Minister for Fire and Disaster Recovery and
Minister for Corrective Services

Queensland Government

Ref: QCS-01157-2024
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26 March 2024

Mr Peter Russo MP
Chair Legal Affairs and Community Safety Committee
CSLAC@parliament.qld.gov.au

Dear Mr Russo

Thank you for your email of 19 March 2024 seeking additional assistance with the Community Safety and Legal Affairs Committee's (the Committee) inquiry into the *Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024* (the Bill).

I asked Queensland Corrective Services (QCS) to consider the issues raised in your email about the compatibility of the Bill with the *Human Rights Act 2019*. As requested, please find a response to those issues at **Attachment 1**.

I further note that at the briefing on 22 March 2024, QCS also committed to providing a response to the Committee in relation to additional feedback provided by stakeholders. Please find QCS response for the Committee's consideration at **Attachment 2**.

Should you wish to discuss this matter, please contact Ms Helen Ferguson, Acting Director, Legislation Group, Policy and Legal Command, QCS on telephone [redacted] or via email at [redacted].

Yours sincerely

The Honourable Nikki Boyd MP
Minister for Fire and Disaster Recovery and
Minister for Corrective Services

Enc.

Attachment 1

Community Safety and Legal Affairs Committee

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

Further detail to support consideration of compatibility with the *Human Rights Act 2019* (HRA)

The following provides additional detail in response to matters raised by the Committee about the human rights compatibility of amendments in *the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024* (the Bill).

Amendments to the *Corrective Services Act 2006* (CSA)

1. Detention of Norfolk Island prisoners

The Committee queried whether the following options could achieve the purpose of the amendment in a less restrictive manner:

- the Bill were to include a requirement that decisions relating to transfer of prisoners take into account the best interests of the child and the positive duty to protect families and children,
- financial assistance was provided for family members of prisoners transferred from Norfolk Island to visit imprisoned relatives, and
- the Bill were to facilitate temporary transfers of prisoners back to Norfolk Island for family visits, taking into account the best interests of the child and the positive duty to protect families and children.

Response

Decisions relating to the transfer of prisoners

The Commonwealth Government is responsible for funding and delivering services to Norfolk Island, an external territory administered under the *Norfolk Island Act 1979* (Cth). On 22 October 2021, the Queensland Government signed the Intergovernmental Partnership Agreement on State Service Delivery to Norfolk Island, which facilitated the commencement of negotiations for the transition of responsibility for assisting the Commonwealth with the delivery of services on Norfolk Island to Queensland from the New South Wales Government.

Within this framework, the Commonwealth has requested Queensland's assistance with the lawful detention of Norfolk Island prisoners, as required. This is due to there being no suitable prison or similar facility available on Norfolk Island. The decision to detain a Norfolk Island prisoner and transfer that person to Queensland for detention rests solely within the jurisdiction of the Norfolk Island courts, and is governed by the laws of Norfolk Island. For example, the *Sentencing Act 2007* (NI) includes principles to guide the Norfolk Island court when determining an appropriate sentence.

The amendments in the Bill only apply once a Court has determined that a Norfolk Island prisoner is to be detained in Queensland. The HRA will apply to management of the prisoner once received in Queensland. For example, following their reception into a Queensland Corrective Services (QCS) facility, a prisoner may be transferred to an alternative corrective services facility in accordance with section 68 of the CSA for safety, medical, operational or rehabilitative reasons. Such a decision would require the decision maker to consider the decision's compatibility with human rights in accordance

with section 13 of the HR Act. This includes considering whether the decision limits relevant human rights including the protection of families and children.

Financial assistance for families to visit Norfolk Island prisoners in Queensland

The provision of financial assistance for families to visit Norfolk Island prisoners in Queensland is a matter for the Commonwealth Government and does not fall within the scope of the legislative framework for the provision of custodial services to Norfolk Island. The Bill provides for Norfolk Island prisoners to be treated consistently with other prisoners detained in Queensland, including in relation to matters such as access to visits and contact with family and other supports.

While it is acknowledged that there would be some travel involved from Norfolk Island to a Queensland facility, this is the case for any prisoner detained in Queensland whose family does not live in the vicinity.

Temporary transfers of prisoners to Norfolk Island for family visits

The amendments introduced in the Bill will enable Norfolk Island prisoners to be lawfully detained and managed in QCS facilities in accordance with the CSA, the HR Act and other legislation. Access to leave arrangements are already provided for under the CSA.

