participate in the parole process in a way that recognises their individual circumstances, safety, and wellbeing.

Victims' Register notifications

The Victims' Register provides victims with important information about a prisoner or offender against whom they are registered, including information that may be relevant to their safety. Currently, a victim who is eligible for registration on the Victims' Register against a prisoner or offender must apply or be referred for registration. However, many victims are not aware of the Victims' Register or their right to register, and where they are, the onus is on them to apply for registration. If victims are not registered, they are unable to receive notifications and important information about the prisoner or offender, including information that will help keep them safe.

The Bill shifts this burden away from victims and takes a more proactive, victim-centric approach to registration. For victims of violent, sexual and domestic violence offences, the prosecuting agency will be required to provide the victim's contact details to QCS as soon as practicable after sentencing. QCS will then proactively contact eligible victims to inform them

of their right to register and the information and support available through the Victims' Register. This implements the Government Response to recommendation 45 of the Review.

The reforms ensure victims are given the opportunity to make an informed choice about registration rather than placing the responsibility on them to independently identify and navigate the service.

The Bill also supports registration for victims where an offender is sentenced for an offence relating to the Government's breach bail, go to jail reforms, and as youth offenders are transferred from youth detention to an adult corrective services facility.

Information sharing with registered victims

Chapter 6 (Administration) part 13 (Information) of the CSA provides the legislative framework for the Victims' Register. Sections 324A and 325 prescribe information that the chief executive is required to provide to a registered victim, information that may be provided, where appropriate, and the timeframes for providing the information.

Access to relevant and timely information can be critical to a victim's safety, sense of security, and ability to prepare for changes in a prisoner's circumstances. The Bill therefore expands the information required to be provided to registered victims about the prisoner or homicide offender they are registered against. The amendments to sections 324A and 325 provide greater certainty to victims about the information they are entitled to receive through the Victims' Register. This implements the Government Response to recommendations 13, 25, 35 and 43 of the Review.

Considering the interests of victims in parole reapplication decisions

Under section 193 of the CSA, where the Board refuses a prisoner's parole application, it must determine the period of time during which the prisoner cannot make a further parole application.

Repeated parole applications can have a significant psychological and emotional impact on victims, requiring them to repeatedly confront the prospect of the prisoner's release and decide whether to participate again in the parole process. The Bill recognises this impact by expressly requiring the Board, when determining when a prisoner may next apply for parole, to consider the likely effect of a further parole application on a registered victim. This ensures the interests and wellbeing of victims form part of the Board's consideration of the appropriate period before a prisoner may seek parole again. This implements the Government Response to recommendation 12 of the Review.

Amendments that make it easier to understand the legislation

Renaming the Eligible Persons Register

The Eligible Persons Register is an information service established under the CSA that provides timely and accurate information to an eligible person about a prisoner or offender against whom they are registered and allows them to participate in the parole process.

The Eligible Persons Register is commonly referred to as the Victims' Register. The Bill formally adopts the name 'Victims' Register' in the CSA and other relevant legislation, aligning the legislative terminology with public-facing communications and making the service clearer and more accessible to the victims it is intended to support. This implements the Government Response to recommendation 46 of the Review.

Clarifying application timeframes

The Bill amends section 180 of the CSA to provide greater clarity about when a prisoner may apply for parole and the circumstances that may affect eligibility to apply. This provides victims with greater certainty about when a prisoner may become eligible to make a parole application. This amendment implements the Government Response to recommendation 2 of the Review.

Amendments that improve the accountability, transparency and governance of the Board

Publication of Board decisions

While section 235A of the CSA provides that the Board must publish information prescribed by regulation, no information was prescribed when the provision was introduced. As a result, the provision has had no practical effect, and the Board has been unable to publish information pursuant to this section. To promote transparency in parole decision making, the Bill enables the president to publish a decision of the Board if the president considers publication to be in the public interest, having regard to the impact publication could have on a victim or on community safety. This implements the Government Response to recommendation 14 of the Review.

Promoting the efficiency and effectiveness of the secretariat

The secretariat of the Board provides administrative support to the Board in exercising its functions. The Bill codifies current practice in the CSA, providing clarity regarding the president's functions. This implements the Government Response to recommendation 31 of the Review.

Qualifications for appointment to the Board

Section 221 of the CSA currently provides that the Board must include two professional board members who have a university or professional qualification relevant to the Board's parole functions. The section identifies qualifications in law, criminology, medicine, psychology, behavioural science or social work as relevant qualifications.

The Bill clarifies that qualifications in psychiatry or forensic psychology are relevant qualifications for Professional Board Members, reflecting their relevance to parole decision-making, including decisions involving prisoners convicted of sexual offences. This implements the Government Response to recommendation 30 of the Review.

Section 222 of the CSA currently provides that the president of the Board must be a former judge, or have qualifications, experience or standing that the Governor in Council considers equivalent to that office, and that a deputy president must be a former judge or former

magistrate, or have qualifications, experience, or standing that the Governor in Council considers equivalent to one of those offices.

The Bill aligns and clarifies the appointment requirements for the president and deputy presidents by providing that they must have been or have qualifications, experience or standing equivalent to a judge of the Supreme Court of Queensland, the Supreme Court of another State, or the Federal Court of Australia. This implements the Government Response to recommendation 26 of the Review.

Reporting on continuing education for Board members

The Bill introduces a requirement that the Board include the continuing education undertaken by board members as part of its annual reporting to the Minister to enhance community confidence that the Board has the expertise to make consistent, informed and high-quality decisions. This implements the Government Response to recommendation 29 of the Review.

Amendments that enhance the operation of the *Corrective Services Act 2006*

Enabling the electronic scanning of privileged mail

Privileged mail is mail that allows prisoners to communicate confidentially with prescribed individuals or entities, such as their legal representatives or government bodies. An authorised corrective services officer may open and search privileged mail only in a prisoner's presence and only if the officer reasonably suspects the mail contains something that may physically harm a person, contains a prohibited thing, or is not privileged mail. The officer must not read the mail, other than to establish whether it is privileged mail, without the prisoner's written consent.

The Bill clarifies that electronic scanning of privileged mail is authorised and may be used to identify things in privileged or purported privileged mail, which may give rise to a reasonable suspicion to open and search the mail, enabling the detection of prohibited or harmful items. This will help maintain the safety and security of corrective services facilities.

Modified discrimination complaints

The correctional environment is unique and requires QCS to make decisions about prisoners and offenders that balance individual circumstances with broader considerations, including the safe and secure operation of corrective services facilities, community safety, and the rights and safety of victims.

The CSA modifies the application of the *Anti-Discrimination Act 1991* to certain discrimination complaints made by prisoners and offenders. The Bill amends the CSA to strengthen the modified discrimination complaints framework to expressly recognise that the responsibilities of QCS extend beyond the humane containment and supervision of prisoners and offenders. QCS also has a fundamental responsibility to protect the community and must make decisions that appropriately recognise the rights, safety and interests of victims.

These amendments therefore require relevant considerations under the modified discrimination complaints framework to include victims' rights and community safety. This ensures that,

when determining whether the treatment or proposed treatment of a prisoner or offender is reasonable, appropriate weight can be given to the broader safety implications of that treatment, including its potential impact on victims and the community.

The Bill recognises that the rights and interests of prisoners and offenders must be considered in the context of QCS' overriding responsibilities to safely manage prisoners and offenders, protect victims, and maintain community safety.

Updating schedule 1 offences

Schedule 1 of the CSA defines 'sexual offence' for the purpose of the Act. If a prisoner is convicted of a sexual offence, they are subject to more restrictions under the CSA, including being ineligible for low custody and having limited access to leave. A victim may also be registered against a prisoner who has been sentenced to a period of imprisonment for a sexual offence.

The CSA will be amended to more accurately capture the broader range of sexual offences to support more consistent identification and management of these prisoners convicted of sexual offences and ensure appropriate restrictions and safeguards apply.

Achievement of policy objectives

Expanding the restricted prisoner framework

Under the amended restricted prisoner framework, the definition of restricted prisoner will be expanded to include all life sentenced prisoners. In addition, the president or a deputy president of the Board must make a restricted prisoner declaration of at least five years for a restricted prisoner on the first instance of receiving a report about the restricted prisoner from the chief executive.

The initial declaration must be for at least five years and no more than 10 years. In deciding the length of the declaration, the president or deputy president must consider the matters currently set in section 175H(2), including the likely effect of the prisoner's release on parole on an eligible person or victim. The restricted prisoner report, any submissions from a victim, and any submissions made by the prisoner must also be considered.

While a restricted prisoner declaration is in force, the prisoner is prohibited from applying for parole, other than exceptional circumstances parole. At the end of the declaration, the president or deputy president may make a further restricted prisoner declaration as under the current framework.

Consistent with current provisions, if a NBNP consideration applies to a restricted prisoner, those matters must be decided by the Board before the length of the restricted prisoner declaration is decided.

The Bill authorises a deputy president, as well as the president, to make a restricted prisoner declaration.

Closing loopholes in the No Body, No Parole (NBNP) framework

The Bill amends the definition of a NBNP prisoner to clarify that the definition applies to the full period of imprisonment being served including a term or terms of imprisonment for a homicide offence, and any term or terms of imprisonment for other non-homicide offences that are being served cumulatively or concurrently with the homicide offence.

The Bill also clarifies that the definition of a NBNP prisoner applies where not all of the victim's body or remains have been located, including where they may no longer exist. To address the legislative gap identified in *Armitage* and incentivise prisoners to cooperate with authorities, it is immaterial whether the body or remains are, or may be, no longer in existence or capable of being located. For the purposes of this definition, 'any part' is intended to include even small, individual parts such as a finger or part thereof. 'Part' is not intended to have a broad interpretation and refer only to entire parts of the body such as limbs.

In addition, the Bill amends the definition of 'Commissioner's report' under section 175B of the CSA to require that the timeliness of the prisoner's cooperation be considered independently of the nature and extent of the prisoner's cooperation. The Bill requires parole eligibility for a NBNP prisoner to be contingent upon both their cooperation being timely and satisfactory in locating the body or remains of the victim. To provide further guidance to the Board in assessing satisfactory and timely cooperation, the Bill amends section 175O to provide that the Board must have regard to any information the Board may have additional to the information in the Commissioner's report.

The Bill also clarifies that once a no cooperation declaration is made for a prisoner, any outstanding applications for parole by the prisoner are automatically refused by the Board, on the day the declaration is made.

Exceptional circumstances parole

The Bill ensures that there are consistent grounds on which a prisoner must rely to justify the granting of parole by the Board in what are considered exceptional circumstances. That is, in exceptional circumstances where a prisoner is terminally ill. It achieves this by applying the same criteria to all eligible prisoners as currently apply where a restricted prisoner declaration is in place. Prisoners who are on remand or subject to a NBNP declaration will continue to be excluded from applying for exceptional circumstances parole. The Bill provides that the Board must refuse an application for exceptional circumstances parole unless it is satisfied:

- the prisoner has demonstrated that as a result of a diagnosed disease, illness, or medical condition – they are in imminent danger of dying or are incapacitated; and are not physically able to cause harm to another person; and
- the prisoner has demonstrated they do not pose an unacceptable risk to the public; and
- that the making of the parole order is justified in the circumstances.

The increased threshold better reflects community expectations and prioritises community and victim safety.

Amendments that promote the protection of victims and the community

The Bill amends the CSA to require the Board to consider community safety as the paramount consideration in deciding whether to make a parole order and provides a statutory framework to guide the Board in assessing the risk a prisoner may pose to community safety. This implements the Government Response to recommendation 11 of the Review.

The Bill also amends the CSA to expressly require the Board to consider any conditions necessary to protect a victim, and to enable those conditions to be included in a parole order. This builds on the Government Response to recommendation 15 of the Review.

The Bill amends the CSA to require that the chief executive must provide the Board with a comprehensive report regarding a prisoner's parole application and provides a mechanism for QCS to identify and prohibit the release of personal or otherwise sensitive information contained in the report. This builds on the Government Response to recommendation 4 of the Review.

