



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



Queensland

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

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2022

A Bill

for

An Act to amend the *Corrective Services Act 2006*, the *Corrective Services Regulation 2017*, the *Police Powers and Responsibilities Act 2000*, the *Youth Justice Act 1992* and the legislation mentioned in schedule 1 for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2022*. 4
5
6

Clause 2 Commencement 7

(1) Sections 19 and 35 commence on a day to be fixed by proclamation. 8
9

(2) The following provisions commence on 1 November 2023— 10

(a) sections 24 to 28 and 42; 11

(b) schedule 1, amendments 7 and 9 of the *Corrective Services Act 2006*. 12
13

Part 2 Amendment of Corrective Services Act 2006 14
15

Clause 3 Act amended 16

This part amends the *Corrective Services Act 2006*. 17

Note— 18

See also the amendments in schedule 1. 19

Clause 4 Amendment of s 12 (Prisoner security classification) 20

(1) Section 12(1), from ‘one of the’— 21

omit, insert— 22

-
- a security classification of low or high. 1
- (2) Section 12(1A), from ‘of—’— 2
omit, insert— 3
of high. 4
- (3) Section 12— 5
insert— 6
(1B) In addition to classifying a prisoner under 7
subsection (1), the chief executive may also 8
classify the prisoner into 1 or more of the risk 9
sub-categories prescribed by regulation. 10
- (4) Section 12(2)— 11
insert— 12
(e) the length of time remaining to be served by 13
the prisoner under a sentence imposed by a 14
court; 15
(f) information about the prisoner, if any, 16
received from a law enforcement agency. 17
- (5) Section 12— 18
insert— 19
(3) Also, the chief executive may have regard to any 20
matter that is relevant to— 21
(a) the welfare or safe custody of the prisoner or 22
other prisoners; or 23
(b) the security or good order of the corrective 24
services facility. 25
(4) If the chief executive classifies a prisoner into a 26
security classification of high, the prisoner must 27
be detained in a secure facility. 28
(5) If the chief executive classifies a prisoner into a 29
security classification of low, the prisoner may be 30
detained in a low custody facility. 31

| | | |
|-----------------|---|----|
| | (6) In this section— | 1 |
| | <i>low custody facility</i> means— | 2 |
| | (a) a prison, other than a secure facility; or | 3 |
| | (b) a community corrections centre; or | 4 |
| | (c) a work camp. | 5 |
| | (6) Section 12(1A) to (6)— | 6 |
| | <i>renumber</i> section 12(2) to (8). | 7 |
| Clause 5 | Amendment of s 13 (Reviewing prisoner’s security classification) | 8 |
| | | 9 |
| | (1) Section 13(1) to (2)— | 10 |
| | <i>omit, insert</i> — | 11 |
| | (1) The chief executive may review a prisoner’s security classification at any time, including the risk sub-category for the prisoner. | 12 |
| | | 13 |
| | | 14 |
| | <i>Example</i> — | 15 |
| | The chief executive may review a prisoner’s security classification if the prisoner’s behaviour deteriorates or improves. | 16 |
| | | 17 |
| | | 18 |
| | (2) The chief executive may limit the review of a prisoner’s security classification to reviewing only the risk sub-category for the prisoner. | 19 |
| | | 20 |
| | | 21 |
| | (2A) However, for a prisoner with a security classification of high, the chief executive must review the prisoner’s security classification in either of the following circumstances— | 22 |
| | | 23 |
| | | 24 |
| | | 25 |
| | (a) the prisoner requests the security classification be reviewed and the prisoner has not requested the classification be reviewed during the previous 12 months; | 26 |
| | | 27 |
| | | 28 |
| | | 29 |
| | (b) the security classification— | 30 |

