Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Bill 2022

Submission No:	1
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Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

Mr Rob Hansen

Committee Secretary

Education, Employment and Training Committee

Queensland Parliament

Dear Mr Hansen

Re. Consultation on the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Bill 2022* (Qld) ("the Bill")

Thank you for the opportunity to make a submission to the public consultation on the proposed legislation, specifically with reference to the emergent technologies and their impact on security.

This submission has been prepared by me as a Senior Research Fellow of the T.C. Beirne School of Law at the University of Queensland. However, the views expressed below are my own and are not representative of the School of Law, The University of Queensland or any other organisation or agency.

I am happy to provide further clarification on any area of the submission.

Outline

This submission addresses several discrete challenges if the Bill were to be passed in its present form; namely the proposed changes to security classifications, offences involving restricted areas, and the use of imaging searches.

Changes to the prisoner security classification system

The Bill proposes to amend the current system of prisoner security classification in two ways: the first is removal of the maximum-security security classification,[1] and the second is the introduction of classifying prisoners into sub-categories as prescribed by regulation.[2] In determining the classification of a given prisoner, the Bill also permits the Chief Executive to have regard to the 'length of time remaining to be served by the prisoner under a sentence imposed by a court' as well as 'information about the prisoner, if any, received from a law enforcement agency'.[3] The Bill also permits the Chief Executive a discretionary capacity to consider the 'welfare or safe custody of the prisoner or other prisoners; or…the security or good order of the corrective services facility'.[4]

These changes are said to be necessary to 'ensure the framework aligns with the existing physical infrastructure of the custodial environment in Queensland and appropriately responds to risk'.[5]

However, the Bill does not indicate how the *Corrective Services Regulation 2017* (Qld) ("the Regulation") will be amended to incorporate the new risk sub-classifications, nor is there currently any exposure draft or other consultation process commenced in respect of the Regulation. It is therefore impossible to determine whether any or all of the risk sub-classifications that might be

[1] The Bill, cl 4(1) and (2).
[2] Ibid, cl 4(3).
[3] Ibid, cl 4(4).
[4] Ibid, cl 4(5).
[5] Queensland, *Parliamentary Debates*, 29 November 2022, 3682 (Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services).

created in the Regulation would be reasonable, necessary and proportionate in achieving the objectives of the Act. It is further unclear how the proposed changes might infringe on the human rights of prisoners, and whether the infringement of those human rights is permissible having regard to the *Human Rights Act 2019* (Qld).[6]

Furthermore, the proposed changes in the Bill will make the creation, amendment, and deletion of risk sub-classifications an exercise in administrative power, not Parliamentary power. The current security classifications (low, high or maximum) are set in statute and changed only by the decree of Parliament as our elected representatives; however, if the Bill is passed then the creation, amendment, and deletion of risk sub-categories will be entirely at the behest of the Governor in Council.[7] The danger therefore is that the risk sub-categories may be established, changed or deleted without any form of public consultation.

Although Queensland Parliament has substantial power to examine subordinate legislation for the purposes of determining 'the policy to be given effect by the legislation' as well as 'its lawfulness',[8] there remains a danger that changes to a prisoner's security classification or risk sub-category – and the flow-on impacts on their human rights – cannot be adequately assessed in a vacuum and are unsuited for 'politics in seclusion'.[9]

The flow-on effects of risk sub-categories on prisoner human rights cannot be quantified and therefore, cannot be understated.

As one example, section 19 of the Act already permits the Chief Executive to make 'different arrangements for the management of prisoners with different security classifications'. The amended section 19 of the Act will permit the Chief Executive to make different arrangement for prisoners with the same security classification but different risk sub-categories. This may involve aspects of segregation, discrimination, forced labour, privacy, property, cultural rights, access to education and/or health services: all matters regulated by the *Human Rights Act 2019* (Qld).[10] Without knowing what the risk sub-categories are, and – perhaps most importantly – how the Chief Executive intends to make different arrangements for those sub-categories, the human rights impacts of the Chief Executive's decisions (and any subsequent compliance of Queensland Corrective Services with Australia's international and domestic obligations) cannot be properly assessed.