Amendments that promote and prioritise the interests of victims in the parole process

Submissions from registered victims

The Bill amends the CSA to strengthen provisions in the legislation that better support registered victims in their participation in the parole process by:

- providing a registered victim with 42 days to make submissions to the Board if the prisoner applies for parole, rather than 21 days;
- removing the current limitation that submissions must be about matters not before the court at the time of sentencing;
- ensuring that a registered victim's submission is not provided to the prisoner or the prisoner's representative;
- requiring the chief executive to provide additional information in the notice to a registered victim about the prisoner's application for a parole order;
- allowing a registered victim (with the Board's leave) to appear before the Board to make representations about a prisoner's application for a parole order. This may occur via a contemporaneous communication link or, where the person is unable to make submissions via the communication link or in writing, by personal appearance; and
- allowing a registered victim to appear with a support person or advocate.

These amendments implement and build on the Government Response to recommendations 36, 37, 41 and 44(a) of the Review.

Victims' Register notifications

The Bill introduces new sections 319ZM and 319ZN to, firstly, require a prosecuting authority to provide the chief executive with victim contact information, if known, as soon as practicable after a prisoner is sentenced for a violent, sexual or domestic violence offence and then to require the chief executive to contact the victim with information about the Victims' Register. This may include information about the registration process and the information that may be

available to the victim through the register. This implements the Government Response to recommendation 45 of the Review.

The Bill also supports registration for victims where an offender is sentenced under relevant breach bail, go to jail reforms, and as youth offenders are transferred from youth detention to an adult corrective services facility.

Information sharing with registered victims

The Bill amends sections 324A and 325 of the CSA and introduces a new section 324B to clarify the information sharing provisions, expand the information required to be provided to registered victims and ensure victims are meaningfully supported through the parole process. This implements the Government Response to recommendations 13, 25, 35 and 43 of the Review.

Section 324A now requires the chief executive to inform a registered victim about all outcomes of parole decisions, whether a restricted prisoner declaration is made (and the length of any declaration) and when a prisoner is taken into the custody of an officer under the *Migration Act 1958* (Cwlth), that is, Australian Border Force.

New section 324B provides for information that must be provided to a registered victim about a homicide offender (who is not a prisoner) that they are registered against.

Section 325 allows the chief executive to give a registered victim any information about the prisoner or homicide offender (they are registered against) that is considered appropriate. This may include information about rehabilitation programs undertaken by the prisoner, where requested by the registered victim.

To ensure information can be provided through the Victims' Register, the Bill requires the Board to provide the chief executive with information that must be provided to registered victims.

Considering the interests of victims in parole reapplication decisions

The Bill requires the Board, in deciding the period of time during which a prisoner cannot reapply for parole, to consider the likely effect the making of a further parole application may have on a registered victim. This expressly recognises that repeated parole applications can have a significant psychological and emotional impact on victims and ensures that impact forms part of the Board's consideration when determining when a prisoner should next be permitted to apply for parole. This implements the Government Response to recommendation 12 of the Review.

Amendments that make it easier to understand the legislation

Renaming the Eligible Persons Register

The Bill replaces all references to the Eligible Persons Register in both the CSA and the YJA with 'Victims' Register,' consistent with how the registers are known in the community. This implements the Government Response to recommendation 46 of the Review.

The Bill also makes consequential amendments to the *Victims' Commissioner and Sexual Violence Review Board Act 2024* to update the terminology used.

Clarifying application timeframes

The Bill amends section 180 of the CSA to clarify that a prisoner may apply for parole 180 days before their parole eligibility date unless an exception applies. This provides greater certainty for victims about when a prisoner may apply for parole and when they may be required to engage with the parole process. This amendment implements the Government Response to recommendation 2 of the Review.

Amendments that improve the accountability, transparency and governance of the Board

Publication of Board decisions

The Bill amends the CSA to authorise the president of the Board to publish a decision in relation to parole, with reasons, if satisfied publication is in the public interest. In determining whether publication is in the public interest, the president is required to consider the potential impact of publication on community safety and, if aware of a victim, the victim. Sensitive or identifying information may be redacted or only a summary of the decision published. The president must contact a registered victim for the prisoner, notify them of the proposed publication and reasons for it, and allow them 21 days to make a written submission. The president must consider a victim's written submission. This implements the Government Response to recommendation 14 of the Review.

Promoting the efficient and effective operation of the parole board secretariat

The Bill amends the CSA to include a new requirement that the president of the Board ensure the practices and procedures of the Board facilitate the efficient and effective operation of the secretariat. This clarifies the obligations of the president with regard to effective use of secretariat resources, while acknowledging the statutory functions of the president do not include management responsibility for the secretariat. This implements the Government Response to recommendation 31 of the Review.

Qualifications for appointment to the Board

The qualification requirements for professional board members are also clarified by expressly referencing qualifications in psychology or forensic psychology as relevant qualifications. This implements the Government Response to recommendation 30 of the Review.

The Bill clarifies that the president and each deputy president of the Board must have been or have qualifications, experience or standing equivalent to a judge of the Supreme Court of Queensland, the Supreme Court of another State, or the Federal Court of Australia. This implements the Government Response to recommendation 26 of the Review.

Reporting on ongoing education for Board members

The Bill inserts a requirement that the Board report on the continuing education undertaken by board members in its annual report. This implements the Government Response to recommendation 29 of the Review.

Amendments that enhance the operation of the Corrective Services Act

Enabling the electronic scanning of privileged mail

The Bill enables the electronic scanning of privileged mail, provided the device is not capable of reading or viewing the written content of the mail. The existing requirement that QCS keep a register of privileged mail searches will not apply to electronic scanning. However, other safeguards will be retained, including the criteria which must be met for privileged mail to be opened and searched.

Modified discrimination complaints

The Bill amends the CSA to explicitly state additional considerations to which the Queensland Civil and Administrative Tribunal must have regard when determining whether the treatment, or proposed treatment of an offender was reasonable; namely, victims' rights, the safety of the community and national security.

Updating schedule 1 offences

Some existing references in schedule 1 are outdated because the relevant Commonwealth offences have been repealed, replaced or moved into other provisions. The Bill updates those references and inserts current Commonwealth offences relating to child sexual offending, child abuse material, slavery and trafficking, technology facilitated sexual offending, and certain international crimes involving sexual violence.

The Bill also adds further Queensland offences to Schedule 1 to reflect more recent changes to the Criminal Code, including offences relating to child abuse objects.

Amendments to the *Youth Justice Act 1992*

Consistent with amendments to the register under the CSA, the Bill will also amend the name of the eligible persons register and ensure that victims who are impacted by the new offence of breach of bail by committing a further offence are not disadvantaged. The Bill also removes the requirement for the chief executive to give a youth detained for an offence a reasonable opportunity to make a submission about why a victim should not be registered on the Youth Justice Victims' Register. This amendment supports a more victim-centred approach by removing a process that requires a victim's registration to be subject to an opportunity for the offender to make submissions about the registration. The amendment does not remove the chief executive's existing powers to refuse or remove a registration where this is necessary to protect the security of a detention centre, the safe custody or welfare of a youth, or the safety or welfare of another person.

The Bill also makes amendments to various provisions of the YJA to clarify the application of parole eligibility dates to youth offenders sentenced to detention for life and the application of

the expanded restricted prisoner framework. The amendments clarify that youth sentenced to detention for life receive a parole eligibility date under section 233 of the YJA. As these persons receive a parole eligibility date, the expanded restricted prisoner framework will apply to these persons at the point at which the CSA applies to them under section 136 or 276E of the YJA.

Consequential amendments

The Bill also makes consequential amendments to the *Victims' Commissioner and Sexual Violence Review Board Act 2024* to update the terminology for the relevant Victims' Registers.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by legislation.

Estimated cost for government implementation

There are no costs associated with the implementation of the amendments.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential inconsistencies with the fundamental legislative principles in the *Legislative Standards Act 1992* (LSA) are considered justified and are addressed in detail below.

The amendments to the restricted prisoner framework, and to the NBNP provisions will apply to currently sentenced prisoners and will apply to prisoners who have an undecided parole application or, for a NBNP prisoner, an undecided reconsideration application at commencement. In these circumstances, a prisoner's expectations regarding their eligibility for parole consideration may be impacted. This has an element of retrospectivity (as it was not the law when the offence was committed) which is inconsistent with the fundamental legislative principle that legislation should not adversely affect rights and liberties or impose obligations retrospectively (section 4(3)(g) of the LSA).

The amendments do not retrospectively alter a prisoner's sentence, rather only affect the legislative framework applied to future parole decisions and return the state of the law to that prior to the finding in *Armitage*.

The retrospectivity of these amendments is considered justified for the following reasons: a prisoner's parole eligibility date is not a guaranteed date of release, but the date parole will be able to be determined based on the parole system in force; to ensure consistency in parole decision-making; to support the objective of strengthening the restricted prisoner and NBNP frameworks; and to ensure a higher threshold for parole for these prisoners, in consideration of the serious nature of the offending, the ongoing impact of the offending on the victims' family and friends, and the need to protect the community from further harm. This will further protect surviving victims and their families from continued trauma associated with the stress of parole applications and potential for release.

Expanding the restricted prisoner framework

The imposition of a mandatory restricted prisoner declaration may be viewed as a departure from the principle that legislation have regard to the rights and liberties of individuals (section 4(2)(a) of the LSA). Introducing an initial mandatory restricted prisoner declaration of a minimum five-year period and up to 10 years is considered justifiable, taking into account the seriousness of the offending which would warrant a prisoner being sentenced to life imprisonment.

Expanding the cohort for the restricted prisoner framework to all life-sentenced prisoners will result in the differential treatment of a higher number of prisoners because their access to parole will be considered against a higher threshold. Nevertheless, the differential treatment is considered justified given the significant harm these offences have caused victims and the community.

Closing loopholes in the No Body, No Parole framework

Collectively, the amendments to the NBNP framework may be viewed as a departure from the principle that legislation have regard to the rights and liberties of individuals (section 4(2)(a) of the LSA), which includes equality under the law. The amendments to the NBNP framework result in the differential treatment of NBNP prisoners subject to a no cooperation declaration by removing their ability to apply for parole in certain circumstances. Further, it could be considered that the amendments may make it more difficult for a prisoner to be able to demonstrate satisfactory cooperation where the body or remains of the victim are irrecoverable. However, this approach is integral to addressing the gap identified in the NBNP framework. There are safeguards in the legislation to prevent the unreasonable treatment of NBNP prisoners, including the Board's discretion to determine that a NBNP prisoner has provided timely and satisfactory cooperation, the requirement for the Board to provide reasons for its decision to make a no cooperation declaration and the prisoner may seek judicial review of the Board's decision. Consequently, these limitations are considered justified when considering the purpose of the NBNP framework, namely, to encourage and incentivise cooperation in locating or identifying the last known location of a victim's body or remains. Homicide offences are the most egregious offences in the Criminal Code and not revealing the location of the victim's body or remains means victims' families cannot receive closure.

There are safeguards in the legislation to prevent the unreasonable treatment of NBNP prisoners, including that the Board must provide reasons for its decision to make a no cooperation declaration and the prisoner may seek judicial review of the Board's decision.

Exceptional circumstances parole

Strengthening the current broad and largely undefined exceptional circumstances parole by applying a more consistent, higher threshold for the granting of parole in the exceptional circumstance of terminal illness may be viewed as a departure from the legislative principle regarding the rights and liberties of individuals (section 4(2)(a) of the LSA). The strengthened criteria for exceptional circumstance parole provide clear guidance for the exercise of the

Board's discretionary administrative power and ensure the power is exercised consistently and in line with community expectations as determined by Parliament.

The limitations are considered justified when considered in the context of an exceptional circumstance parole which will allow the release of the prisoner to parole before they are otherwise eligible, and to prioritise community and victim safety.

Amendments that promote and prioritise the interests of victims in the parole process

Submissions from registered victims

The Bill prohibits the Board from releasing a registered victim's submission to a prisoner or their representative and excludes the rules of natural justice in relation to a registered victim's submission. This may be viewed as a departure from the principle that legislation have regard to the rights and liberties of individuals under section 4(2)(a) of the LSA, which includes having sufficient regard to the principles of natural justice, including the right to be heard and procedural fairness (section 4(3)(b) LSA). This includes a prisoner's right to be made aware of evidence adverse to them, and the right to respond to any adverse information.