Subject to meeting the relevant criteria and with the approval of the chief executive, Norfolk Island prisoners may be granted a compassionate leave of absence under s73(1) of the CSA in order to establish or maintain a relationship with a child.

Norfolk Island prisoners held in custody in QCS facilities will have access to other communication mechanisms such as phone and video calls to facilitate contact with their families and children, consistent with other prisoners.

2. Sensitive information

The Committee queried whether consideration was given to the possibility of requiring a decision-maker to undertake a balancing of interests exercise to weigh whether the impact of disclosure on a person, the public interest and/or law enforcement activities outweighs procedural fairness in each case.

Response

As drafted, the provision creates discretion for a decision-maker to withhold information that reaches the threshold set out in the section. The decision-maker is not obliged to withhold the information but has the discretion not to disclose the information when giving reasons.

Importantly, the *Human Rights Act 2019* and *Judicial Review Act 1991* continue to apply to any decision to withhold information, ensuring that decisions are made in a way that is compatible with human rights. This inherently involves a balancing exercise between the reason to withhold the information and the limitations to the offender's human rights. Only where withholding the information is reasonably and demonstrably justifiable will the decision to withhold be compatible with human rights.

Any decision made to exercise the discretion will be made on a case-by-case basis with the information available to the decision-maker at the time. Where information is withheld, the 'gist' of the information will be required to be provided to the offender to ensure procedural fairness. A confidential note of the decision-maker's reasoning for withholding information will also be required to ensure appropriate record-keeping and oversight.

3. Searches

The Committee queried if consideration was given to elaborating on the 'special and diverse needs', stating that they include such matters as 'sex characteristics, disability and religion'.

Response

The following sections of the CSA refer to the special needs of an offender and inform the draft provision included in the Bill:

- Section 3 (Purpose) recognises the *special needs* of some offenders by taking into account "an offender's age, sex or cultural background, and any disability an offender has".
- Section 265 (Administrative procedures) requires administrative procedures to take into account the special needs of offenders when being created.
- *Special need* is also defined in schedule 4 to mean, "a need the offender has, compared to the general offender population, because of the offender's age, disability, sex or cultural background." An example is included in the definition – "the culturally specific needs of Aboriginal and Torres Strait Islander prisoners".

Additional guidance has been provided in the Explanatory Notes accompanying the Bill at page 49. In addition to the above, and that decisions must be made in accordance with the HRA, it is not deemed necessary to elaborate further on the special and diverse needs of offenders to ensure that these concepts are able to be interpreted broadly in future, in line with the purpose of the amendments.

4. Personal calls

The Committee seeks to understand why the maximum length of a suspension is six months under proposed new section 52, specifically, the rationale for choosing six months, rather than a shorter period, such as three months, which would have been less restrictive on human rights.

Response

Proposed section 52 of the Bill provides that the chief executive may suspend the approval of an individual for personal calls with a prisoner, while investigating whether the approval should be revoked.

Subsection 52(4) provides that the suspension of an approval of an individual ceases to have effect six months after it was imposed if the chief executive has not before then revoked the approval or withdrawn the suspension.

The six months suspension period is a maximum period, rather than a mandatory minimum and acts as a fall back position if a decision to revoke or continue contact is not made sooner. This timeframe is considered a realistic maximum in relation to the feasibility of fully considering a scenario and how best to proceed. For example, it may take time for police to advise that prosecution for an offence has commenced.

Attachment 2

QCS response to additional stakeholder submissions – 26 March 2024

Committee inquiry into the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024

Purpose

This document sets out responses from Queensland Corrective Services (QCS) to additional stakeholder submissions provided to the Community Safety and Legal Affairs Committee as part of its inquiry into the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024.

Specifically, this document sets out responses to:

1. Matters raised by the Bar Association of Queensland in its letter of 20 March 2024
2. Matters raised by Pride in Law in its letter of 21 March 2024, and
3. Matters raised by stakeholders in submissions 11, 12 and 13 to the Committee published after responses to submissions 1-10 were provided.

1. Response to issues raised by the Bar Association of Queensland – 20 March 2024

Section 340AA

The Bar Association of Queensland has proposed an alternate version of section 340AA. The Bar Association notes that the following features may be noticed about the proposed amended wording.

Summary of issue

First, the essential features of the currently drafted section 340AA are kept, and the policy objective of the section is retained, by protecting the confidentiality of the information to which it refers.