-
- (i) has been high for the previous 3 years; 1
and 2
- (ii) has not been reviewed in the previous 3 3
years. 4
- (2B) Subsection (3) does not apply for a prisoner if— 5
- (a) the prisoner— 6
- (i) is being detained on remand for an 7
offence; and 8
- (ii) is not serving a term of imprisonment 9
for another offence; or 10
- (b) the prisoner is being held in custody under 11
any of the following orders— 12
- (i) a continuing detention order under the 13
Dangerous Prisoners (Sexual 14
Offenders) Act 2003; 15
- (ii) an interim detention order under the 16
Dangerous Prisoners (Sexual 17
Offenders) Act 2003; 18
- (iii) a preventative detention order under 19
the *Terrorism (Preventative Detention)* 20
Act 2005; 21
- (iv) a continued preventative detention 22
order under the *Criminal Code Act* 23
1995 (Cwlth), section 100.1; 24
- (v) an initial preventative detention order 25
under the *Criminal Code Act 1995* 26
(Cwlth), section 100.1; 27
- (vi) an interim post-sentence order under 28
the *Criminal Code Act 1995* (Cwlth), 29
section 100.1; 30
- (vii) a post-sentence order under the 31
Criminal Code Act 1995 (Cwlth), 32
section 100.1; 33
-

[s 6]

| | | |
|-----------------|---|----------------------------|
| | (viii)a preventative detention order under the <i>Criminal Code Act 1995</i> (Cwlth), section 100.1; | 1 2 3 |
| | (ix) another court order prescribed by regulation for this subparagraph. | 4 5 |
| (2) | Section 13(3), ‘12(2)’— <i>omit, insert—</i> 12(4) | 6 7 8 |
| (3) | Section 13(2A) to (3)— <i>renumber</i> as section 13(3) to (5). | 9 10 |
| Clause 6 | Amendment of s 19 (Effect of prisoner’s security classification) | 11 12 |
| | Section 19, after ‘classifications’— <i>insert—</i> , including prisoners with the same security classification but with different risk sub-categories | 13 14 15 16 17 |
| Clause 7 | Amendment of s 21 (Medical examination or treatment) | 18 |
| (1) | Section 21(1) and (8)— <i>omit.</i> | 19 20 |
| (2) | Section 21(2), ‘before carrying out the medical examination or treatment’— <i>omit, insert—</i> before a health practitioner carries out a medical examination or treatment of a prisoner | 21 22 23 24 25 |
| (3) | Section 21(2), (5) and (7), ‘doctor’— <i>omit, insert—</i> health practitioner | 26 27 28 |

| | | |
|------------------|---|----|
| (4) | Section 21(2)(b), ‘doctor’s’— | 1 |
| | <i>omit, insert</i> — | 2 |
| | health practitioner’s | 3 |
| (5) | Section 21(3), ‘doctor or psychologist’— | 4 |
| | <i>omit, insert</i> — | 5 |
| | health practitioner | 6 |
| (6) | Section 21(6), ‘subsection (5)(b)’— | 7 |
| | <i>omit, insert</i> — | 8 |
| | subsection (4)(b) | 9 |
| (7) | Section 21(2) to (9)— | 10 |
| | <i>renumber</i> as section 21(1) to (7). | 11 |
| Clause 8 | Amendment of s 32 (Search of accommodated child) | 12 |
| | Section 32(1), ‘or scanning search’— | 13 |
| | <i>omit, insert</i> — | 14 |
| | , scanning search or an imaging search | 15 |
| Clause 9 | Amendment of s 33 (Power to search) | 16 |
| | Section 33(1)(a) and (2), ‘or scanning search’— | 17 |
| | <i>omit, insert</i> — | 18 |
| | , scanning search or an imaging search | 19 |
| Clause 10 | Amendment of s 39 (Body search of particular prisoner) | 20 |
| (1) | Section 39, ‘doctor’— | 21 |
| | <i>omit, insert</i> — | 22 |
| | health practitioner | 23 |
| (2) | Section 39(2)— | 24 |
| | <i>omit, insert</i> — | 25 |