The purpose of the amendment is to prioritise the safety and privacy of victims, allowing them to participate fully in the parole process with the assurance from the outset that their privacy is protected rather than being subject to Board assessment and weighing of potential harm to the prisoner. Judicial review will continue to be available as a safeguard to prisoners wishing to review adverse parole decisions. The amendments do not limit the Court's ability to access relevant information. To the extent there are inconsistencies, they are considered justified to support victim participation in the parole process and to prioritise safety and privacy for registered victims.

Amendments that promote the protection of victims and the community

Providing a comprehensive report to the Board

The Bill introduces a requirement that a report provided to the Board by the chief executive, regarding a prisoner's parole application, is comprehensive and contains enough details to help the Board decide a parole application. Where the chief executive considers information included in the comprehensive report is personal or otherwise sensitive, the Board will be prohibited from disclosing the information to the prisoner. The Bill displaces the prisoner's right to natural justice to the extent that disclosing the information identified by QCS as personal or sensitive would assist them or their representative in understanding the Board's reasons for refusing a parole application.

This may be viewed as a departure from the principle that legislation have regard to the rights and liberties of individuals under section 4(2)(a) of the LSA. This includes having sufficient regard to the principles of natural justice, such as the right to procedural fairness including a prisoner's right to be made aware of evidence adverse to them, and the right to respond to any adverse information (section 4(3)(b) LSA).

However, judicial review continues to be available as a safeguard to prisoners seeking to review adverse parole decisions. To the extent that the amendments may limit the rights and liberties

of individuals, this is considered justified for the purpose of prioritising the rights and safety of victims and other members of the community and to support the security of corrective services facilities.

Amendments that improve the accountability, transparency and governance of the Board

Publication of parole decisions

The Bill provides for the publication of a decision, or of a redacted, part or summary of a decision, of the Board, with reasons, to grant parole. The purpose of the amendments is to improve accountability of the Board and the transparency of Board decisions in the public interest. The publication of parole decisions may be viewed as inconsistent with the principle that legislation has sufficient regard to the rights and liberties of an individual (section 4(2)(a) of the LSA), notably the right to privacy, as information may be disclosed as part of a decision. This may affect a victim, prisoner or other person whose information is considered by the Board in making a parole decision.

It is in the public interest that the community know about decisions to release prisoners on parole and the reasons for those decisions. However, this needs to be balanced where there is a public interest in not publishing the details of some crimes and offending, and to limit further trauma for victims.

The Bill provides safeguards regarding disclosure of a victim's personal information by requiring, firstly, that the president consider the impacts on a victim in determining whether publication is in the public interest and by providing a mechanism for the victim to make a submission in relation to the proposed publication. There is no equivalent safeguard for a prisoner whose personal information may be published as part of the decision. However, the amendments allow the president to publish a redacted or summary decision after considering the public interest, if deemed more appropriate. To the extent there are inconsistencies, they are considered justified having regard to the public interest of transparency and accountability in Board decision making.

Amendments that enhance and modernise the operation of the CSA

Modified discrimination complaints

Expanding the factors the Queensland Civil and Administrative Tribunal may have regard to in considering whether the treatment or proposed treatment of an offender is reasonable may be inconsistent with the fundamental legislative principle regarding the rights and liberties of individuals (section 4(2)(a) of the LSA).

The amendments are considered justified, however, because victim and community safety and national security are relevant and appropriate considerations for determining the reasonableness of an offender's treatment or term. Further, the amendments prioritise the safety of victims and the community and clarify the intent of section 319H and 319G.

Updating schedule 1 offences

The updates to schedule 1 may be viewed as inconsistent with the principle that legislation have regard to the rights and liberties of individuals (section 4(2)(a) of the LSA). This is because prisoners who are convicted of these offences will be subject to additional restrictions while in custody, such as being ineligible for transfer to low custody. Information about these prisoners may also be provided to their registered victim(s).

The differential treatment of prisoners convicted of a sexual offence is considered justified having regard to the ongoing trauma victims of sexual offences experience and the harm these offences cause the community. It is also considered justified having regard to the rights of the victims of these offences to have access to information about the location and parole decisions regarding these offenders.

Amendments to the *Youth Justice Act 1992*

This Bill has been prepared with due regard to the fundamental legislative principles (FLPs) outlined in section 4 of the LSA by achieving the appropriate balance between individual rights and liberties and the protection of the broader Queensland community.

Removal of youth submissions against registration

The Bill removes the requirement for the chief executive to give a youth detained for an offence a reasonable opportunity to make a submission about why a victim should not be registered on the Youth Justice Victims' Register. This may be viewed as a departure from the principle that legislation have regard to the rights and liberties of individuals under section 4(2)(a) of the LSA, which includes having sufficient regard to the principles of natural justice, including the right to be heard and procedural fairness (section 4(3)(b) LSA). The purpose of the amendment is to prioritise the safety and privacy of victims, who may not want to be registered on the register if they are aware that a youth may receive information about them in order to make a submission. Importantly, the Bill does not remove the chief executive's existing powers to refuse or remove a registration where this is necessary to protect the security of a detention centre, the safe custody or welfare of a youth, or the safety or welfare of another person. To the extent there are inconsistencies, they are considered justified to support victim participation in the Victims' Register.

Other amendments to the YJA and *Victims' Commissioner and Sexual Violence Review Board Act 2024* are considered consistent with fundamental legislative principles.

Consultation

The Government commissioned Mr Peter Hastie KC to undertake an independent Review into the Board. The Review spoke to stakeholders and sought submissions from victims of crime, members of the community, organisations, and other persons with respect to the operations of the Board. This consultation informed his report and recommendations about how to ensure the Board operates effectively to support community safety and the rights of victims. This Bill delivers on the Government Response to the Review recommendations.

The president of the Parole Board and the Office of the Victims' Commissioner have been consulted during the drafting of this Bill and further consultation on the amendments will be undertaken as part of the parliamentary committee process.

Consistency with legislation of other jurisdictions

The amendments in the Bill are specific to the State of Queensland and are not uniform with, or complementary to, legislation of the Commonwealth or another State.

Expanding the restricted prisoner framework

Only Western Australia and Victoria have restricted prisoner provisions. The *Corrections Act 1986* (Vic) allows the Board to make a declaration that the restricted prisoner is not eligible for parole for a specified period of at least five years and not exceeding ten years, if satisfied it is in the public interest. A restricted prisoner is defined similarly to the current Queensland definition. The operation of the *Victorian Charter of Human Rights and Responsibilities Act 2006* is expressly excluded from the section.

In Western Australia, the Minister may suspend the requirement for the Prisoners' Review Board to provide a periodic statutory report, a precondition to any parole consideration, for a period of up to six years, effectively preventing a designated prisoner (specified life sentences, indefinite imprisonment or a Governor's pleasure detainee in schedule 3 of the *Sentence Administration Act 2003* (WA)) from applying for parole during that period.

Strengthening the No Body, No Parole framework

While other states and territories in Australia have provisions relating to the NBNP framework, amendments requiring parole eligibility for a NBNP prisoner to be contingent upon both their cooperation being timely and satisfactory in locating the body or remains of the victim, are unique to Queensland. Similarly, requiring the Board have regard to any information held additional to the commissioner's report when assessing satisfactory and timely cooperation is also an aspect of the NBNP framework that is unique to Queensland.

Exceptional circumstances parole

The application of a high threshold for the granting of exceptional circumstances parole to all prisoners is unique to Queensland. In New South Wales, prisoners may be granted exceptional circumstances parole if they are dying or if the Parole Authority is satisfied that it is necessary to release the offender on parole because of exceptional extenuating circumstances.

Amendments that make it easier to understand the legislation

Adopting the terminology 'victims register' aligns with New South Wales, Victoria and South Australia.

The approaches to parole application timeframes vary across jurisdictions and this is reflected in different drafting of the relevant provisions.

Amendments that promote and prioritise the interests of victims in the parole process

Submissions from registered victims

Western Australia prohibits the release of victim submissions to the prisoner or their representative, and other jurisdictions have limitations on the disclosure of information in victims' submissions. In Victoria, South Australia and the Northern Territory, a victim's submission may only be provided to the prisoner if the victim consents. In the Australian Capital Territory, a victim's submission may be provided to the prisoner if the victim's contact details or other information that could endanger the victim or another person is redacted. Similarly, in Tasmania, a victim's submission may be provided to the prisoner, however before doing so, the Board may delete material relevant to the victim's privacy.

Victims' Register notifications

Each State and Territory in Australia administers a register for eligible persons who have been victims of adult offenders. Victoria, South Australia, the Australian Capital Territory and Tasmania register eligible victims who apply; there is no requirement to proactively identify and contact eligible victims. In Western Australia, the Victim Notification Register administered by the Office of the Commissioner for Victims of Crime also provides for registration by application. In New South Wales, the responsible agency for the victims' register must notify an eligible victim as soon as practicable after becoming aware of them, in some cases relying on information known to the prosecuting authority (police or public prosecutions) except where the responsible agency does not have sufficient information despite having taken reasonable steps to ascertain it from a prosecuting authority.

Information sharing with registered victims

The scope of information which must be provided to registered victims under the Bill is more extensive than in other jurisdictions, although similar information may be provided to registered victims in most jurisdictions.

Amendments that promote the protection of victims and the community

Providing a comprehensive report to the Board

Only the *Sentence Administration Act 2003* (WA) requires the chief executive to provide a report to the Board regarding a prisoner's parole application and there is no requirement it be 'comprehensive'. The Board is required to provide a prisoner with written notice of a parole decision, but reasons may be withheld if it is in the public interest.

Community safety as the paramount consideration for parole

The *Correctional Services Act 1982* (SA) requires that community safety is the paramount consideration in deciding parole applications and provides a list of factors that must be considered in assessing community safety; similar factors are included in the Bill. Other jurisdictions, including Victoria and Western Australia, provide that community safety is the paramount consideration when determining an application for parole.

Amendments that improve the accountability, transparency and governance of the Board

Publication of parole decisions

Similarly to the Bill, the *Sentence Administration Act 2003* permits the chairperson of the Prisoners' Review Board of Western Australia to publish a decision of the Board if it is in the public interest. Under the *Corrections Act 1997* (Tas), the Parole Board of Tasmania must publish reasons for deciding to release a prisoner on parole. Other jurisdictions do not provide for publication of decisions.

Other amendments improving accountability, transparency and good governance

Other jurisdictions do not have an equivalent section to the requirement in the Bill that the president of the Board promote the efficiency and effectiveness of the secretariat.

All jurisdictions have similar qualification requirements for the president and deputy president members of the Board. Only Tasmania includes similar professional qualification requirements for professional board members but does not specify forensic psychology or psychiatry as included in the Bill.

No other jurisdiction has a specific requirement to include continuing education for Board Members in the Board's Annual Report.

Amendments that enhance and modernise the operation of the CSA

Enabling the electronic scanning of privileged mail

While electronic scanning is used to search mail in other jurisdictions, no jurisdiction has provisions as are in the Bill to clarify authority to electronically scan privileged or purported privileged mail.

Modified discrimination complaints

No other jurisdiction has provisions equivalent to the modified discrimination complaints framework, or the Bill provisions, in their corrective services legislation. Anti-discrimination and equal opportunity legislation provides some guidance as to when discrimination is reasonable in Victoria, Northern Territory and the Australian Capital Territory.

Updating schedule 1 offences

Queensland is the only jurisdiction where the corrective services definition is used both for sentencing and management of prisoners. The approach to defining sexual offence varies across jurisdictions, as does the use of the term. For example, Tasmania adopts a similar approach to defining sexual offences as Queensland, for a more limited purpose of encouraging offender participation in rehabilitative treatment. In South Australia, offenders who commit sexual offences are not eligible for automatic release on parole, based on a definition of sexual offence in that State's criminal law legislation. Neither the Western Australian nor the Northern Territory legislation provides for the management of sexual offenders differently from other prisoners. While sexual offence is defined in Victoria and the Australian Capital Territory, and is a serious offence, the term is not used in relation to the classification or management of prisoners.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the Act may be cited as the *Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Act 2026*.

Clause 2 provides that the Act commences on the day after the date of the Bill's assent.

Part 2 Amendment of Corrective Services Act 2006

Clause 3 notes that Part 2 amends the *Corrective Services Act 2006*, with a note to see also the amendments in schedule 1.

Clause 4 inserts new section 5B (Human Rights Act 2019, s 58 does not apply to particular acts and decisions) after section 5A.