This should be a significant concern. Power to determine the arrangements of persons in custody given to the Chief Executive should not be plenary; it should be appropriately limited and constrained by statute. The Governor in Council should not be able to make, amend or remove risk sub-categories as an exercise in administrative decision-making, especially as the Chief Executive's ability to assign a prisoner to one or more risk sub-categories at any time is essentially unfettered.

The Bill should be amended to provide great clarity on the types, nature and characteristics of risk sub-categories which may be prescribed by the Regulation, as well as the types, nature and characteristics of 'arrangements' which the Chief Executive may then make in respect of those risk sub-categories.

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[6] Particularly ss 13(2)(b)-(d).
[7] *Corrective Services Act 2006* (Qld), s 355(1).
[8] *Parliament of Queensland Act 2001* (Qld), ss 93(1)(a) and (c).
[9] Referring to the UK system of examining subordinate legislation that largely takes place *in camera* and without public consultation or exposure: Mark Aronson, 'Subordinate legislation: lively scrutiny or politics in seclusion' (2011) 26(2) *Australasian Parliamentary Review* 4.
[10] ss 18, 19, 20, 21, 24, 25, 27, 30, 36 and 37.

Reviewing prisoner security classifications

The Bill also seeks to amend the process for review of prisoner security classifications, whether those are requested by the prisoner or conducted on the Chief Executive's own motion.[11] The changes would permit the Chief Executive to review a security classification at any time (including the risk sub-category) but may limit the review to only reviewing the risk sub-category.

The effect of this provision is that the Chief Executive has unfettered power to conduct reviews of any prisoner or prisoners' risk sub-categories at any time for any reason and without notice to the prisoner concerned. Although the dynamic, volatile and unpredictable nature of custodial environments may warrant a degree of flexibility for the exercise of the Chief Executive's powers, this section essentially permits the Chief Executive to conduct a "rolling" risk sub-category review for any prisoner and changing those sub-categories at whim.

Given – as I will outline shortly – the proposed changes would not require the Chief Executive to notify the prisoner of changes to their risk sub-category, this represents a dangerous amount of power with limited or no safeguards against its abuse or misuse.

Cl 5(1) of the Bill would also amend the mandated review cycle for prisoner security classifications of high to the following:

- At the prisoner's request (if the prisoner has not already made a request for a security classification review in the preceding 12 months); or
- Every three years (if the prisoner has been classified as high for three years and no review has been conducted in that time).

These changes are significant departures from the existing framework, where prisoners with a high security classification are mandatorily reviewed every 12 months, and a low security classification at any time.[12] Neither the Explanatory Notes nor the Minister's speech adequately explain why this change is considered necessary.

The changes also remove the mandatory review that must conducted if a court orders a change in a prisoner's punishment.[13] Although there is no reason to consider that the Chief Executive would not exercise his or her discretion to review a prisoner's classification in that instance, they would not be *required* to do so by law.

A limitation on reviews at a prisoner's request of one request every 12 months is an appropriate and should serve to discourage or eliminate spurious or vexatious requests for reviews.

Cl 5(1) of the Bill also inserts an excisory provision which would prevent prisoners detained on remand and not serving a sentence of imprisonment for another offence, and/or prisoners subject to a range of orders from seeking a review of their security classification. This is a significant change from the existing provision which only affects prisoners on remand.[14]

The justification for doing so is said to be because '[s]uch orders are subject to legislative timeframes and regular review by a court'.[15] Whilst a court-mandated review of such orders might justify a removal of the requirement to review a prisoner's security classification – which consequentially

[11] The Bill, cl 5.
[12] *Corrective Services Act 2006* (Qld), s 13(1)(b).
[13] Ibid, s 13(1)(c).
[14] Ibid, s 13(1A).
[15] Explanatory Notes to the Bill, 23.

means that such prisoners will, absent an order of the court, always be classified as "high" – this should not be extended to seeking a review of risk sub-categories.

The restrictions imposed by a court under one or more of those orders may be, but will not necessarily be, persuasive of the risk sub-categories which might be imposed on a prisoner. If the intention of these sub-categories is 'to provide an additional layer of assessment of risk to enhance the management of prisoners',[16] then the necessary consequence is that the imposition of risk sub-categories is an exercise of the Chief Executive's administrative power,[17] and not reflective of the order issued by the court.