| | | |
|------------------|--|----------------------|
| | (2) Two health practitioners must be present during the body search, and at least 1 of the health practitioners must be of the same sex as the prisoner. | 1 2 3 4 |
| Clause 11 | Amendment of s 60 (Maximum security order) | 5 |
| | Section 60(3)— | 6 |
| | <i>omit, insert—</i> | 7 |
| | (3) The maximum security order may be made only if the chief executive reasonably believes that 1 or more of the following apply— | 8 9 10 |
| | (a) there is a high risk of the prisoner escaping or attempting to escape; | 11 12 |
| | (b) there is a high risk of the prisoner killing or seriously injuring other prisoners or other persons with whom the prisoner may come into contact; | 13 14 15 16 |
| | (c) generally, the prisoner is a substantial threat to the security or good order of the corrective services facility. | 17 18 19 |
| Clause 12 | Amendment of s 108 (Discharge or release) | 20 |
| | (1) Section 108, before ‘release day’— | 21 |
| | <i>insert—</i> | 22 |
| | discharge day or | 23 |
| | (2) Section 108(5)— | 24 |
| | <i>omit.</i> | 25 |
| Clause 13 | Amendment of s 112 (Arresting prisoner unlawfully at large) | 26 27 |
| | (1) Section 112, heading, after ‘at large’— | 28 |
| | <i>insert—</i> | 29 |

| | | |
|------------------|---|----------------------------------|
| | or absent | 1 |
| (2) | Section 112(1) and (2), after ‘at large’— | 2 |
| | <i>insert—</i> | 3 |
| | or unlawfully absent | 4 |
| (3) | Section 112— | 5 |
| | <i>insert—</i> | 6 |
| | (4A) A prisoner is <i>unlawfully at large</i> if the prisoner has escaped from lawful custody. | 7 8 |
| | (4B) A prisoner is <i>unlawfully absent</i> if— | 9 |
| | (a) the prisoner is mistakenly, unlawfully or otherwise incorrectly discharged or released before the prisoner’s discharge day or release day; or | 10 11 12 13 |
| | (b) the prisoner is at large in the community because the prisoner was mistakenly released or discharged from the custody of the proper officer of a court or a police officer instead of being transferred to a corrective services facility. | 14 15 16 17 18 19 |
| (4) | Section 112(5), definition <i>unlawfully at large</i> — | 20 |
| | <i>omit.</i> | 21 |
| (5) | Section 112(4A) to (5)— | 22 |
| | <i>renumber</i> as section 112(5) to (7). | 23 |
| Clause 14 | Amendment of s 124 (Other offences) | 24 |
| (1) | Section 124— | 25 |
| | <i>insert—</i> | 26 |
| | (1) without reasonable excuse, be in a restricted area of a corrective services facility. | 27 28 |
| (2) | Section 124— | 29 |
| | <i>insert—</i> | 30 |

[s 15]

| | | |
|------------------|--|--------------------------------------|
| (2) | If a prosecution for an offence against subsection (1)(l) relates to a restricted area prescribed by regulation and access to the area is not controlled by a corrective services officer, the prosecution must prove the prisoner was given sufficient warning to inform the prisoner that the area is a restricted area or that the prisoner must not access the area. | 1 2 3 4 5 6 7 8 |
| (3) | Without limiting subsection (2), a prisoner is taken to have been given a warning informing the prisoner of the restricted area at a corrective services facility if— | 9 10 11 12 |
| (a) | a notice is displayed in the area identifying it as a restricted area; or | 13 14 |
| (b) | the prisoner was informed, when admitted to the facility, about the restricted areas for the facility; or | 15 16 17 |
| (c) | a corrective services officer gave the prisoner a direction not to access the area. | 18 19 |
| (4) | In this section— | 20 |
| | <i>restricted area</i> , for a corrective services facility, means— | 21 22 |
| (a) | each roof of the facility; or | 23 |
| (b) | any other part of the facility prescribed by regulation for this definition. | 24 25 |
| Clause 15 | Insertion of new s 132A | 26 |
| | After section 132— | 27 |
| | <i>insert—</i> | 28 |
| | 132A Unlawful use of drones around corrective services facilities | 29 30 |
| (1) | A person (the <i>operator</i>) must not operate, or attempt to operate, a drone at a corrective services facility or the land on which the facility is located, | 31 32 33 |