Subsection (1) declares that section 58 of the *Human Rights Act 2019* (HRA) does not apply to acts and decisions of the chief executive or a corrective services officer in the administration of this Act or the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) that relate to (a) a prisoner in a corrective services facility; (b) the placing of a prisoner in a corrective services facility; or (c) a supervised dangerous prisoner (sexual offender) not in a corrective services facility. This applies, for example, to decisions under the CSA, including a decision under an administrative procedure mentioned in section 265, or under the DPSOA.

Subsection (2) declares that for the purposes of section 43(1) of the HRA, section 5B has effect despite being incompatible with human rights, and despite anything else in the HRA. It is noted that under section 45(2) of the HRA, this section expires 5 years after the day on which subsection (2) commences.

Subsection (3) provides that this section, other than subsection (2) expires five years after the day on which subsection (2) commences.

Clause 5 amends section 45 to insert new subsection (1A) clarifying the authority for a corrective services officer to use an electronic scanning device to search a prisoner's privileged mail or mail purporting to be privileged to detect a thing included in the mail. A thing detected by an electronic scanning device may potentially be a prohibited or dangerous item.

Subclause (2) amends subsection (2) to clarify that the subsection applies where a physical search is to be undertaken.

Subclause (3) makes a consequential amendment to subsection (3).

Subclause (4) renumbers the subsection (1A) to (5) as (2) to (6).

Clause 6 amends section 49 so that only each physical search of privileged mail is required to be recorded in the register of privileged mail searches.

Clause 7 amends section 175B to provide new definitions for the chapter.

Subclause (1) removes the existing definitions of *restricted prisoner declaration* and *restricted prisoner report*.

Subclause (2) inserts definitions for *mandatory restricted prisoner declaration*, *restricted prisoner declaration*, *restricted prisoner report* and *subsequent restricted prisoner declaration*.

Subclause (3) amends the definition of *commissioner's report*, paragraph (a) to clarify that the report contains a statement relating to a homicide offence for which the prisoner was sentenced to imprisonment.

Subclause (4) amends the definition of *commissioner's report*, paragraph (b)(i) by inserting a new subparagraphs (i) and (ia) to move the timeliness of the prisoner's cooperation from current section 175(b)(i) so that it is considered independently when evaluating if the prisoner has given any cooperation, in a commissioner's report about a no body-no parole prisoner.

Subclause (5) rennumbers paragraphs in the definition of *commissioner's report*.

Subclause (6) amends the definition of *cooperation* by replacing 'is serving a sentence of imprisonment' with 'was sentenced to imprisonment'.

Clause 8 replaces section 175C and introduces a new definition of *no body-no parole prisoner*.

The new definition of a no body-no parole prisoner provides that a prisoner is a no body-no parole prisoner if one of the following applies: they are serving a term of imprisonment for a homicide offence, or they are serving a period of imprisonment that includes a term of imprisonment for a homicide offence, whether or not the period of imprisonment also includes a term of imprisonment for an offence other than a homicide offence, and the body or remains or any part of the body or remains of the victim of the homicide offence have not been located for any reason, including, for example, because the body or remains or any part of the body or remains are, or are likely to be, no longer in existence or capable of being found. The terms *term of imprisonment* and *period of imprisonment* are defined in section 4 of the *Penalties and Sentences Act 1992*.

Clause 9 amends section 175D to expand the meaning of *restricted prisoner* to a prisoner who has been sentenced to life imprisonment.

Clause 10 replaces the heading of chapter 5, part 1AB with the heading Part 1AB Restricted prisoner declarations.

Clause 11 omits the existing chapter 5, part 1AB, division 1, heading.

Clause 12 inserts new chapter 5, part 1AB, divisions 1, 1A and 1B, before section 175E.

New division 1 General inserts new sections 175DA (Functions and powers of deputy president under this part) and 175DB (Restricted prisoner report).

Section 175DA relates to the functions and powers of a deputy president under this part.

Subsection (1) provides that a deputy president has the functions and powers that the president has under this part.

Subsection (2) provides that context permitting, a reference to the president is a reference to a deputy president in this part, except in this section.

Section 175DB relates to a restricted prisoner report.

Subsection (1) provides that the chief executive may prepare a report about a restricted prisoner for the making of a restricted prisoner declaration, and as soon as practicable after the report is prepared, give the report to the president.

Subsection (2) provides that a restricted prisoner report must include information about the prisoner that the chief executive considers is relevant to a matter mentioned in section 175H(2)(a), (b) or (c).

Subsection (3) provides that the chief executive may provide the president a restricted prisoner report no more than 270 days before the prisoner's parole eligibility date, if the report relates to the making of a mandatory restricted prisoner declaration. If the report relates to the making of a subsequent restricted prisoner declaration, then the chief executive may provide the report at any time during the prisoner's imprisonment period.

Subsection (4) extends, from 28 days to 42 days, the period within which the chief executive must give the president a restricted prisoner report after receiving notice from the parole board of a restricted prisoner's application for a parole order under section 193AA(2) to reflect the time needed to prepare these complex reports.

The new division 1A Mandatory restricted prisoner declarations inserts new sections 175DC (Application of division), 175DD (Making and effect of mandatory restricted prisoner declaration), 175DE (Notice of mandatory restricted prisoner declaration to restricted prisoner), 175DF (Deciding term of declaration), 175DG (Period for making mandatory restricted prisoner declaration), 175DH (Contents, effective day, and other requirements), 175DI (Limited application of division).

Section 175DC provides that the division applies to a restricted prisoner for a sentence of life imprisonment if the chief executive gives the president a restricted prisoner report about the prisoner in relation to the sentence. Read together with section 175DI, section 175DC applies only on the first occasion that the chief executive gives the president a restricted prisoner report in relation to that sentence.

Section 175DD establishes the requirement for the president to make a mandatory restricted prisoner declaration and provides for the term and effect of the declaration.

Subsection (1) requires the president to make a written mandatory restricted prisoner declaration about the restricted prisoner, stating that the prisoner may not apply for a parole order during the term of the declaration.

Subsection (2) provides that the president must decide the term of the declaration, ending at least five years but no later than 10 years after the day the declaration takes effect.

Subsection (3) provides that the restricted prisoner may not apply for a parole order under section 180 during the term of the mandatory restricted prisoner declaration.

Section 175DE establishes a notification and submission process that applies before the president determines the term of a mandatory restricted prisoner declaration.

Subsection (1) requires the president, as soon as practicable after receiving a restricted prisoner report, to give the restricted prisoner written notice that the report has been received, that a mandatory restricted prisoner declaration must be made for a term of at least 5 years but no more than 10 years, and that the prisoner will be prevented from applying for parole during the term of the declaration.

The notice must also inform the prisoner of their opportunity to make a submission about the length of the term. The prisoner is provided 21 days after receiving the notice to make a written submission about the length of the declaration and to ask the president to consider any material relevant to that submission.

Subsection (2) allows the president to extend the 21 day submission period if the president considers it reasonable in the circumstances.

Section 175DF sets out the matters the president must consider when deciding the term of a mandatory restricted prisoner declaration. The president must be satisfied that the length of the term is consistent with public interest and consider relevant information, including the restricted prisoner report, other matters and information identified in sections 175H(2)(a), (b) and (c), and 175H(3)(b) and (c) respectively, including any submission made by a registered victim in relation to a parole application by the prisoner, and any submissions made by the prisoner under section 175DE(1)(d). The president may also consider any other matter or information considered relevant to the public interest.

Section 175DG relates to the period for making a mandatory restricted prisoner declaration.

Subsection (1) provides that the president may defer making the mandatory restricted prisoner declaration where it is considered reasonable in the circumstances and may ask any person for further information or documents the president reasonably needs to decide the term.

Subsection (2) provides that the president must make the mandatory restricted prisoner declaration within 150 days of receiving the restricted prisoner report if the president has deferred making the declaration under subsection (1). Otherwise, the president must make a mandatory declaration within 120 days of receiving the restricted prisoner report.

Subsection (3) provides that a failure to make the mandatory restricted prisoner declaration within the period required under subsection (2) does not affect the validity of the declaration.

Section 175DH sets out the required content of a mandatory restricted prisoner declaration, when the declaration takes effect and the persons who must receive a copy of the declaration.

Subsection (1) requires the mandatory restricted prisoner declaration state the day it commences and ends, that the restricted prisoner may not apply for parole under section 180 while the declaration is in force, and the reasons for the decision about the length of the declaration.

Subsection (2) provides for when the mandatory restricted prisoner declaration takes effect. If the prisoner has not yet reached their parole eligibility date, the declaration takes effect from that date. If the prisoner has already reached their parole eligibility date, the declaration takes effect from the day it is made.

Subsection (3) requires the president to give a copy of the mandatory restricted prisoner declaration to the restricted prisoner, the chief executive, and the parole board.

Section 175DI establishes the limited application of the division.

Subsection (1) provides that the section applies, if under this division, a mandatory restricted prisoner declaration is made about a restricted prisoner for a sentence of life imprisonment.

Subsection (2) provides that a mandatory restricted prisoner declaration may be made about a restricted prisoner in relation to the sentence only once. This prevents a further mandatory restricted prisoner declaration being made in relation to the same sentence.

New division 1B Subsequent restricted prisoner declarations inserts new section 175DJ.

New section 175DJ (Application of division) provides that the division applies to a restricted prisoner for a life sentence if a mandatory restricted prisoner declaration has been made about the prisoner in relation to the sentence. This is to ensure that only one mandatory declaration can be made in respect of a prisoner for each life sentence they serve.

Clause 13 replaces section 175E to continue the existing restricted prisoner declaration framework under the new term *subsequent restricted prisoner declaration*.

Subsection (1) provides that the section applies if the chief executive gives the president a restricted prisoner report about the prisoner.

Subsection (2) retains the president's discretion to make a written subsequent restricted prisoner declaration about a restricted prisoner following receipt of a restricted prisoner report from the chief executive.

Subsection (3) provides that while a restricted prisoner declaration is in force, the prisoner may not apply for parole under section 180.

Clause 14 omits existing section 175F relating to the restricted prisoner report as this is now addressed in new section 175DB.

Clause 15 replaces section 175G to continue the existing notification and submission process for restricted prisoner declarations under the new *subsequent restricted prisoner declaration* framework.

Subsection (1) requires the president, after receiving a restricted prisoner report, to notify the prisoner that the president has been given the report and may decide whether to make a subsequent restricted prisoner declaration. The notice must explain the effect of such a declaration on the prisoner's ability to apply for parole and provide the prisoner with 21 days to make a written submission about the making of the declaration and request consideration of material the prisoner considers relevant to the submission.

Subsection (2) provides that the president may extend the submission period if the president considers it reasonable in the circumstances.

Clause 16 amends section 175H which provides for decision-making for a subsequent restricted prisoner declaration.

Subclause (1) inserts 'subsequent' in the section heading, before 'restricted prisoner declaration'.

Subclauses (2), (4), and (7), replace 'restricted prisoner declaration' with 'subsequent restricted prisoner declaration' to be consistent with the new terminology introduced by the Bill.

Subclauses (3) and (5) reflect the updated terminology from 'eligible person' to 'registered victim' and align with the new *registered victim* framework.

Subclause (6) updates the reference from 175G(3)(d) to 175G(1)(d).

Subclause (8) inserts a new subsection 7A that the president or deputy president must not give the prisoner or a representative of the prisoner, a submission made under section 188 or information in a submission made under section 188. The purpose of this subsection is to protect the confidentiality of registered victims' submissions from prisoners.

Subclause (9) renumbers subsections (7A) and (8) as subsections (8) and (9) respectively.

Clause 17 amends section 175I relating to if a restricted prisoner declaration is made.

Subclause (1) amends the section heading to insert 'subsequent' before 'restricted prisoner declaration'.

Subclauses (2), (4) and (5) replace 'restricted prisoner declaration' with 'subsequent restricted prisoner declaration' in line with the new terminology introduced by the Bill.

Subclause (3) provides that where a mandatory or subsequent restricted prisoner declaration is already in force, a new subsequent declaration must take effect the day after the day the declaration ends. Otherwise, the declaration, must take effect on the day the declaration is made.

Subclause (6) omits 175I(6) as the terminology is no longer in use for this section.