Response

The provision as currently drafted in the Bill is necessary as there is a higher threshold for non-disclosure of information on the basis of public interest. Therefore, public interest immunity may not protect the full scope of sensitive and confidential information captured by the provision from disclosure.

For example, public interest may lead to the disclosure of information notwithstanding there is a reasonable expectation that its disclosure would endanger a victim's life or physical safety or seriously threaten a victim's welfare. This might occur under the public interest immunity test if the decision-maker was satisfied of the prospect of a victim's life, physical safety and/or welfare being endangered if the information was released, but nonetheless formed the view that, on balance, the public interest favoured the release of the information.

The provision is intended to operate separately to the public interest test already established by law, not to replace it.

The provision is intended to ensure public confidence in the correctional system by protecting victim and intelligence information from being released through a clearer legislative provision. The provisions are also important in promoting the safety and wellbeing of victims and encouraging victims to disclose the information, while knowing that it will be protected.

Summary of issue

Secondly, the protection is framed in the Bar Association's alternate wording to be consistent with the common law and the *Judicial Review Act 1991* (JR Act) by requiring an assessment of the public interest

rather than an automatic protection. How this might impact on the operation of the provision can be illustrated by the following example. Section 340AA(1)(e), as presently drafted, automatically exempts from duties to provide reasons information that by its disclosure could reasonably be expected to prejudice the prosecution of certain kinds of offences. The prejudice might be slight but the section will exempt the information no matter how significant the information might be to the reasons for decisions and therefore a prisoner's review rights. However, under the Bar Association's redrafted provision, the decision-maker might conclude that the prejudice is so slight and the information so important to the public interest that it should not be exempted from the duty to provide reasons.

Response

The amendment as drafted does not provide any blanket or automatic exemption from the disclosure of sensitive information in decision-making. As drafted, the provision creates a **discretion** for a decision-maker to withhold information that reaches the threshold set out in the section. The decision-maker is not obliged to withhold the information but has the discretion not to disclose the information when giving reasons.

Importantly, the *Human Rights Act 2019* continues to apply to any decision to withhold information, ensuring that decisions are made in a way that is compatible with human rights. This inherently involves a balancing exercise between the reason to withhold the information and the limitations this presents on the offender's human rights. Only where withholding the information is reasonably and demonstrably justifiable will the decision to withhold be compatible with human rights.

Summary of issue

Thirdly, where the information in question is withheld from reasons under the Bar Association's redrafted section, the reasoning of the decision-maker can still be properly scrutinised under subsections (4) and (5) without disclosure of the relevant information to the prisoner. Thus an appropriate balance is struck between the public interest and the interests of ensuring that Government decision-making affecting rights is subject to appropriate scrutiny. This is consistent with the Commonwealth legislative precedent discussed in the Bar Association's correspondence.

Response

The prisoner or offender's right to judicial review of the decision to withhold the information is maintained under the provision as currently drafted, ensuring there is appropriate oversight.

Decision-makers considering the non-disclosure of information under section 340AA (regardless of the ultimate decision about disclosure) will be acutely aware of the possibility of the decision being scrutinised at a later time. Reasons for decisions (including the consideration of human rights issues) under section 340AA will be documented and available for examination by the Supreme Court, should judicial review proceedings be commenced. In addition to the documented reasons, documents containing the information covered by section 340AA (and not disclosed to the prisoner or offender) will be available for scrutiny by the Supreme Court.

To ensure compliance with human rights, and as much transparency as possible to afford the prisoner or offender natural justice, they will still be provided with the gist of the information which has been withheld. The gist will include as much of the information as possible, without jeopardising safety or security.

Summary of issue

Fourthly, the Bar Association's redrafted section makes clear that it does not affect the obligations of decision-makers to give reasons under the JR Act. The public interest is still protected though by the provisions of the JR Act that permit the giving of Attorney-General certificates under the JR Act.

Response

Section 340AA as currently drafted does not remove the application of judicial review from the decision to withhold information when giving reasons. It is not necessary to state within the provision that the JR Act applies to the provision.

2. Response to issues raised by Pride in Law – 21 March 2024

Improper purpose provision

Summary of issue

Pride in Law recommended introducing a provision whereby a prisoner being searched would be able to express a preference as to the gender of the person searching them. Pride in Law recommends that a provision be introduced whereby a prisoner's preference does not need to be accommodated if there is reason to believe that there is an underlying improper purpose or if it is not reasonably practicable to do so.