| | |
|---|-------------------------|
| without reasonable excuse. | 1 |
| Maximum penalty—100 penalty units or 2 years imprisonment. | 2 3 |
| (2) Subsection (1) does not apply if— | 4 |
| (a) the operation of the drone is approved by the chief executive; or | 5 6 |
| (b) the operator is an officer of a law enforcement agency or emergency service and the drone is being used to assist the officer in carrying out the officer's functions; or | 7 8 9 10 11 |
| (c) the operator is acting on behalf of, or under the direction of, a person mentioned in paragraph (b). | 12 13 14 |
| (3) Subsection (1) applies to the operation of a drone regardless of the location of the operator. | 15 16 |
| (4) In this section— | 17 |
| <i>at</i> includes above. | 18 |
| <i>drone</i> means a device that is— | 19 |
| (a) capable of flight; and | 20 |
| (b) remotely piloted or able to be programmed to autonomously fly a particular route; and | 21 22 |
| (c) not capable of transporting a person. | 23 |
| <i>emergency service</i> includes— | 24 |
| (a) the Queensland Ambulance Service established under the <i>Ambulance Service Act 1991</i> , section 3A; and | 25 26 27 |
| (b) the St John Ambulance Australia Queensland Limited; and | 28 29 |
| (c) the Queensland Fire and Emergency Service established under the <i>Fire and Emergency Services Act 1990</i> , section 8; and | 30 31 32 |

(d) the State Emergency Service; and 1

(e) a rural fire brigade. 2

officer, of an emergency service that is the State
Emergency Service or a rural fire brigade,
includes a member of the State Emergency
Service or rural fire brigade. 3
4
5
6

rural fire brigade means a rural fire brigade
registered under the *Fire and Emergency Services
Act 1990*. 7
8
9

State Emergency Service means the State
Emergency Service established under the *Fire
and Emergency Services Act 1990*, section 129. 10
11
12

Clause 16 Amendment of s 159 (Search of visitor) 13

(1) Section 159(1), after ‘scanning search’— 14
insert— 15

or an imaging search 16

(2) Section 159(2), ‘or scanning search’— 17
omit, insert— 18

, scanning search or an imaging search 19

(3) Section 159(3), ‘general search’— 20
omit, insert— 21

search mentioned in that subsection 22

Clause 17 Amendment of s 169 (Professional visitor) 23

Section 169(4), definition *professional visitor*, example,
‘doctor, psychologist or other’— 24
25

omit. 26

| | | |
|------------------|---|----|
| Clause 18 | Amendment of s 173 (Search of staff member) | 1 |
| (1) | Section 173(1), ‘or scanning search’— | 2 |
| | <i>omit, insert—</i> | 3 |
| | , scanning search or an imaging search | 4 |
| (2) | Section 173(2), ‘general search or scanning search’— | 5 |
| | <i>omit, insert—</i> | 6 |
| | search mentioned in subsection (1) | 7 |
| | | |
| Clause 19 | Insertion of new ch 4, pt 3A | 8 |
| | After section 173— | 9 |
| | <i>insert—</i> | 10 |
| | Part 3A Electronic surveillance | 11 |
| | | |
| | 173A Electronic surveillance of corrective services facilities | 12 |
| | | 13 |
| (1) | The chief executive may authorise the use of a prescribed surveillance device at a corrective services facility to monitor and record activity in and around the facility only if satisfied the use is likely to enhance— | 14 |
| | | 15 |
| | | 16 |
| | | 17 |
| | | 18 |
| | (a) the safety of prisoners, corrective services officers, visitors to the facility and the community; or | 19 |
| | | 20 |
| | | 21 |
| | (b) the maintenance of security and good order at the facility; or | 22 |
| | | 23 |
| | (c) the prevention of intimidation, corruption and the commission of other offences at the facility; or | 24 |
| | | 25 |
| | | 26 |
| | (d) the detection of prohibited things entering, at or leaving the facility. | 27 |
| | | 28 |
| (2) | In authorising the use of a prescribed surveillance | 29 |