Clause 18 amends section 175J which provides for if a restricted prisoner declaration was not made.

Subclause (1) amends the section heading to insert 'subsequent' before 'restricted prisoner declaration'.

Subclauses (2) and (3), were amended to use the new terminology, 'subsequent restricted prisoner declaration'. The amendments retain the existing process where the president decides not to make a declaration, including that the president may reconsider making a subsequent restricted prisoner declaration if the president is given another restricted prisoner report about the prisoner.

Clause 19 omits the heading of chapter 5, part 1AB, division 2.

Clause 20 rennumbers chapter 5, part 1AB, divisions 1A and 1B, as inserted by the Act, as chapter 5, part 1AB, divisions 2 and 3.

Clause 21 inserts new chapter 5, part 1AC, heading No cooperation declarations before section 175K.

Clause 22 amends section 175M which provides for the parole board requesting a commissioner's report.

Subclause (1) amends section 175M, heading by replacing 'Parole board may' with 'When parole board must'.

Subclause (2) replaces subsection (1)(c) to provide that section 175M applies if, at any time after a no body-no parole prisoner's term of imprisonment or period of imprisonment begins, the parole board decides to consider if the prisoner has given timely and satisfactory cooperation.

Subclause (3) amends subsection (3) to replace 'to which the period' with 'for the homicide offence to which the prisoner's sentence'.

Subclause (4) amends subsection (4) to replace 'given' with 'timely and'.

Clause 23 amends section 175O to reflect that timeliness must be considered in determining whether a prisoner has given satisfactory cooperation.

Subclause (1) amends the heading of the section to replace 'satisfactory cooperation' with 'timely and satisfactory cooperation given'.

Subclause (2) amends subsection (1) to insert 'timely and' before 'satisfactory cooperation'.

Subclause (3) amends subsection (1)(a)(ii) to replace 'satisfactory cooperation' with 'timely and satisfactory cooperation, including any information in addition to the matters contained in the commissioner's report mentioned in section 175B, definition *commissioner's report*, paragraph (b).

Subclause (4) amends subsection (1)(a)(iii) to remove 'the prisoner is serving'.

Clause 24 amends section 175S to reflect that cooperation must be timely and satisfactory and to require that if the parole board refuses a reconsideration application, it must provide written notice to the chief executive in addition to the prisoner.

Subclause (1) amends section 175S(3)(c) to insert 'in a timely and satisfactory way' after 'cooperate' in relation to the prisoner's capacity to cooperate.

Subclause (2) amends section 175S(6) to remove from 'a written notice' and insert 'and the chief executive written notice of the refusal'.

Clause 25 amends section 175U to require the parole board to consider whether a prisoner has given timely and satisfactory cooperation after receiving a notice of the prisoner's reconsideration application.

Subclause (1) amends section 175U(1) to provide that the parole board must meet and reconsider whether the prisoner has given timely and satisfactory cooperation.

Subclause (2) replaces the references to 'satisfactory' in subsection (2) and (3) with 'timely and satisfactory.'

Subclause (3) inserts new subsection (4) which requires the parole board to give the chief executive a copy of each notice given to a prisoner under this section.

Clause 26 amends section 176A which relates to deciding applications for exceptional circumstances parole order.

Subclause (1) renames the heading to 'Deciding applications for exceptional circumstances parole order'.

Subclause (2) replaces subsection (1) to provide that the section applies if a prisoner applies for an exceptional circumstances parole order under section 176.

Clause 27 amends section 179 to align with the amendments clarifying timeframes and eligibility for parole applications in section 180.

Subclause (1) amends section 179 to remove subsection (2)(b) as prisoners may apply for parole up to 180 days before their parole eligibility date under section 180(1).

Subclause (2) makes a consequential amendment to renumber section 179(2)(c) to section 179(2)(b).

Clause 28 amends section 180 to clarify when a prisoner may make an application to the parole board for a parole order. This amendment implements the Government Response to recommendation 2 of the *Review of Parole Board Queensland Final Report*.

Subclause (1) replaces subsection (1) to clarify parole application timeframes. The subclause provides that a prisoner may apply to the parole board for a parole order if the application is made no more than 180 days before the prisoner's parole eligibility date and the application relates to the prisoner's release on parole on or after their parole eligibility date.

Subclause (2) amends subsection (2) to clarify that a prisoner 'may not' apply for a parole order rather than 'can not' apply for a parole order.

Subclause (3) amends subsection (2)(a)(i) to replace 'section 193(6)(b)' with 'section 196(2)'.

Subclause (4) replaces subsection (2)(c) including that a prisoner may not apply for parole if a restricted prisoner declaration for the prisoner is in force or will come into force.

Further, subclause (4) inserts subsection (2)(ca) providing that a prisoner may also not apply for parole if the chief executive has given the president or a deputy president a restricted prisoner report about the prisoner and the president or deputy president has not made the mandatory restricted prisoner declaration or decided on a subsequent restricted prisoner declaration.

Subclause (5) omits subsection (2)(e).

Subclause (6) renumbers subsection (2)(ca) and (2)(d) as (2)(d) and (2)(e) respectively.

Subclause (7) replaces subsection (3) to remove the requirement that the application must be made to the parole board, noting this requirement is now in subsection (1). The requirement for the application to be in the approved form remains.

Clause 29 amends section 181 (Parole eligibility date for prisoner serving term of imprisonment for life) to insert new subsection (4) to clarify that section 181 does not limit section 175DD.

Clause 30 amends section 181A (Parole eligibility date for prisoner serving term of imprisonment for life for a repeat serious child sex offence) to insert new subsection (5) to clarify that section 181A does not limit section 175DD.

Clause 31 replaces sections 188 and 189 with sections 186A, 187, 188 and 189 relating to submissions from registered victims to the Parole Board Queensland.

Section 186A provides that after receiving a prisoner's application for a parole order under section 180, the parole board must give the chief executive written notice of the application.

Section 187 replaces existing subsections 188(2) and (3) and prescribes requirements regarding notice to registered victims about a prisoner's application for parole.

Subsection (1) amends existing subsection 188(2) to replace 'eligible person' with 'registered victim', 'section 324AA' with 'section 186A' and to clarify the operation of the subsection within the revised sections.

Subsection (2) amends existing subsection 188(3) to require additional information to be included in the notice given to a registered victim, such as the additional matters that may now be included in a submission (new subsections 187(2)(c)(ii) and (iii)) and that the registered victim may apply to appear before the board (subsection 187(2)(e)).

Subsection (3) provides additional information about parole orders that must be included in the notice given to each registered victim, including, for example, the purpose of parole, matters the Board is required to consider in making a decision about a parole application, and the standard conditions of a parole order. This amendment implements the Government Response to recommendation 37 of the *Review of Parole Board Queensland Final Report*.

Subsection (4) specifies that a notice or information given to a registered victim under this section is subject to section 324AA, consistent with existing subsection 188(2).

Subsection (5) introduces a definition of *standard conditions*, of a parole order, which means the conditions that must be included in the order under subsection 200(1).

Section 188 (Submissions from registered victim) removes existing limitations on matters that may be included in a submission from a registered victim and expands the information that may be provided in the submission.

Subsection (1) provides that the section applies if a registered victim is given notice under section 187 that a prisoner has applied for a parole order.

Subsection (2) empowers the registered victim to make submissions to the parole board about anything relevant to the decision about making the parole order and removes the existing limitation on victim submissions excluding anything that was before the court at the time of sentencing. Subsections (2)(b) and (c) introduce additional matters that may be included in victim submissions. That is, anything relevant to the conditions to be included in the parole order (such as conditions to protect the physical or psychological safety of a registered victim) and the likely effect that the making of a parole order may have on the registered victim or the victim's family. This amendment implements the Government Response to recommendation 36 of the *Review of Parole Board Queensland Final Report*.

Subsection (3) increases the time for making a submission from the existing 21 days to 42 days after the date of the notice and, consistent with existing section 188, provides that the submission may be made in writing or another form approved by the board. This amendment implements the Government Response to recommendation 41 of the *Review of Parole Board Queensland Final Report*.

Subsection (4) provides for an extension of time consistent with existing subsection 188(5).

Subsection (5) provides the parole board must consider each submission made to the board under section 188. This requires the Board to consider, in addition to information relevant to the decision about making the parole order, any information provided by a registered victim in relation to conditions to be included in the parole order (such as those to protect the physical or psychological safety of a registered victim) and the likely effect that the making of a parole order may have on the registered victim or their family. With the removal of the limitation on

providing matters that were before the court at sentencing, a registered victim may also, for example, choose to provide a victim impact statement previously provided to the court.

Subsection (6) provides that the parole board must not give the prisoner, or a representative of the prisoner, a victim's submission or information in a submission. This amendment implements the Government Response to recommendation 44(a) of the *Review of Parole Board Queensland Final Report*.

Section 189 replaces existing section 189 to clarify that a registered victim and their support person (or advocate) may, with the Board's leave, appear before the Board to make representations about a prisoner's application for a parole order. This amendment implements the Government Response to recommendations 5 and 42 of the *Review of Parole Board Queensland Final Report*, that the Queensland Government supports victims appearing before the Parole Board Queensland, and does not support limiting that opportunity.

Subsection (1) replaces existing subsection (1) with the addition that a registered victim for the prisoner, and a support person or advocate for a registered victim are persons who may appear before the Board, with leave. A prisoner and their agent have the same right to seek leave to appear before the Board as under existing section 189.

Subsection (2) provides that the person may appear by using a contemporaneous communication link between the board and the person, consistent with existing subsection (3).

Subsection (3) provides for a person to appear personally in limited circumstances, where the person is a prisoner with special needs, consistent with existing subsection 189(3), or a registered victim who would have difficulty appearing by using a contemporaneous communication link or making written submissions.

Subsection (4) replaces existing subsection 189(2) to provide that the section does not stop the Board deciding the prisoner's application if the prisoner or another person fails to appear.

Clause 32 amends section 190 (Applying for leave to appear before parole board) to replace subsection (2). New subsection (2) refers to the 'applicant' rather than the 'prisoner', consistent with the expanded list of persons who may apply to appear before the Board (section 189).

Clause 33 replaces existing section 193 to introduce a new requirement for the Board to consider community safety as the paramount consideration and a statutory framework to guide the Board in assessing potential risk to community safety. This implements the Government Response to recommendation 11 of the *Review of Parole Board Queensland Final Report*.

Subsection (1) replaces existing subsection (1) to provide that the Board must decide to grant or refuse a parole application.

Subsection (2) replaces existing subsection (3) to allow the Board to defer making a decision on a parole application while further information is obtained.

Subsection (3) replaces existing subsection (4)(b) to provide the timeframe within which a decision on a parole application must be made.

Subsection (4) introduces the requirement that, in deciding the prisoner's application, the parole board must have regard to the potential risk to community safety posed by the prisoner if released on parole and may have regard to any other matter it considers relevant.

Subsection (5) states that the paramount consideration for the parole board in deciding the prisoner's application is the safety of the community.

Subsection (6) lists the factors the Board must consider in assessing the potential risk to community safety posed by the prisoner. The list includes, for example, the likelihood of the prisoner complying with any conditions of the parole order; the impact that the prisoner being released on parole is likely to have on the registered victim and the victim's family and any submissions made by the registered victim under section 188 in that regard; and the probable circumstances of the prisoner while released on parole, including likely accommodation.

The criteria are mandatory considerations, however if there is no information before the Board in respect of one or more of the factors the Board is not required to obtain that information unless it considers it necessary to assess the potential risk to community safety. For example, there may be evidence before the Board that the offence was committed in the presence of a child as there is a child victim or it is in the victim's statement. However, the Board would not be required to undertake enquiries in every case to determine whether there was a child present at the time of offending.

The requirement for the Board to consider adverse statements in published sentencing remarks recognises that the Board may be provided with sentencing remarks by the Court, the chief executive or they may be published on a searchable database, however the Board is not required to obtain sentencing transcripts for every Magistrates Court sentence before determining whether to grant or refuse parole.

Subsection (7) replaces existing subsection (5).

Subsection (8) replaces existing subsection (6)(a).

Clause 34 amends section 193A to clarify the operation of the section.

Subclause (1) inserts a note in subsection (1) to see section 193AB where a prisoner is both a restricted prisoner and a no body-no parole prisoner.