It should also be recalled that preventative detention orders made under either the *Terrorism (Preventative Detention) Act 2005* (Qld) or the *Criminal Code Act 1995* (Cth) do not necessarily involve convictions of those persons for offences. Therefore, the failure to permit review of risk sub-categories for a person who has not been convicted of an offence may fall foul of the *Human Rights Act 2019* (Qld).[18]

The same issue arises in respect of prisoners detained on remand. Though the Act mandates that prisoners on remand are given a security classification of "high",[19] this does not of itself justify the removal of a right to seek review of their risk sub-category.

Further, the removal of review rights from an individual is a serious step, and a fundamental challenge to an open, transparent, and free democracy. This is especially the case in circumstances where there is no cognate link in statute between a prisoner's risk sub-category and the orders listed in cl 5(2B)(b). Put a different way, the mere fact that a prisoner is subject to an order under the cl 5(2B)(b) of the Bill should not be, on its own, sufficient justification for removing the prisoner's capacity to seek a review of their risk sub-category.

In practical terms, a prisoner on remand and/or subject to an order listed in cl 5(2B)(b) should be permitted to seek a review of their risk sub-categories only, in the same manner and subject to the same limitations as any other prisoner.

Alternately, if Parliament intends to pursue this measure, the Bill should be amended to mandate the specific class or classes of risk sub-category that must be applied (or not applied) to persons subject to remand, or subject to the orders listed in cl 5(2B)(b). However, this may undermine the flexibility which Parliament seeks to introduce by making the proposed changes.

Change in security classifications

Under the existing Act, the Chief Executive may decide to change a prisoner's security classification after conducting a review,[20] but if he or she does so, must give the prisoner an information notice about that decision.[21] A prisoner dissatisfied with a change in their security classification may ask the Chief Executive to reconsider the decision within 7 days.[22]

The process of review of a security classification will be expanded under the Bill to include a review of risk sub-categories, including by stating that a review may only involve a review of the prisoner's risk

[16] Ibid, 21.
[17] *Corrective Services Act 2006* (Qld), s 263.
[18] *Human Rights Act 2019* (Qld), ss 15 and 30(3).
[19] *Corrective Services Act 2006* (Qld), s 12(1A); retained in the Bill, cl 4(2).
[20] *Corrective Services Act 2006* (Qld), s 14.
[21] Ibid, s 15(1).
[22] Ibid, s 15(2).

sub-categories.[23] However, there is no provision linking a review of a risk sub-category with a change in the risk sub-category or -categories (s 14), nor the need to notify the prisoner of the reasons for that change (s 15).

This means that although the Chief Executive will have power to classify a prisoner into a risk sub-category or -categories on their admission to a facility and may review those categories at will, *prima facie* they may not change a risk sub-category. If a change in risk sub-category is deemed to be an exercise of the Chief Executive's residual power to 'do all things necessary or convenient to be done for, or in connection with, the performance of the chief executive's functions under an Act',[24] then the provision impermissibly allows the Chief Executive to alter a prisoner's risk sub-category without notifying the prisoner, informing the prisoner of the reasons for the change in risk sub-category or permitting the prisoner to ask the Chief Executive to reconsider the decision.

The Bill should be amended to make clear that the Chief Executive may:

- After reviewing a prisoner's risk sub-categories under section 13, change those sub-categories under section 14;
- On changing a prisoner's risk sub-categories under section 14, issue the prisoner with an information notice in the terms provided by section 15; and
- If requested within 7 days by a prisoner to do so (or such other timeframe as Parliament deems necessary), reconsider a change to a risk sub-category and issue a prisoner with an information notice in the terms provided by section 16.

Reference to law enforcement information in making decisions

The proposed changes in the Bill would authorise the Chief Executive, in either classifying a prisoner into a security classification or risk sub-category or changing a security classification or risk sub-category following a review, to have regard to 'information about the prisoner, if any, received from a law enforcement agency'. Law enforcement agencies are defined in Schedule 4 and the Regulation.[25]

To the extent it relates to information received from law enforcement to which the Chief Executive may have regard, the term 'sensitive law enforcement information' is defined in the Bill to include:[26]

> *(a) information that, if disclosed, could reasonably be expected to—*
>
> > *(i) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of a law, to be ascertained; or*
> >
> > *(ii) endanger a person's life or physical safety; or*
> >
> > *(iii) result in a person being subjected to a serious act of harassment or intimidation; or*
> >
> > *(iv) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; or*
> >
> > *(v) prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety; or*
> >
> > *(vi) endanger the security of a building, structure or vehicle; or*

[23] The Bill, cl 5(1) and (2).
[24] *Corrective Services Act 2006* (Qld), s 263(2)(a).
[25] Ibid, Sch 4.
[26] The Bill, cl 31.