Response

Future regulation amendments will be progressed in line with the head of power created by the Bill. Detail of the regulation is yet to be worked through, however, the amendments aim to retain the general protection for officers or health practitioners to search prisoners of the same gender and include discretion to allow a different approach where safe and appropriate. This will ensure QCS has the necessary discretion to ensure the search is conducted safely, while taking into account the prisoner's preference, as Pride in Law has suggested.

The approach for prisoner searches prescribed in the Corrections Regulation in Victoria as well as the approaches of other portfolios in Queensland will inform this approach. To inform the development of the regulation, QCS will also consult with relevant stakeholders including the Queensland Human Rights Commission, interested LGBTIQ+ stakeholders and staff.

Section 340AA

Summary of issue

Foreseeably, a decision-maker could withhold sensitive information with the intention of protecting a victim or national safety or for any number of reasons yet a person with legitimate grounds may still have standing to challenge that decision. As such, this should be a matter for a relevant court to consider and not a codified right. Pride in Law believes the current wording of the provision operates far too broadly. If the Committee is of the view that the provision should proceed to be included in its current form, Pride in Law will advocate for the Committee to provide a statement of compatibility of how the provision is consistent with the HRA, including how the provision may reasonably limit human rights in the circumstances.

Response

The amendment as drafted does not provide any blanket or automatic exemption from the disclosure of sensitive information in decision-making. As drafted, the provision creates discretion for a decision-maker to withhold information that reaches the threshold set out in the section. The decision-maker is not obliged to withhold the information but has the discretion not to disclose the information when giving reasons.

Importantly, the *Human Rights Act 2019* and *Judicial Review Act 1991* continue to apply to any decision to withhold information, ensuring that decisions are subject to appropriate oversight and made in a way that is compatible with human rights, including an offender's right to natural justice. This inherently involves a balancing exercise between the reason to withhold the information and the limitations this presents on the offender's human rights. Only where withholding the information is justified will the decision to withhold be compatible with human rights.

Section 340AA and relevant human rights are dealt with at pages 25 – 30 of the Statement of Compatibility accompanying the Bill.

3. QCS responses to stakeholder comments raised in submissions 11 (Queensland Homicide Victims' Support Group (QHVSG)) 12 (Queensland Indigenous Family Violence Legal Service (QIFVLS)), and 13 (North Queensland Women's Legal Service (NQWLS)).

Clause	Issue	Feedback	Response
Victims Register			
Clause 25	'Opt out' referral process	**(11) QHVSG** supports this amendment, adding that an 'opt out' process where victims are automatically registered with the Victims Register once an offender is convicted of a registrable crime, will decrease victims overlooking a registration process. **QHVSG** notes that victims' support services can easily educate families about how to opt out. **(13) NQWLS** notes there are many victims who would make an application to be placed on the Victims Register, however they simply do not know about the existence of the register or how to make an application. **NQWLS** suggests an opt out referral system where the identifiable victim could be notified of the referral as part of the process and opt out if they do not wish to be considered. The Chief Executive would still retain discretion about whether the victim is placed on the register.	QCS is committed to providing a valuable information service to eligible persons and to enhancing the systems that provide the delivery of information to victims, with an eligible person's consent. While acknowledging that no one victim experience is the same, the Bill does take a step towards an opt-out process for registration on the Victims Register. The Bill will enable a victim to be referred to QCS by an entity directly for registration, removing the need for an application. So long as QCS establishes that the person is eligible and consents to be registered, registration will be able to occur without an application. While not a complete opt-out process, this amendment aims to take some of the mental load from the victim and reduce further trauma experienced by victims who must repeatedly tell their story to multiple agencies.
General	Providing information to eligible persons about parole order conditions or suspensions	**(11) QHVSG** ask for clarification regarding if the eligible person receives confirmation as to whether their conditions of release requests were supported by the parole board. If not, **QHVSG** suggest this provision of information be added to the amendments. **(11) QHVSG** notes that victims experience uncertainty, fear and re-traumatisation when a prisoner is returned to custody, and the victim is not informed of the reasons why.	The Bill provides a clear discretion for QCS to disclose other matters related to the parole of a prisoner to an eligible person, not just the results. This is intended to include information that parole has been suspended or cancelled, that the application is still under consideration, or that certain conditions have been included in the parole order that are relevant to the eligible person. The intention of these provisions is to assist eligible persons by reducing the uncertainty that can currently be experienced through that parole process.