Subclause (2) replaces existing subsection (2) with new subsection (2) which clarifies that the parole board must refuse a parole application made by a no body-no parole prisoner if a no cooperation declaration is in force for the prisoner when the application is made or is made about the prisoner at any time before the application is decided. This means a parole application on foot would be refused if a no cooperation declaration is made.

Subclause (3) amends subsection (3) to specify that if a prisoner has been, or is, at any time before the application is decided, given a written notice stating they have given satisfactory cooperation, the parole board must consider the prisoner's parole application under section 193, the provision for deciding general parole applications.

Subclause (4) inserts new subsection (5) which provides that if a no cooperation declaration is made about the prisoner after the deferral of the application under subsection (4), the application is taken to have been refused on the day the no cooperation declaration is made.

Clause 35 amends section 193AA to reflect the amendments to authorise a deputy president to make a restricted prisoner declaration and clarify the process for deciding a parole application by a restricted prisoner.

Subclause (1) inserts a note to see section 193AB if the prisoner is a no body–no parole prisoner and a restricted prisoner,

Subclause (2) amends existing subsection (2) to include each deputy president and the chief executive as persons who must be given notice the prisoner has applied for a parole order. This subclause also removes notice requirements in existing subsection (2)(b) which are now addressed in sections 175DB and 193F.

Subclause (3) replaces existing subsection (4), removing the reference to the application being deferred under subsection (2)(b), consistent with changes to the way that restricted prisoner applications for parole are decided. The new subsection (4) provides that if the president or a deputy president makes a restricted prisoner declaration before the Board decides the parole application, the application is taken to have been refused on the day the declaration is made.

Clause 36 inserts section 193AB to establish the process for deciding a parole application where a prisoner is both a no body-no parole prisoner and a restricted prisoner.

Subsection (1) provides that the section applies if the prisoner is both a no body-no parole prisoner and a restricted prisoner at the time the application for parole is made.

Subsection (2) requires the application to be first considered under section 193A (no body-no parole). If the parole board does not make a no cooperation declaration, the application must then be considered under section 193AA (restricted prisoner). This establishes the order in which no body-no parole and restricted prisoner requirements apply where a prisoner is subject to both.

Subsection (3) allows the parole board to defer its decision to obtain any additional information it considers necessary.

Subsection (4) provides that where a decision is deferred, the application must be decided within 150 days of receipt.

Subsection (5) provides that the time limit in subsection (4) overrides the usual time limit of 120 days under section 193(3).

Clause 37 amends section 193B to correct the reference in the note to new section 193(7).

Clause 38 amends section 193C to make consequential amendments arising from the changes to section 193.

Subclause (1) removes an obsolete reference to section 193(4) from subsection (2).

Subclause (2) inserts subsection (3) which provides that subsection (2) overrides the time limit for deciding the application provided for in section 193(2).

Clause 39 inserts new sections 193F relating to notice to be given if the parole board decides to defer an application for a parole order under this subdivision.

New section 193F (Chief executive to be notified of deferral) relates to deferral of an application for a parole order.

Subsection (1) provides the section applies if the parole board decides to defer deciding an application for a parole order under this subdivision.

Subsection (2) requires the Board to give the chief executive notice of the decision, the relevant provision under which the decision was made and, if known, the proposed date for consideration of the application.

Clause 40 amends subsection 194(3) to require that the board must give a copy of the parole order to the prisoner and the chief executive.

Clause 41 inserts new sections 195 (Start day for parole order) and 196 (Period before more parole order applications may be made by prisoner).

New section 195 sets out the start dates for a prisoner's parole order, depending on the section under which the parole application was made.

Subclause (1) provides that a 'start date' for a parole order is the date stated in the order.

Subclause (2) replicates existing section 193(10).

Subclause (3) replicates existing section 193(11) and makes minor amendments to improve the operation of the subsection.

New section 196 sets out the period before which the prisoner can make a parole application if the parole board refused the previous application. This implements the Government Response to recommendation 11 (Require the Parole Board to consider the interests of victims in parole reapplication decisions) of the *Review of Parole Board Queensland Final Report*.

Subclause (1) provides that this section applies if the Board refuses a prisoner's parole application. It specifies that this section does not apply to an application for an exceptional circumstances parole order.

Subclause (2) requires the parole board to decide a period of time during which the prisoner cannot reapply for parole, which is referred to as the 'exclusion period.'

Subclause (3) provides that different maximum exclusion periods apply to a prisoner, depending on the length of the prisoner's period of imprisonment.

Subclause (4) sets out the matters to which the Board must have regard in deciding the exclusion period and a matter to which the board may have regard.

Subclause (5) defines 'victim' for the purpose of this section.

Clause 42 amends section 200 to include additional conditions the Board may impose to protect victims and the safety of the community. This amendment implements the Government Response to recommendation 15 of the Parole Board Review.

Subclause (1) amends existing subsection (3) to provide two additional types of conditions that a parole order may contain where the board considers it reasonably necessary. That is, conditions the Board considers reasonably necessary to stop the prisoner endangering the safety of the community or any registered victim for the prisoner or to stop the prisoner causing psychological harm to any registered victim for the prisoner.

Subclause (2) inserts a new subsection (3A) to require the parole board to consider whether any parole conditions are necessary to ensure that the safety of the community and any registered victim for the prisoner are not endangered by the prisoner while released on parole; and to protect a registered victim from psychological harm by the prisoner while on parole.

Subclause (3) inserts a definition of *parole period*, which means, in this section, the period during which a prisoner is released on parole.

Subclause (4) renumbers section 200(3A) to (5) as section 200(4) to (6).

Clause 43 amends section 221 to replace the current subsection (2) to specify psychiatry and forensic psychology as examples of a relevant qualification in medicine or psychology for a professional board member, implementing the Government Response to recommendation 30 of the *Review of Parole Board Queensland Final Report*.

Clause 44 replaces section 222 to simplify the qualifications for appointment as the president and each deputy president of the Board, clarifying that there is not a requirement that an appointee must be a former judge. The discretion for determining equivalent qualifications, experience or standing by the Governor in Council, has also been removed. This implements the Government Response to recommendation 26 of the *Review of Parole Board Queensland Final Report*.

Clause 45 makes a consequential amendment to section 223 of the CSA.

Clause 46 amends section 229A to insert new subsection (5) that provides the president of the parole board must ensure the practices and procedures of the Board facilitate the efficient and effective operation of the secretariat. This implements the Government Response to recommendation 31 of the *Review of Parole Board Queensland Final Report*.

Clause 47 omits section 229B (Delegation of particular function of president) as this is now addressed in new section 175DA (chapter 5, part 1AB, division 1, as amended by this Act).

Clause 48 amends section 230 (Conduct of business) to replace subsection (a) to include references to mandatory and subsequent restricted prisoner declarations and to recognise that a deputy president may perform the functions and exercise the powers of the president in relation to restricted prisoner declarations. This implements the Government Response to recommendation 24 of the *Review of Parole Board Queensland Final Report*.

Clause 49 omits section 233(8) as this is now addressed in section 189.

Clause 50 inserts new section 233A which provides for when the president or a deputy president is disqualified from making or deciding a restricted prisoner declaration or term given the expansion of the powers to make the declaration and the removal of section 229B.

Subsection (1) provides that this section applies if the president or a deputy president (each the affected person) considers the person cannot properly decide the term of a mandatory restricted prisoner declaration, or the making of a subsequent restricted prisoner declaration.

Subsection (2) provides that without limiting subsection (1), this section also applies if the affected person has a direct or indirect interest in relation to the prisoner that could conflict with proper performance of the function.

Subsection (3) requires that the affected person must disclose to the parole board the matters relevant to their inability to properly perform the function and if subsection (2) is relevant, the direct or indirect interest. Further, the affected person must not make a mandatory restricted prisoner declaration or decide a subsequent restricted prisoner declaration.

Subsection (4) defines that in this section, 'interest' in relation to a prisoner, includes a professional or familial interest.

Clause 51 replaces existing section 235A to allow the president to publish a decision of the parole board and the reasons for the decision and prescribes the considerations and process for publication of the decision. This implements the Government Response to recommendation 14 of the *Review of Parole Board Queensland Final Report*.

Subsection (1) provides that the president may publish a decision of the parole board, and the reasons for the decision, if the president is satisfied that doing so would be in the public interest.

Subsection (2) allows the president, in publishing the decision, to redact any sensitive or identifying information of a prisoner or a victim of a prisoner from the decision or reasons for the decision, or to include only a summary of the reasons for the decision.

Subsection (3) provides that subsections (4) to (6) apply if the decision relates to an application for a parole order.

Subsection (4) provides that in deciding whether publication is in the public interest, the president must consider the potential impact of publication on community safety and, if the president is aware of a victim of the prisoner, on the victim of the prisoner.

Subsection (5) provides the president must, before publishing the decision, notify any registered victim for the prisoner of the proposal to publish and the reasons for it, invite them to make a submission about the publication within 21 days, and consider any submissions received.

Subsection (6) provides that for the purposes of subsection (5), the president and the chief executive may share information. Authorising this sharing of information enables the chief executive to assist in contacting victims about the proposed publication of decisions through the Victims' Register.

Subsection (7) inserts definitions for *identifying information*, *sensitive information* and *victim*, of a prisoner, for this section.

Clause 52 amends section 242F(1) to insert a new subsection (c) that requires the parole board, in addition to current report requirements for each financial year, to give the Minister a report about any education or training related to the parole board's functions undertaken by a board member. This implements the Government Response to recommendation 29 of the *Review of Parole Board Queensland Final Report*.

Clause 53 amends section 245 which provides that the chief executive must prepare and give a report to the parole board.

Subclause (1) amends section 245 to insert 'comprehensive' before 'report' to require that the chief executive must provide the board with a comprehensive report on a prisoner's parole application. This implements the Government Response to recommendation 4 of the *Review of Parole Board Queensland Final Report*.

Subclause (2) inserts a new subsection (2) that provides that if the chief executive is asked to prepare and give a comprehensive report to the parole board on a prisoner's parole application, the chief executive must ensure the report is comprehensive and contains enough details to help the board to decide the application.

Subclause (3) inserts a new subsection (3) that provides that subsection (4) applies if a report given to the parole board includes information about a person, other than the prisoner, that the chief executive considers is personal to the person or is otherwise sensitive.

Subclause (4) inserts a new subsection (4) that requires the chief executive to provide a written notice to the parole board with the comprehensive report which states the nature of the information; and the reasons the chief executive considers the information is personal or sensitive.

Clause 54 amends section 319G(3) to include additional matters about which the tribunal must consider any relevant submissions in determining whether the treatment or proposed treatment of an offender is reasonable. 'Tribunal' is defined in section 319A to mean the Queensland Civil and Administrative Tribunal.

Subclause (1) provides that the tribunal must consider submissions about the need to protect the safety or wellbeing of a victim of a crime or the safety of the community and the need to protect national security. A determination by the tribunal that the treatment or proposed

treatment is reasonable, having regard to these matters, means the protected defendant did not directly discriminate against the offender.

Subclause (2) rennumbers 319G(3)(ha) to (j) as section 319G(3)(i) to (l) as a consequence of subclause (1).

Clause 556 amends section 319H(2) to include additional matters about which the tribunal must consider any relevant submissions in determining whether a term a protected defendant imposes or proposes to impose for an offender is reasonable. Section 319H(3) provides that a 'term' includes a condition, requirement or practice, whether or not written.

Subclause (1) provides that the tribunal must consider submissions about the need to protect the safety or wellbeing of a victim of a crime or the safety of the community and the need to protect national security. A determination by the tribunal that the term imposed or proposed to be imposed is reasonable, having regard to these matters, means the protected defendant did not indirectly discriminate against the offender.

Subclause (2) rennumbers 319H(2)(ha) to (j) as section 319H(2)(i) to (l) as a consequence of subclause (1).

Clause 567 inserts new sections 319ZM and 319ZN to enable information about the Victims' Register, including the registration process, to be proactively provided to victims of violent, sexual and domestic violence offences. This implements the Government Response to recommendation 45 of the *Review of Parole Board Queensland Final Report*.

New section 319ZM (Prosecuting authority to give victim information to chief executive) sets out the requirements for a prosecuting agency to provide victim contact information to the chief executive.