(vii) prejudice a system or procedure for the protection of persons, property or the environment; or

(viii)facilitate a person's escape from lawful custody; or

(b) information that—

(i) consists of information given in the course of an investigation of a contravention or possible contravention of a law; and

(ii) was given under compulsion under an Act that abrogated the privilege against self-incrimination; or

(c) information obtained, used or prepared—

(i) for an investigation by a part of the police service known as the State Intelligence Group; or

(ii) for an investigation by a part of the police service known as the State Security Operations Group; or

(iii) by Crime Stoppers Queensland Limited ACN 010 995 650.

This means that the Chief Executive may have regard to, and make decisions on security classification and/or risk sub-categories based upon, criminal intelligence. 'Criminal intelligence' is defined in Queensland as:[27]

information relating to actual or suspected criminal activity (including information the commissioner has obtained through the police service or from an external agency), whether in the State or elsewhere, the disclosure of which could reasonably be expected to—

(a) prejudice a criminal investigation; or

(b) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or

(c) endanger a person's life or physical safety.

However, the Bill does not deal with what (if any) rights of access a prisoner would have to such information received by the Chief Executive under the proposed cl 4(4)[28] in seeking a reconsideration by the Chief Executive of their security classification or risk sub-category, or (in the event that one was to occur) the access rights of the court to information under any possible judicial review.

The use of criminal intelligence as a basis for making decisions can be a vexed one. On the one hand, criminal intelligence permits the use of inexact testimony, hearsay, unproven accusations and circumstantial evidence as a basis for infringing or determining a person's rights. On the other hand, criminal intelligence allows law enforcement to use information that may not be probative in a legal sense to predict, thwart and frustrate criminal activities.

I have written separately on the topic of admissibility of criminal intelligence as evidence, concluding that whilst the widespread use of criminal intelligence as the basis for decisions is largely unfair, unreasonable, and disproportionate to achieving the purposes of legislation, its carefully controlled use in specific scenarios can be legitimised.[29]

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[27] *Criminal Code*, s 86.

[28] Although subject to the confidentiality provisions already in the Act at ss 339 and 341.

[29] Brendan Walker-Munro, '"You don't need to know": The Australian experience of criminal intelligence as evidence' (2021) 45(5) *Criminal Law Journal* 316, 326.

So whilst the Bill could be amended to exclude all 'criminal intelligence' as a class of information to which the Chief Executive may have regard in making a security classification or risk sub-category decision, this might compromise the security of Queensland prisons and the safety and wellbeing of its staff and other prisoners (especially as the Bill permits the Chief Executive to also consider the 'welfare or safe custody of the prisoner or other prisoners' and the 'security or good order of the corrective services facility'[30]).

The Bill should be amended to make it clear that in making a security classification or risk sub-category decisions or responding to a prisoner's request seeking a reconsideration of their security classification or risk-subcategory, the Chief Executive is not required to provide a prisoner with details of 'sensitive law enforcement information' to the extent that the Chief Executive is reasonably satisfied that disclosing those details 'could or might frustrate the purposes described in section 340(4)'.[31] Disclosure of such information 'in compliance with an order of a court or tribunal' should also be inserted at section 340(3)(d), as the courts and tribunals are vested with responsibility of making further orders to safeguard the confidentiality of that information, and have done so admirably on multiple occasions.

Information relating to domestic violence

The Minister made clear that the provisions of the Bill are intended to assist the corrections system 'manage a multitude of security risks such as…domestic and family violence…' in circumstances where 'Queensland Corrective Services also often has access to information that can be key to preventing crime, including …the circumvention of domestic and family violence orders'.[32] However, there are two significant limitations in the Act which warrant addressing.

