

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

Statement About Exceptional Circumstances

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

In accordance with section 44 of the *Human Rights Act 2019* (HRA), I, Laura Gerber, Minister for Youth Justice and Victim Support and Minister for Corrective Services make this statement about exceptional circumstances with respect to the Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026 (the Bill).

In the Bill, new section 5B of the *Corrective Services Act 2006* (CSA) provides that section 58 of the HRA does not apply to acts and decisions of the chief executive or a corrective services officer in the administration of the CSA or the *Dangerous Prisoners (Sexual Offenders) Act 2003*, that relate to a prisoner or a supervised dangerous prisoner (sexual offender).

The Government accepts that these provisions are incompatible with human rights. Therefore, in this exceptional case, the HRA is being overridden, and its application is entirely excluded from the operation of these new provisions where necessary to protect community safety and ensure the effective operation of Queensland's corrective services system.

Queensland Corrective Services (QCS) is responsible for the safe, secure and effective operation of Queensland's corrective services system. In performing that role, QCS officers make operational decisions every day to maintain the safety, security and good order of corrective services facilities, safely manage prisoners and offenders, and protect officers and the broader community.

Corrective services is an inherently high-risk operating environment. The Government considers that QCS officers should not be required to undertake additional human rights assessments in the interests of an individual prisoner before taking otherwise lawful action necessary to safely and effectively manage prisoners, maintain the security and good order of corrective services facilities, or protect staff and the community from harm. Officers must be able to make lawful operational decisions efficiently and decisively, without unnecessary administrative processes diverting time and resources from the safe and secure management of prisoners and corrective services facilities.

The Government does not consider that requiring officers to undertake an additional assessment of an individual prisoner's human rights before making these operational decisions reflects community expectations about how Queensland's corrective services system should operate. The safety and security of corrective services facilities, officers, and the broader community must come first.

This is particularly important in respect of persons supervised and managed under the *Dangerous Prisoners (Sexual Offenders) Act 2003*. These are offenders who have completed

their sentence and cannot continue to be held in prison, but who have been found by a court to pose an ongoing risk of committing a serious sexual offence if released into the community without appropriate supervision. The Government considers that, in managing these offenders, QCS officers must be empowered to act protectively and with no tolerance for risk to community safety. The individual human rights of an offender should not prevent QCS from taking otherwise lawful action necessary to maintain the safe and effective operation of contingency accommodation precincts, enforce the conditions applying to offenders, or protect officers, other persons and the broader community from harm.

Queenslanders rightly expect QCS to safely and securely manage prisoners and dangerous offenders and protect the community from harm. The Government considers that QCS officers should be able to get on with that task without unnecessary administrative requirements diverting resources from, delaying, or unnecessarily constraining the performance of the core community safety functions.

The Government considers that the circumstances outlined above constitute exceptional circumstances involving a threat to public safety.

These provisions are intended to serve as the override declaration envisaged by section 44 of the HRA. In accordance with section 45 of the HRA, the HRA has no application to these provisions and a body performing functions or exercising powers under the CSA is not a public entity within the meaning of the HRA in respect of its performance of those functions or exercise of those powers.

Laura Gerber MP
Minister for Youth Justice and Victim Support and
Minister for Corrective Services

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