Subsection (1) provides that the section applies if a person is sentenced to a term of imprisonment for an offence of violence, or a sexual offence, or a domestic violence offence, or an offence against the *Bail Act 1980*, if the offence relates to an offence of violence or a sexual offence.

Subsection (2) provides the information for each victim of the offence that must be provided to the chief executive, in writing, by the prosecuting authority as soon as practicable after the sentencing of the person.

Subsection (3) provides that the prosecuting authority must also provide contact information for the victim's parent or guardian where the victim is a child and for a guardian or an attorney with an enduring power of attorney if the victim has impaired capacity.

Subsection (4) provides that information is to be given under subsections (2) and (3) only to the extent the prosecuting agency has the information.

Subsection (5) provides that if a victim of the offence died as a consequence of the offence, this section applies to each immediate family member as if a reference to the victim in subsections (2), (3) and (4) were a reference to the family member. The prosecuting agency

need only provide victim information about an immediate family member if it has the information.

Subsection (6) defines *domestic violence offence*, *offence of violence*, *prosecuting authority* and *victim* with the meanings used in this section.

New section 319ZN (Chief executive to inform victim or agent of victims' register) requires the chief executive to proactively inform a victim about the Victims' Register.

Subsection (1) provides that the section applies if the chief executive receives information about a victim under new section 319ZM.

Subsection (2) creates a requirement for the chief executive to contact a victim, as soon as practicable after receiving information, to inform them about the victims' register. This includes the types of information that may be provided to registered victims and the process for registration.

Subsection (3) provides alternative contacts the chief executive must contact instead of the victim if the victim is a child or has impaired capacity. For a child, the chief executive must contact a parent or guardian unless they are satisfied that contacting the child is in the child's best interests. For a victim with impaired capacity, the chief executive must contact either the victim's guardian or an attorney of the victim with enduring power of attorney.

Subclause (4) requires the chief executive to use the victim's preferred method of contact, if known, when contacting them under subsection (2).

Subclause (5) sets out the circumstances in which the chief executive is not required to contact a victim under this section.

Clause 57 amends chapter 6, part 13, division 1, heading, to replace 'eligible persons' with registered victims.

This implements the Government Response to recommendation 46 of the *Review of Parole Board Queensland Final Report*.

Clause 58 replaces existing section 320 to adopt the new terminology of 'victims register' and 'registered victim', and to enable the chief executive (youth justice) to request registration on behalf of a person.

Subsection (1) replicates existing section 320(1), with the inclusion of a reference to the victims register and replacement of 'eligible persons' with 'persons'.

Subsection (2) replicates existing section 320(4), replacing references to 'eligible persons register' and 'eligible person' with 'victims register' and 'person', respectively. The subsection also introduces new subsection (c) to enable the chief executive (youth justice) to request registration on behalf of a person registered on the youth justice victims register when the youth offender is transferred to custody in an adult corrective services facility after turning 18 years of age.

Subsection (3) substantively replicates existing section 320(2), with the inclusion of signposts to the specific sections relating to eligibility for registration and replaces references to 'eligible persons register' with 'victims register' and 'entitled' with 'eligible', clarifying that a person is eligible for registration subject to subsection (4) rather than entitled to registration.

Subsection (4) replicates existing section 320(3), replacing 'eligible person' with 'registered victim' and a reference to subsection (2) with (3) to reflect the reordering of subsections within the section. Subsection (5) introduces a requirement for the chief executive to notify a person, in writing, of their inclusion as a registered victim in the victims register.

Subsection (6) inserts a definition of chief executive (youth justice).

Clause 59 amends section 321 to adopt new terminology and to ensure that victims can be registered where an offender is sentenced for a bail breach offence related to a violent or sexual offence.

Subsection (1) amends section 321(1) to replace 'eligible persons register against' with 'victims register for'.

Subsection (2) amends section 321(1) to insert new paragraph (c) enabling registration against a prisoner who has been sentenced to a period of imprisonment for an offence against the *Bail Act 1980* if the offence relates to an offence of violence or a sexual offence committed by the prisoner.

Subsection (3) amends section 321(2) to adopt the terminology of 'registered victim' and replace 'entitled' with 'eligible'.

Subsection (4) replaces subsection (2)(a) with subsections (2)(a), (aa) and (ab) to reflect the new terminology of 'registered victim'.

Subsection (5) rennumbers section 321(2)(aa) to (b) as section 321(2)(b) to (d).

Clause 60 replaces existing section 323A, substantially replicating the existing section with new terminology, 'registered victim' instead of 'eligible person' and 'eligible to' or 'may' be registered, rather than 'entitled'.

Clause 61 amends section 323B, including the heading, to replace 'eligible person' with 'registered victim' and 'eligible persons register' with 'victims register'. The section allows a registered victim to nominate an entity, such as a victim's support agency, to receive information on their behalf that might otherwise be provided to them through the victims register.

Clause 62 amends section 324, including the heading, to replace 'eligible person' with 'registered victim' and 'eligible persons register' with 'victims register' and makes minor related drafting changes.

Clause 63 amends section 324AA including the heading, to replace 'eligible person' with 'registered victim' and 'eligible persons register' with 'victims register' and makes minor related drafting changes.

Clause 64 replaces existing sections 324A and 325 with new sections 324A, 324B and 325 to require the chief executive to provide additional information about the prisoner or homicide offender to a registered victim and to expand the information that may be provided, where appropriate. The new sections also replace 'eligible person' with 'registered victim' and 'eligible persons register' with 'victims register'. This implements the Government Response to recommendations 13, 25, 35 and 43 of the *Review of Parole Board Queensland Final Report*.

Section 324A (Right of registered victims to receive particular information about prisoner).

Subsection (1) provides the section applies if there is a registered victim for a prisoner.

Subsection (2) requires the chief executive to give specified information about the prisoner to a registered victim immediately after becoming aware of the information.

Subsection (3) requires the chief executive to give specified information about the prisoner as soon as practicable after becoming aware of the information and expands the information that must be provided to include, for example, the results of the prisoner's application for a parole order (new subsection 324A(3)(c)), the period within which the prisoner cannot reapply for an ordinary parole order, without the board's consent (new subsection 324A(3)(d)), and decisions relating to, or change in status of, a restricted prisoner or a no body-no parole prisoner (new subsections 324A(3)(g) to (i)).

Subsection (4) provides the section is subject to section 324AA, consistent with existing section 324A(1).

New subsection (5) inserts definitions for the section, including a definition of ordinary parole order, meaning a parole order other than an exceptional circumstances parole order.

Section 324B (Right of registered victims to receive particular information about homicide offender).

Subsection (1) provides the section applies if there is a registered victim for a homicide offender and the homicide offender is not a prisoner.

Subsection (2) requires the chief executive to give the registered victim specified information as soon as practicable after becoming aware of it.

Subsection (3) provides that information about the death of the homicide offender must be provided to the registered victim immediately after the chief executive becomes aware of it.

Subsection (4) provides the section is subject to section 324AA, consistent with existing section 325(1).

Section 325 (Giving registered victims other information).

Subsection (1) enables the chief executive to give the registered victim for a prisoner or homicide offender, including a homicide offender who is not a prisoner, any information about the prisoner or offender that the chief executive considers appropriate.

Subsection (2) provides examples of information that may be provided about the prisoner, including details of rehabilitation activities engaged in by the prisoner.

Subsection (3) provides examples of information that may be provided about a homicide offender who is not a prisoner.

Subsection (4) provides the section is subject to section 324AA, consistent with existing section 325(1).

Clause 65 inserts new section 340AB which places restrictions on disclosure of particular information for deciding parole applications.

New subsection (1) provides that this section applies if the parole board is deciding an application for a parole order; and the chief executive gives the parole board a report on, or information relating to, the application, accompanied by a notice mentioned in section 245(4).

New subsection (2) provides that the parole board must not disclose the information to which the notice relates (the relevant information), other than under subsection (4).

New subsection (3) provides that the parole board must keep the notice as part of the record of the decision on the application, regardless of whether, or the extent to which, the board's consideration of the notice has influenced the decision.

New subsection (4) provides that the relevant information may be disclosed only to a court for the purpose of a proceeding relating to the decision, or a proposed decision, on the application; or with the approval of the chief executive.

New subsection (5) provides that the court must ensure the contents of the record of the decision are not disclosed except to a member of the court as constituted for the purpose of the proceeding.

Clause 66 inserts new chapter 7A, part 21 in the CSA which sets out transitional provisions.

Section 491 defines the terms '*amendment Act*,' '*former*', and '*new*' which are used in this part.

Section 492 provides the transitional arrangements for new chapter 5 in relation to no body-no parole prisoners.

Subsection (1) provides that from commencement, new section 175C applies to a prisoner sentenced for a homicide offence for which the prisoner was sentenced before the commencement and for a homicide offence committed by the prisoner before the commencement, whether or not the prisoner was sentenced before the commencement.

Subsection (2) sets out the circumstances in which subsection (3) applies. That is, if the parole board had asked the commissioner for a report about a no body-no parole prisoner under section 175M and the board had not decided whether to make a no cooperation declaration prior to commencement.

Subsection (3) requires that the parole board make the decision under new chapter 5, parts 1AA and 1AC.

Section 493 provides the transitional arrangements for section 175D.

Subsection (1) states that this section provides for the application of new section 175D to a life-sentenced prisoner, other than a prisoner who met the former definition of 'restricted prisoner.'

Subsection (2) provides that new section 175D applies to a life-sentenced prisoner, regardless of whether the prisoner's sentence was imposed before commencement.

Subsection (3) sets out the circumstances in which subsection (4) applies. That is, if the prisoner had been released on parole and was still released on parole before commencement or if the parole board had granted the prisoner's parole application immediately before commencement and the parole order was in force but had not started.

Subsection (4) qualifies the application of subsection (2), providing that new section 175D does not apply unless the prisoner's parole order is cancelled after commencement.

Section 494 provides the transitional arrangements for the new mandatory restricted prisoner declaration.

Subsection (1) provides that from commencement, new chapter 5, part 1AB, division 2 applies to a restricted prisoner sentenced to life imprisonment, even if the sentence was imposed before commencement; the prisoner had reached their parole eligibility date; or the prisoner had applied for parole before commencement.

Subsection (2) sets out the circumstances in which subsection (3) applies. That is, the prisoner had been released on parole and was still released on parole; or the parole board had granted the prisoner's application for parole and the parole order was in force but had not started before commencement.

Subsection (3) provides that despite subsection (1), new chapter 5, part 1AB, division 2 does not apply unless the prisoner's parole order is cancelled after commencement.

Subsection (4) clarifies that this section applies subject to sections 495 and 496.

Section 495 provides the transitional arrangements for restricted prisoners who are subject to a restricted prisoner declaration at the time of commencement.

Subsection (1) provides that this section applies if a former restricted prisoner declaration was in force for a prisoner at any time before commencement.

Subsection (2) states that new restricted prisoner framework in chapter 5, part 1AB, division 2 does not apply to the sentence of imprisonment to which the former restricted prisoner declaration related.

Subsection (3) provides that despite section 175DJ, new chapter 5, part 1AB, division 3 applies in relation to the restricted prisoner for the sentence of imprisonment to which the former restricted prisoner declaration related.

Subsection (4) provides that if a restricted prisoner declaration was in force immediately prior to commencement, the declaration remains in force as a subsequent restricted prisoner declaration.

Subsection (5) defines 'former restricted prisoner declaration' for the purpose of this section.

Section 496 provides the transitional arrangements for restricted prisoners for whom a former restricted prisoner declaration was declined.

Subsection (1) provides that this section applies where, before commencement, the chief executive gave the president a former restricted prisoner report for a restricted prisoner in relation to a sentence of life imprisonment imposed on the prisoner and the president decided not to make a former restricted prisoner declaration about the prisoner in relation to the sentence.

Subsection (2) provides that new chapter 5, part 1AB, division 2 (Mandatory restricted prisoner declarations) does not apply in relation to the restricted prisoner for the sentence of imprisonment to which the former restricted prisoner report related.

Subsection (3) provides that despite the new section 175DJ, new chapter 5, part 1AB division 3 (Subsequent restricted prisoner declarations) applies in relation to the restricted prisoner for the sentence of imprisonment to which the former restricted prisoner report related.