Firstly, QCS should be permitted to disclose 'sensitive law enforcement information' to third parties (such as non-governmental organisations or health practitioners) where the information relates to 'domestic violence'[33] or the 'wellbeing and safety of a child'.[34] Such disclosures are consistent with the findings of the *Not Now, Not Ever* report[35] as well as the provisions of Part 5A of the *Domestic and Family Violence Act 2012* (Qld). Part 5A does not currently list 'corrective services' as a prescribed entity[36] which may participate in information sharing arrangements.

For the avoidance of doubt, the Bill should be amended to permit disclosures under section 340A(3) if they are consistent with the information sharing arrangements in Part 5A of the *Domestic and Family Violence Act 2012* (Qld).

Secondly, the definition of 'sensitive law enforcement information' under the proposed section 340A should also include reference to information that may reasonably expose a person to risk of 'domestic violence' under the *Domestic and Family Violence Act 2012* (Qld). Whilst at first glance the proposed definition may cover such information, threats or acts of domestic violence or coercive control may

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[30] The Bill, cl 4(5).
[31] For example, see *Weapons Act 1990* (Qld), s 142A.
[32] Note 5 above.
[33] *Domestic and Family Violence Act 2012* (Qld), s 8.
[34] *Child Protection Act 2012* (Qld), Div 2 of Pt 6.
[35] Special Taskforce on Domestic and Family Violence in Queensland, *Not now, not ever: Putting an end to domestic and family violence in Queensland* (Final report, 28 February 2015) <https://www.justice.qld.gov.au/initiatives/end-domestic-family-violence/about/not-now-not-ever-report>.
[36] *Domestic and Family Violence Act 2012* (Qld), s 169C; although arguably the Chief Executive is 'the chief executive of another department that provides services to persons who fear or experience domestic violence or who commit domestic violence': s 169C(1)(b).

not rise to the level of 'serious act of harassment or intimidation' under the proposed section 340A(4)(a)(iii), and therefore not considered information protected from disclosure under the provisions of section 340A.

The Bill should be amended to include 'information that, if disclosed, could reasonably be expected to – expose, suffer or cause a person to be exposed to or suffer domestic violence as defined in the *Domestic and Family Violence Act 2012* (Qld), section 8' as part of section 340A(4)(a).

Exclusion of judicial review

The Act currently purports to exclude parts 3, 4 and 5 of the *Judicial Review Act 1991* (Qld) from applying to a review of a decision by the Chief Executive under section 12, 13, 14 or 16 about a prisoner's security classification.[37]

It is unclear whether the imposition of a prisoner's risk sub-category or -categories, or a decision to change a prisoner's risk sub-category or -categories following a review, will be amenable to seeking a reconsideration by the Chief Executive[38] or judicial review by the Supreme Court.

The Bill should be amended to clarify whether section 17 of the Act is intended to apply to reviews of risk sub-categories.

Imposition of penalties for accessing restricted areas

The amendments in the Bill seek to introduce a new offence into section 124(l) of the Act to discourage prisoners being in a restricted area of a corrective services facility without reasonable excuse. There are two issues with the proposed offence.

Firstly, the new sections 124(2), (3) and (4) create a regime where a prisoner may be prosecuted and if convicted, sentenced to up to 2 years imprisonment, for being in any part of a corrective services facility prescribed by regulation. Section 124(3) creates a presumption that a prisoner has been warned of a restricted area based on signage, being informed when admitted to the facility about the restricted areas for the facility, and/or being given a direction by a corrective services officer.

As has already been discussed, changes to regulations do not require public consultation or scrutiny, and so the "restricted areas" of any given correctional facility may change without prisoners or even corrective services officers being made aware of that change. This raises the possibility that a prisoner may be prosecuted for an offence in circumstances where they are genuinely unaware of the restricted nature of that area if:

- The signage for the correctional facility has not been updated since the regulation was changed;
- The restricted areas of the correctional facility change during the time since a prisoner is first admitted to the facility; and / or
- A corrective services officer gives a direction about a restricted area in circumstances where the officer is incorrect or mistaken about the existence of a restricted area.

[37] Ibid, s 17. There is some conjecture about the legal force of this provision: Caxton Legal Centre Inc, 'Prisoner's Security Classifications', *Queensland Law Handbook* (website, 2 September 2019) <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/offenders-and-victims/prisons-and-prisoners/prisoners-security-classification/>.