- device at a corrective services facility, the chief executive must have regard to the privacy of prisoners, corrective services officers and visitors to the facility. 1
2
3
4
- (3) An authorisation under subsection (1)— 5
- (a) must include requirements about the use, storage and destruction of recordings made by a prescribed surveillance device; and 6
7
8
- (b) must not authorise the covert use of a prescribed surveillance device. 9
10
- (4) For subsection (3)(b), a prescribed surveillance device is covertly used if the device is deliberately hidden from view or is disguised to look like another type of device. 11
12
13
14
- (5) To remove any doubt, it is declared that— 15
- (a) this section does not limit the monitoring or use of a surveillance device at a corrective services facility, including the covert use of a surveillance device, authorised under another provision of this Act or another Act; and 16
17
18
19
20
21
- Example—* 22
- the use of a surveillance device under a surveillance device warrant under the *Police Powers and Responsibilities Act 2000*, chapter 13 23
24
25
- (b) a person authorised by the chief executive under this section to use a prescribed surveillance device is using the device under this Act; and 26
27
28
29
- (c) any use of a prescribed surveillance device under this section is subject to the restrictions and obligations under section 52 about recording and monitoring prisoner communications. 30
31
32
33
34
- (6) In this section— 35

prescribed surveillance device means a surveillance device prescribed by regulation for this definition.

prisoner communication see section 52(6).

surveillance device means a device capable of transmitting or recording sound, images or changes in an environment.

Examples—

a fixed or portable video camera, a camera drone, an intercom, a motion detector, a non-contact thermometer

Clause 20 Replacement of ch 4, pt 5 (Scanning searches)

Chapter 4, part 5—

omit, insert—

Part 5 Powers and limitations for searches

175A Conducting searches

(1) In conducting a general search, scanning search or an imaging search of a person, a corrective services officer must—

(a) ensure, as far as reasonably practicable, the way the person is searched causes minimal embarrassment to the person; and

(b) take reasonable care to minimise any physical contact with the person.

(2) However—

(a) in conducting a general search of a person, a corrective services officer may require the person to—

(i) open his or her hands or mouth for visual inspection; or

- (ii) shake his or her hair vigorously; and 1
- (b) in conducting a general search of a thing in 2
the possession of a person, a corrective 3
services officer may touch or move the thing 4
without touching the person; and 5
- (c) in conducting a scanning search of a person, 6
a corrective services officer may use an 7
apparatus for touching or coming into 8
contact with the person; and 9
- (d) in conducting an imaging search of a 10
person, a corrective services officer may, to 11
the extent necessary to effectively conduct 12
the search— 13
- (i) require the person to remove the 14
person’s outer garments; or 15
- (ii) require that another person or an 16
apparatus come into contact with the 17
person; or 18
- (iii) require the person to hold a position 19
temporarily or to move as directed by 20
the officer. 21
- Examples—* 22
- requiring a person to stand on a 23
particular spot while holding out the 24
person’s arms 25
 - requiring a person to walk slowly 26
through an apparatus 27
- (3) In conducting a scanning search of a person, a 28
corrective services officer must use only an 29
apparatus, for touching or coming into contact 30
with a person who is submitting to the search, 31
prescribed by regulation for this subsection. 32
- (4) In conducting an imaging search of a person, a 33
corrective services officer must use only an 34
apparatus or device prescribed by regulation for 35
this subsection. 36

| | | |
|------------------|---|---------------------|
| | (5) A regulation may prescribe— | 1 |
| | (a) additional limitations on the use of particular apparatus or devices in conducting imaging searches; and | 2 3 4 |
| | <i>Example—</i> | 5 |
| | A regulation may prescribe the maximum number of times a person may be searched using a particular device in a stated period. | 6 7 8 |
| | (b) other requirements and procedures relating to imaging searches, including, for example, the use, storage and destruction of images produced by an imaging search. | 9 10 11 12 |
| Clause 21 | Amendment of s 176 (Applying for an exceptional circumstances parole order) | 13 14 |
| | Section 176(1), ‘Subject to section 176B’— | 15 |
| | <i>omit, insert—</i> | 16 |
| | Subject to sections 176B and 176C | 17 |
| Clause 22 | Insertion of new s 176C | 18 |
| | After section 176B— | 19 |
| | <i>insert—</i> | 20 |
| | 176C Applications made by prisoners on remand | 21 |
| | A prisoner who is detained on remand for an offence may not apply for exceptional circumstances parole. | 22 23 24 |
| Clause 23 | Amendment of s 194 (Types of parole orders granted by parole board) | 25 26 |
| | Section 194(1)(a), after ‘if’— | 27 |
| | <i>insert—</i> | 28 |
| | the prisoner applied for an exceptional | 29 |