Clause	Issue	Feedback	Response
Clause 29	Immigration information	**(11) QHVSG** suggest a legislative change to the ABF Part 6, to allow disclosure to relevant persons, or, that **QHVSG** be categorised as a government funded body to engage **QHVSG** to access this critical information to support victims. **QHVSG** enquire if the Bill will create a mechanism for an eligible person to be advised: • That the offender is not in the community • If they are going to be deported • When they have gone • If they can return to Australia	The Bill inserts a new provision at section 325(2)(j) which clarifies the ability for the chief executive to advise an eligible person of the deportation or removal status of the prisoner under the *Migration Act 1958* (Cth). This can include the location of the offender, their deportation status i.e. that they are due to be deported, the date of deportation and if the prisoner has exhausted appeal rights. This is subject to the information being available to the chief executive and the disclosure being appropriate in the circumstances.
Clause 9	Victim submissions for exceptional circumstances parole applications	**NQWLS** suggests that eligible persons also have the opportunity to make submissions in exceptional circumstances applications, for the same reasons they should have a right to be heard in standard parole applications.	This is outside of the scope of this Bill however QCS supports any improvements to existing practices that result in victims having an increased sense of safety/wellbeing. Section 325(2)(h) prescribes for the chief executive to provide an eligible person information on other matters relevant to the parole of the prisoner. This could include that a prisoner had made an application for exceptional circumstances parole as appropriate in the circumstances.
Clause 25	No guidance for discretion to refuse to register a person against a prisoner	**NQWLS** states that there is no guidance as to how the Chief Executive would exercise their discretion to refuse to register a person against a prisoner and what would be a reasonable belief for this to occur. NQWLS suggest including some examples of scenarios of when and how the Chief Executive would exercise this discretion.	The provision replicates existing section 324(2) of the CSA. The draft provision includes appropriate legislative guidance to support a decision-maker, including a threshold for the decision and reasons. It would not be appropriate to include examples in the Bill provision as this may unintentionally limit the discretion. An example of where such considerations may arise is where the person and the prisoner or homicide offender are in the same corrective services facility. This example is included in the explanatory notes.
Clause 27	No guidance for discretion to refuse a notice or information to eligible	**NQWLS** states that there is no guidance as to when and how the Chief Executive exercises their discretion to refuse to give an eligible person a notice or information under this Act, and what constitutes a reasonable belief.	The draft provision includes appropriate legislative guidance to support a decision-maker, including a threshold for the decision and reasons. It would not be appropriate to include examples in the Bill provision as this may unintentionally limit the discretion.

Clause	Issue	Feedback	Response
	person		The explanatory notes to the Bill provide an example of where this may occur, being a situation where it may not be appropriate for a prisoner in custody to receive information concerning another prisoner who is also in custody.
Clause 28	Notification about change of sex record	**NQWLS** recommends that in relation to the proposed s324A(1)(cb), the Chief Executive must notify the eligible person not only of details of a formal change of name of the prisoner, but must also provide details of a reassignment or alteration of the sex of the prisoner noted or recorded in a register kept under a law of the State about births, deaths and marriages.	Section 325(2)(i) allows the chief executive to give an eligible person information, within the knowledge of the chief executive, about the details of a prisoner's reassignment or alteration of sex noted or recorded in a register kept under a law of the State about births, deaths and marriages. The provision of this information to an eligible person is discretionary as it may not always be appropriate or necessary for an eligible person to be notified of a prisoner's change of sex record.
Clause 29	Removal of security classification	**NQWLS** queries why details of the prisoner's security classification is being omitted.	The provision of this information to eligible persons is no longer considered necessary. A prisoner's security classification is an internal mechanism for managing prisoners within corrective services facilities and may cause undue stress to eligible persons that may attach another meaning to a classification decision. For example, a classification of 'low' does not mean a prisoner will necessarily be transferred to a low custody facility. The existing provisions maintain the power to notify an eligible person of a prisoner's location or their transfer between facilities, which is considered more appropriate information for an eligible person.
Other	Concerns regarding interstate prisoner transfers	**(11) QHVSG** is concerned that when considering the interstate transfer of a prisoner, eligible persons are not contacted and asked about other family members who may reside in the area where the prisoner is applying to be transferred. This may result in the Minister not having reliable proximity information to decide if the transfer application should be approved. **QHVSG** suggests this issue could be rectified by the proposed 'opt out' system so the Minister can consider an eligible person's views about the transfer before deciding. **(11) QHVSG** recommends victims be given an opportunity to make a submission	The *Prisoners (Interstate Transfer) Act 1982* (PITA) is based on national model legislation which enables the interstate transfer of prisoners across Australian jurisdictions. Section 10A(f) of the PITA allows broad discretion for a Minister when deciding whether to accept a transfer from another state or territory. For each application under the PITA, where relevant, information on victim proximity is sought from the Victims Register to inform how