[38] i.e., whether the reconsideration request under s 15(2) of the Act and any such reconsideration under s 16 of the Act would apply to risk sub-categories.

Secondly, the offence seeks to prohibit activity which has been broadly used by prisoners as a form of advocacy, protest or dissent since the 1970s.[39] Australia has an extensive history of rooftop protests by prisoners in response to human rights violations, excessive use of force by prison officers and lack of resources.[40] Without access to the usual mechanisms of public dissent and debate, prisoners are often forced to utilise the only mechanisms of protest available to them by accessing the roofs of their correctional facilities. Prohibiting protests by recourse to penal sanctions is a dangerous step in a country where '[o]ur civil rights are entirely the product of our parliamentary process – and entirely vulnerable to it'.[41]

The Bill should be amended to impose a burden of proof on the prosecution to negative advocacy, protest or dissent as a reasonable excuse in the commission of an offence against section 124(1)(l).

The use of imaging searches at correctional facilities

The Bill also seeks to permit the Chief Executive to conduct 'imaging searches', defined as 'a search of the person using electronic imaging produced by a method of scanning the person, including, for example, using ionising or non-ionising radiation'.[42] Imaging searches are proposed to be authorised for searches of accommodated children,[43] general searches of prisoners and their rooms and belongings,[44] visitors to corrections facilities,[45] and staff members of QCS.[46]

Imaging searches are subject to a number of constraints which include minimal embarrassment and contact with the searched person, the nature and type of permissible image search equipment, and the number of times or frequency with which a person may be the subject of an imaging search.[47]

However, the Bill proposes to leave the 'other requirements and procedures relating to imaging searches, including, for example, the use, storage and destruction of images produced by an imaging search' as a matter of subordinate legislation.[48] As has already been discussed, changes to regulations do not require public consultation or scrutiny, and although the Regulation *may* prescribe other requirements and procedures relating to imaging searches, it is not *required* to do so by law.

Imaging searches will – by virtue of their operation – create images of a person which can be used to detect contraband entering or leaving correctional facilities. However, these images may also impermissibly violate the privacy of such persons and there ought to be significant safeguards and privacy restrictions applicable to the use, storage and destruction of such images. This is particularly the case in respect of children, either accommodated in a correctional facility or as a visitor to one.

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[39] Cecile Brich, 'The Groupe d'information sur les prisons: The voice of prisoners? Or Foucault's?' (2008) 5(1) *Foucault Studies* 26.

[40] Bree Carlton, *Imprisoning resistance: Life and death in an Australian supermax* (Institute of Criminology, 2007); Michael Grewcock, 'Punishment, deportation and parole: The detention and removal of former prisoners under section 501 *Migration Act 1958*' (2011) 44(1) *Australian & New Zealand Journal of Criminology* 56, 67-68.

[41] Brendan Gogarty, 'Criminalising dissent: anti-protest law is an ominous sign of the times', *The Conversation* (online, 28 November 2014) <https://theconversation.com/criminalising-dissent-anti-protest-law-is-an-ominous-sign-of-the-times-34790>.

[42] The Bill, cl 36.

[43] Ibid, cl 8.

[44] Ibid, cl 9.

[45] Ibid, cl 16.

[46] Ibid, cl 18.

[47] Ibid, cl 20.

[48] Ibid, cl 20(5)(b).

The Bill should be amended to require:

- Images generated during an imaging search that are not needed for a purpose consistent with the objects of the *Corrective Services Act 2006* (Qld) must be destroyed immediately after collection or creation;
- Images generated during an imaging search which must be retained for a purpose consistent with the objects of the *Corrective Services Act 2006* (Qld) must not be shared with any other person unless authorised by another Act or enactment;
- The *Information Privacy Act 2009* (Qld) applies to images created, stored, used or destroyed as part of imaging searches under the *Corrective Services Act 2006* (Qld).

Conclusion

I believe that the Bill addresses some of the policy concerns which it sets out to achieve, but that the objectives of the legislation could be fulfilled with more proportionality and less intrusive impacts on prisoners human rights.

Thank you for the opportunity to make this submission.

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