| | | | |
|------------------|--|--|----|
| | circumstances parole order under section 176 and | 1 | |
| Clause 24 | Insertion of new ch 6, pt 2, div 1, hdg | 2 | |
| | Before section 263— | 3 | |
| | <i>insert—</i> | 4 | |
| | Division 1 | General functions and powers | 5 |
| | | | 6 |
| Clause 25 | Insertion of new ch 6, pt 2, div 2, hdg | 7 | |
| | After section 263— | 8 | |
| | <i>insert—</i> | 9 | |
| | Division 2 | Particular powers and obligations | 10 |
| | | | 11 |
| Clause 26 | Omission of s 268 (Declaration of emergency) | 12 | |
| | Section 268— | 13 | |
| | <i>omit.</i> | 14 | |
| Clause 27 | Amendment of s 271 (Delegation of functions of chief executive) | 15 | |
| | Section 271(1), before ‘306F(1) or 306K(1)’— | 16 | |
| | <i>insert—</i> | 17 | |
| | 271B(3), | 18 | |
| | | 19 | |
| Clause 28 | Insertion of new ch 6, pt 2, div 3 | 20 | |
| | Chapter 6, part 2— | 21 | |
| | <i>insert—</i> | 22 | |
| | Division 3 | Declaration of emergency | 23 |

| | |
|---|----|
| 271A Definition for division | 1 |
| In this division— | 2 |
| <i>corrective services facility</i> includes part of a | 3 |
| corrective services facility. | 4 |
| | |
| 271B Declaration of emergency | 5 |
| (1) This section applies if the chief executive— | 6 |
| (a) reasonably believes a situation exists that is | 7 |
| likely to threaten— | 8 |
| (i) the security or good order of a | 9 |
| corrective services facility; or | 10 |
| (ii) the health or safety of a prisoner or | 11 |
| another person at a corrective services | 12 |
| facility; and | 13 |
| (b) is satisfied the situation justifies making a | 14 |
| declaration under this section. | 15 |
| (2) This section also applies if — | 16 |
| (a) there is a public health emergency; and | 17 |
| (b) the chief executive is satisfied the public | 18 |
| health emergency may affect the health or | 19 |
| safety of a prisoner or another person at a | 20 |
| corrective services facility. | 21 |
| (3) The chief executive may— | 22 |
| (a) declare that an emergency exists in relation | 23 |
| to the corrective services facility for a stated | 24 |
| period; and | 25 |
| (b) declare a place to be a corrective services | 26 |
| facility (a <i>temporary corrective services</i> | 27 |
| <i>facility</i>) for the period the declaration of the | 28 |
| emergency is in force. | 29 |
| (4) However, the chief executive may declare an | 30 |
| emergency under subsection (3) only if the | 31 |
| Minister approves the making of the declaration. | 32 |

- | | | |
|-------|--|----------------------|
| (5) | Before declaring an emergency under subsection (3), the chief executive must take reasonable steps to consult with— | 1 2 3 |
| (a) | for an emergency that relates to a disaster— | 4 |
| (i) | the State disaster coordinator; and | 5 |
| (ii) | the commissioner of the Queensland Fire and Emergency Service under the <i>Fire and Emergency Services Act 1990</i> ; and | 6 7 8 9 |
| (iii) | if the State disaster coordinator is not a police officer—the commissioner of the police service; and | 10 11 12 |
| (b) | for an emergency that relates to a public health emergency—the chief health officer; and | 13 14 15 |
| (c) | otherwise—the chief executive of a department or other agency that has a function of co-coordinating the State’s response to that type of emergency. | 16 17 18 19 |
| (6) | A failure to consult under subsection (5) does not affect the validity of a declaration made under this section. | 20 21 22 |
| (7) | The chief executive must ensure the stated period for the declaration is not longer than is reasonably necessary given the emergency. | 23 24 25 |
| (8) | However, the stated period for the declaration must not be longer than— | 26 27 |
| (a) | if the emergency relates to a public health emergency—21 days; or | 28 29 |
| (b) | if the emergency relates to a disaster that threatens the security of a corrective services facility or safety of people at the corrective services facility—14 days; or | 30 31 32 33 |