Clause	Issue	Feedback	Response
		when a prisoner makes an application to transfer interstate. **QHVSG** notes this is important as a prisoner transferring interstate may re-traumatise victims and can also lead to the possibility of the prisoner being released into the community in which a related victim lives.	that may impact the transfer request. Where a victim may reside interstate, they are encouraged to register with the Victims Register in that jurisdiction. There is nothing preventing an eligible person providing detail about their family members living in a particular area (and concerns in relation to this) when contacted about a prisoner's interstate parole transfer. This ability to share information will be further strengthened through amendments to section 325 of the CSA included in the Bill.
Victims' representative on the Parole Board Queensland			
Clause 11	Support	**(11) QHVSG** supports the amendment to require representation for victims on the Parole Board Queensland. QHVSG highlight it must be noted that there may be an increased risk of vicarious trauma and that careful consideration will be needed in terms of both suitability and subsequent support.	The Board already manages the potential trauma or negative effects for the cases before it for existing members, whether or not they have lived experience as victims of crime. The Board is conscious of this and is making efforts to reduce re-traumatisation such as regularly training Board members in identifying and managing vicarious trauma and developing a dedicated support and resilience program for Board members.
Protecting victim and intelligence information			
Clause 32	Support	**(11) QHVSG** supports this amendment and note it is imperative that the prisoner or their representatives are not able to access any eligible person submissions. **QHVSG** applaud the retrospective aspect to the amendment.	Noted with thanks.
Prescribing search requirements to accommodate diverse prisoner needs			
Clause 36	Need for flexibility with the same-sex requirements for a strip search	**(12) QIFVLS** states rather than removing section 34(2) from the Act, that section 34(2) be amended to include a provision similar to some of the wording from Recommendation 17.1 of the Queensland Human Rights Commission (QHRC) report *Stripped of our dignity*, that prisoners who identify as trans or gender diverse should be given the option of whether to be searched (including strip searches, pat down searches, urine testing) by male or female corrective services officers.	It is appropriate that the requirements regarding searches of prisoners are prescribed by regulation. This approach provides the necessary flexibility, while maintaining strong legislative protections for the prisoners and officers involved in the searches. This is a best practice approach, which provides a higher level of public scrutiny than the approaches adopted by most Australian jurisdictions, where search requirements are contained in policy. Prescribing such prisoner requirements in regulation is the approach

Clause	Issue	Feedback	Response
			taken in Victoria, where a similar gender identification framework is in operation. This approach also ensures the same level of legislative protections for all prisoners, without prioritising one vulnerable cohort over another, for example, by legislating special protections for female prisoners in the Act and prescribing protections for gender diverse prisoners in regulation or policy. The Bill also ensures there will be no gap in the protection of clear legislative requirements for the conducting of invasive searches. Commencement of these amendments to the Corrective Services Act will not occur until a replacement regulation is in place. Future regulation amendments will be progressed in line with the head of power created by the Bill to retain the general protection for officers or health practitioners to search prisoners of the same gender and include discretion to allow a different approach where safe and appropriate. This will ensure QCS has the necessary discretion to ensure the search is conducted safely, while taking into account the prisoner's preference.
General	Request to use QHRC report recommendations in developing the Regulation amendments	**(12) QIFVLS** advocates for the recommendations in the QHRC report to be a guiding source, particularly Recommendations 4 (Only conduct targeted strip searches as a last resort to respond to an identified risk following an individual risk assessment) and Recommendation 13 (Enhanced recognition of Aboriginal and Torres Strait Islander rights and cultural safety).	QCS has committed to consulting with the QHRC in the drafting of the regulation.
Lawful detention of Norfolk Island Prisoners			
	Victim considerations	**(11) QHVSG** is not aware of any plans for Queensland to provide victim support services to the residents of Norfolk Island. Is the committee aware of any such proposals?	This is a matter for the Commonwealth. QCS notes that the operation of the amendments to provide for the lawful detention of Norfolk island prisoners in Queensland will ensure that an eligible person will be able to apply to be registered against a Norfolk Island prisoner while they are in QCS custody.

Attachment 2

QCS response to additional stakeholder submissions – 26 March 2024

Committee inquiry into the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024