Subsection (4) provides that a *former restricted prisoner declaration* means a restricted prisoner declaration under the former section 175E. A *former restricted prisoner report*, for a restricted prisoner, means a report prepared by the chief executive about the prisoner under the former section 175F.

Section 497 provides the transitional arrangements for exceptional circumstances parole orders made but not decided before commencement.

Subsection (1) applies this section to an application made to the parole board for an exceptional circumstances parole order, but not decided, before the commencement.

Subsection (2) provides the application must be decided under the former Act as if the amendment Act had not been enacted.

Subsection (3) defines '*former Act*' for the purpose of this section.

Section 498 provides the transitional arrangements for new paramount consideration for parole order applications.

Subsection (1) provides that section 193, as in force from the commencement applies to a parole order application made, but not decided, before the commencement.

Subsection (2) provides that section 196, as in force from the commencement, applies to a parole order application made before the commencement if an exclusion period is to be decided for the application and the exclusion period was not decided before the commencement.

Subsection (3) defines the terms 'exclusion period' and 'parole order application' for use in this section.

Section 499 provides the transitional arrangements for notices given to eligible persons before commencement.

Subsection (1) applies the section if before commencement, an eligible person was given a written notice under former section 188(2) and immediately before the commencement, the prisoner's application for parole had not been decided.

Subsection (2) provides that former sections 188 to 190 continue to apply in relation to the prisoner's application for a parole order as if the amendment Act had not been enacted.

Section 500 provides the transitional arrangements for eligible persons and register.

Subsection (1) provides that the eligible persons register in existence immediately before the commencement continues in existence as the victims register.

Subsection (2), to remove any doubt, provides that the replacement of section 320 by the amendment Act does not establish a new register.

Subsection (3) provides that an application or referral under former section 320(4) that, immediately before the commencement, had not been decided is taken to be an application or request under new section 320(2).

Subsection (4) provides that a person who was an eligible person immediately before the commencement is, from the commencement, taken to be a registered victim.

Section 501 provides the transitional arrangements for information that must be given to registered victims.

Subsection (1) applies the section if information mentioned in new section 324A or 324B was within the knowledge of the chief executive before the commencement and immediately before the commencement had not been given to an eligible person registered against the prisoner or homicide offender.

Subsection (2) provides that the chief executive is taken to have become aware of the information immediately after the commencement.

Clause 67 omits chapter 8 (Repeal).

Clause 68 amends Schedule 1 to include new Commonwealth and Queensland sexual offences.

Clause 69 amends definitions in Schedule 4 (Dictionary).

Part 3 Amendment of Victims' Commissioner and Sexual Violence Review Board Act 2024

Clause 70 states that this part amends the *Victims' Commissioner and Sexual Violence Review Board Act 2024*.

Clause 71 replaces certain terms in schedule 1 to reflect that the term 'eligible person' has been replaced with 'registered victim' in the *Corrective Services Act 2006* and the *Youth Justice Act 1992*.

Clause 723 replaces the definition of 'eligible person' in relation to another person in schedule 2 with a definition of 'registered victim' in relation to another person. The substance of the definition is otherwise unchanged.

Part 4 Amendment of Youth Justice Act 1992

Clause 73 provides that this part amends the *Youth Justice Act 1992*.

Clause 74 subclause (1) amends section 136 (Application of *Corrective Services Act 2006*). Subclause (1) amends section 136(c)(ii) to clarify that it only applies where the offender is serving a fixed period of detention or liable to serve a fixed period of detention.

Subclause (2) inserts new subsection (4) to provide that to remove any doubt, it is declared that if the offender is sentenced to detention for life, the *Corrective Services Act 2006*, chapter 5, part 1 applies for deciding the offender's parole eligibility date under that Act.

Clause 75 inserts new section 226AA Application of div 3 in part 7, division 10, subdivision 3 of the YJA. New section 226AA provides that subdivision 3 applies to a child who is sentenced to a fixed period of detention. Clause 86 inserts a definition of fixed period of detention, which means a period of detention under a detention order other than detention for life. Therefore, section 226AA clarifies that subdivision 3 does not apply to children sentenced to detention for life. Subdivision 4 applies to children sentenced to detention for life.

Clause 76 amends section 233 to insert a legislative note which provides that for the application of the *Corrective Services Act 2006* to a person required to be detained in a corrective services facility under part 8, division 2A, see section 276E(2).

Clause 77 amends section 276A (Persons who turn 18 years before delivery into custody of chief executive). Subclause (1) amends section 276A(5)(c)(iii) so that it only applies to a person sentenced to serve a fixed period of detention.

Subclause (2) inserts paragraph (iv) in subsection 276A(5)(c). Paragraph (iv) provides that the notice given by the chief executive of the Department of Youth Justice and Victim Support to the chief executive of Queensland Corrective Services under subsection (5) must state for detention for life—the person's parole eligibility date under the *Corrective Services Act 2006*.

Clause 78 amends section 276B (Persons who turn 18 years before period of detention begins) to remove subsection (3)(c) and replace it with new subsections (c) and (d). New subsection (c) provides that if the person is liable to serve a fixed period of detention, the notice given

under subsection (3) must state the day on which the person is required to be released from detention under section 227.

New subsection (d) provides that if the person is liable to serve detention for life, the notice given under subsection (3) must state the person's parole eligibility date under the *Corrective Services Act 2006*.

Clause 79 amends section 276C (Persons who turn 18 years while held on remand or serving period of detention). Subclause (1) amends section 276C(4)(c)(ii) so that it only applies to a person serving a fixed period of detention.

Subclause (2) inserts subsection (iii) into section 276C(4)(c). Subsection (iii) provides that if the person is serving detention for life, the notice given under subsection (4) must state the person's parole eligibility date under the *Corrective Services Act 2006*.

Subclause (3) amends section 276C(5)(c)(ii) so that it only applies to a person serving a fixed period of detention.

Subclause (4) inserts subsection (iii) into section 276C(5)(c). Subsection (iii) provides that if the person is serving detention for life, the notice given under subsection (5) must state the person's parole eligibility date under the *Corrective Services Act 2006*.

Clause 80 amends section 276E (Application of *Corrective Service Act 2006*). Subclause (1) omits reference to section 276A(5)(a) in section 276E(1)(a) and replaces it with a reference to section 276A.

Subclause (2) amends section 276E(2)(c)(ii) to clarify that it applies if the person is serving a fixed period of detention, or liable to serve a fixed period of detention.

Subclause (3) inserts new subsection (4) in section 276E. Subsection (4) provides that to remove any doubt, it is declared that if the person is sentenced to detention for life, the *Corrective Services Act 2006*, chapter 5, part 1 applies for deciding the person's parole eligibility date under that Act.

These amendments clarify how the *Corrective Services Act 2006* applies to a person serving or liable to serve detention for life, in comparison to a person serving or liable to serve a fixed period of detention. It acknowledges that a person sentenced to detention for life for a child offence receives a parole eligibility date under section 233.

Clause 81 inserts new section 282AA to include definitions for the division before section 282A of the Act. This inserts definitions of 'sexual offence' and 'violent offence' for Part 8, Division 7 of the *Youth Justice Act 1992*. The definitions are relocated from current section 282A of the *Youth Justice Act 1992* and are otherwise unchanged.

Clause 82 amends section 282A of the Act to update the name of the register from 'eligible persons register' to 'Victims' Register'.

Subclause (2) amends section 282A to expand eligibility for the register to include an offence against the *Bail Act 1980* if the offence relates to a violent offence or a sexual offence committed by the child.

Subclause (3) amends subsections 282A(2)(a) and (b) to capture the expanded eligibility.

Subclause (4) amends existing subsection 282A(3) to remove a reference to former subsection (9).

Subclause (5) makes a consequential amendment to replace the use of 'eligible person' with 'a registered victim'.

Subclause (6) omits former subsection 282A(9) which requires the chief executive, before registering an eligible person under section 282A(3), to give the child detained for the offence a reasonable opportunity to make a submission about why the victim or immediate family member should not be registered.

Subclause (7) omits the definitions for *sexual offence* and *violent offence* as they have been relocated to new section 282AA

Subclause (8) renumbers the subsections accordingly.

Clause 83, subclause (1) amends section 282BA to remove reference to 'an eligible person' and replace it with 'a registered victim'.

Subclause (2) amends section 282BA(1)(c)(ii) to provide that a person may apply in writing to the chief executive to be registered as a 'registered victim' in relation to a child mentioned in section 282A(1) where there is a connection between the person and the violence offence or sexual offence committed by the child. This is intended to include the violent or sexual offence that the offence against the *Bail Act 1980* is in relation to.

Subclause (3) omits former subsection 282BA(4) which required that, before deciding an application is eligible under subsection (1)(c) to make the application, the chief executive must give the child a reasonable opportunity to make a submission to the chief executive about why the applicant should not be registered as an eligible person.

Clause 84, subclause (1) amends the title of section 282E to replace 'eligible persons register' with 'victims register'

Subclause (2) amends section 282E(1) to replace references to 'an eligible person register' to 'victims register' and references to an 'eligible person' with 'registered victim.'

Subclause (3) amends section 282E(1)(c) to replace reference to 'eligible person' with 'registered victim'.

Subclause (4) amends section 282E(2) to replace reference to 'an eligible person's' with 'a registered victim's'.

Subclause (5) amends section 282E(2)(b) to replace reference to 'eligible person' with 'registered victim'.

Subclause (6) amends section 282E(3) to provide that the chief executive may also remove a registered victims' details from the register if the chief executive is unable, after making reasonable efforts, to contact the registered victim. This is also to update terminology to refer to a registered victim.

Subclause (7) amends section 282E(4) to replace reference to 'an eligible person' with 'a registered victim'.

Subclause (8) amends section 282E(4)(b) to replace reference to 'eligible person' with 'registered victim'.

Subclause (9) amends section 282E(5) to provide that for the purpose of this section, *details*, of a registered victim includes details of a nominee under section 282A(3A) or 282BA(3) for the registered victim. This is also to update terminology to refer to a registered victim.

Clause 85 inserts new part 11, division 32 which provides the transitional provisions relating to the eligible persons register.

Section 455 inserts a definition of *amendment Act* for the division.

Section 456 provides for the continuation of eligible persons and eligible persons register as the registered victim and victims register, respectively, and to remove any doubt, declares that the amendment of section 282A by the amendment Act does not establish a new register.

Section 457 provides the transitional arrangements for existing applications for registration as an eligible person, made before commencement.

Clause 86 amends schedule 4 (Dictionary) to omit the definition of 'exceptional circumstances parole', replace definitions of 'eligible person' and 'eligible persons register' with definitions of 'registered victim' and 'victims register', and amend definitions for 'sexual offence' and 'violent offence' for part 8, division 7, to refer to the new section 282AA.

Part 5 Other amendments

Clause 87 states that Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments (section 87)

Corrective Services Act 2006

Clauses 1 and 2 replace the term 'division,' with 'part' in section 175K to reflect the reordering of the CSA.

Clause 3 inserts 'timely' in the specified sections to reflect that cooperation must be both timely and satisfactory.

Clause 4 replaces the term 'Parole board may' with 'When parole board must' in section 175L, heading.

Clause 5 replaces the term division,' with 'part' in section 175L to reflect the reordering of the CSA.

Clause 6 updates a section reference.

Clause 7 inserts 'or (5)' after '193A(2)' in section 175L.

Clause 8 amends section 175R(4)(b) to reflect that cooperation must be both timely and satisfactory.

Clause 9 makes a minor amendment to section 319ZE(1).

Clause 10 replaces references to 'eligible persons register against' with 'victims register for' to reflect the amended terminology.

Clause 11 amends the specified sections to reflect that the chief executive has to assess a person's eligibility before they are registered on the victims register.

Clause 12 amends the specified sections to reflect the change in terminology from 'eligible person' to 'registered victim.'

Clause 13 makes a minor amendment to section 323, heading to reflect the amended terminology.

Clause 14 amends section 323(2)(b) to replace the term 'against' with 'as a registered victim for' to reflect the amended terminology.

Youth Justice Act 1992

Clause 1 amends the heading for part 7, division 10, subdivision 3 to replace the term 'after' with 'for'.

Clauses 2 to 5 amend the specified sections to reflect the change in terminology from 'eligible person' to 'registered victim'.