-
- (c) if the emergency relates to a risk to the health of prisoners or another person at a corrective services facility without also relating to a public health emergency—7 days; or
- (d) for all other emergencies—3 days.
- (9) The declaration lapses at the end of the stated period unless it is sooner revoked by the chief executive.
- (10) However, if the declaration relates to a public health emergency and the public health emergency ends before the declaration lapses under subsection (8), the declaration also lapses.
- (11) In this section—
- chief health officer* see the *Hospital and Health Boards Act 2011*, schedule 2.
- disaster* means a disaster within the meaning of the *Disaster Management Act 2003*, section 13.
- public health emergency* means a public health emergency declared under the *Public Health Act 2005*, section 319(2).
- State disaster coordinator* see the *Disaster Management Act 2003*.

271C Additional powers of chief executive during declared emergency

- (1) This section applies if the chief executive declares an emergency exists in relation to a corrective services facility under section 271B.
- (2) While the declaration is in force, the chief executive may—
- (a) restrict any activity in the corrective services facility, including, for example, restricting

| | |
|--|----|
| movement within the facility to the extent | 1 |
| necessary because of the emergency; or | 2 |
| (b) restrict access to the corrective services | 3 |
| facility, including, for example— | 4 |
| (i) refusing entry to the facility by any | 5 |
| person; and | 6 |
| (ii) refusing entry to the facility by a | 7 |
| person who exhibits symptoms of a | 8 |
| declared illness; and | 9 |
| (iii) refusing entry to the facility by a | 10 |
| person who has not been screened for | 11 |
| symptoms of a declared illness; or | 12 |
| <i>Example of screening for an illness—</i> | 13 |
| taking the temperature of a person | 14 |
| (c) isolate prisoners in the corrective services | 15 |
| facility to the extent necessary because of | 16 |
| the emergency, including, for example, | 17 |
| isolating prisoners, individually or in | 18 |
| groups, because of— | 19 |
| (i) damage to the facility; or | 20 |
| (ii) the need to quarantine prisoners likely | 21 |
| to have been exposed to a declared | 22 |
| illness; or | 23 |
| (d) limit or withhold the privileges of a prisoner | 24 |
| at the corrective services facility if the chief | 25 |
| executive reasonably believes that because | 26 |
| of the emergency it will not be practicable | 27 |
| for the prisoner to receive privileges to the | 28 |
| extent the prisoner would otherwise have | 29 |
| received them; or | 30 |
| (e) authorise the non-invasive screening of | 31 |
| persons at or entering the corrective services | 32 |
| facility for symptoms of a declared illness; | 33 |
| or | 34 |

-
- (f) authorise police officers to perform a function or exercise a power of a corrective services officer at the corrective services facility, under the direction of the senior police officer present; or
- (g) transfer prisoners to another corrective services facility, including a temporary corrective services facility declared under section 271B(3)(b); or
- (h) return prisoners to the corrective services facility.
- (3) In this section—
declared illness, for a declaration made under section 271B, means an illness for which the declaration was made.

271D Publication of declaration of emergency

- (1) As soon as possible after the chief executive declares an emergency under section 271B, the chief executive must publish the following information on the department’s website—
- (a) that the declaration was made;
- (b) the reasons for making the declaration;
- (c) the period for which the declaration is in effect;
- (d) the powers that may be exercised because the declaration was made.
- (2) The chief executive must update the information published under subsection (1) as soon as practicable after the information changes.

Clause 29 Amendment of s 272 (Engaging service provider)

Section 272(6), definition *office holder*, paragraph (c)—

omit.

1

Clause 30 Amendment of s 285 (Appointing official visitor)

2

Section 285(2), from ‘reappointed, once only’—

3

omit, insert—

4

reappointed 1 or more times, for a period of up to
3 years, if the chief executive is satisfied—

5

6

(a) the person continues to be appropriately
qualified; and

7

8

(b) reappointing the person is likely to benefit a
corrective services facility or prisoners of a
corrective services facility.

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Clause 31 Insertion of new s 340A

12

Before section 341—

13

insert—

14

**340A Sensitive information from law enforcement
agencies**

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16

(1) This section applies to a person (the *informed
person*) who has obtained access to either of the
following sensitive law enforcement information,
whether before or after the commencement of this
section—

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18

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21

(a) sensitive law enforcement information that
the chief executive has obtained from a law
enforcement agency;

22

23

24

(b) sensitive law enforcement information in
the possession of a law enforcement agency
that the chief executive has accessed under
an arrangement with the agency.

25

26

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(2) The informed person must not disclose the
sensitive law enforcement information to another
person or make a record of the information, other

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30

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-
- than as authorised under subsection (3). 1
- Maximum penalty—100 penalty units or 2 years 2
imprisonment. 3
- (3) The informed person may disclose the sensitive 4
law enforcement information or make a record of 5
the information— 6
- (a) for the purpose for which the information 7
was given to the chief executive; or 8
- (b) with the approval of the law enforcement 9
agency that provided the information; or 10
- (c) if the use or disclosure of the information is 11
likely to prevent a serious threat to a 12
person’s life, health or safety. 13
- (4) In this section— 14
- sensitive law enforcement information* means— 15
- (a) information that, if disclosed, could 16
reasonably be expected to— 17
- (i) enable the existence or identity of a 18
confidential source of information, in 19
relation to the enforcement or 20
administration of a law, to be 21
ascertained; or 22
- (ii) endanger a person’s life or physical 23
safety; or 24
- (iii) result in a person being subjected to a 25
serious act of harassment or 26
intimidation; or 27
- (iv) prejudice the effectiveness of a lawful 28
method or procedure for preventing, 29
detecting, investigating or dealing with 30
a contravention or possible 31
contravention of a law; or 32
- (v) prejudice the maintenance or 33
enforcement of a lawful method or 34
-

[s 32]

| | | |
|------------------|---|----------------------|
| | procedure for protecting public safety; | 1 |
| | or | 2 |
| | (vi) endanger the security of a building, structure or vehicle; or | 3 4 |
| | (vii) prejudice a system or procedure for the protection of persons, property or the environment; or | 5 6 7 |
| | (viii) facilitate a person's escape from lawful custody; or | 8 9 |
| (b) | information that— | 10 |
| | (i) consists of information given in the course of an investigation of a contravention or possible contravention of a law; and | 11 12 13 14 |
| | (ii) was given under compulsion under an Act that abrogated the privilege against self-incrimination; or | 15 16 17 |
| (c) | information obtained, used or prepared— | 18 |
| | (i) for an investigation by a part of the police service known as the State Intelligence Group; or | 19 20 21 |
| | (ii) for an investigation by a part of the police service known as the State Security Operations Group; or | 22 23 24 |
| | (iii) by Crime Stoppers Queensland Limited ACN 010 995 650. | 25 26 |
| Clause 32 | Amendment of s 341 (Confidential information) | 27 |
| (1) | Section 341(2), 'subsection (3)'— | 28 |
| | <i>omit, insert—</i> | 29 |
| | subsection (3) or section 340A(3) | 30 |
| (2) | Section 341(3)— | 31 |

| | |
|--|----------------------------------|
| <i>insert—</i> | 1 |
| (g) to a health practitioner if— | 2 |
| (i) the confidential information relates to a prisoner; and | 3 4 |
| (ii) the informed person reasonably believes the disclosure is relevant for the care, treatment or rehabilitation of the prisoner; or | 5 6 7 8 |
| (h) if the confidential information relates to the condition of a prisoner and is communicated in general terms; or | 9 10 11 |
| <i>Example of communicated in general terms—</i> | 12 |
| a corrective services officer at a corrective services facility discloses that a prisoner is in a detention unit or in transit to a hospital | 13 14 15 |
| (i) for confidential information that relates to an offender—to a corrective service of another State or foreign country if the information is relevant to support the supervision or management of the offender; or | 16 17 18 19 20 21 |
| (j) to a law enforcement agency for a function of the agency. | 22 23 |
| (3) Section 341— | 24 |
| <i>insert—</i> | 25 |
| (3A) Subsection (3)(h) does not apply to— | 26 |
| (a) a prisoner who is released on parole; or | 27 |
| (b) a supervised dangerous prisoner (sexual offender). | 28 29 |
| (4) Section 341(4)— | 30 |
| <i>insert—</i> | 31 |
| <i>corrective service</i> , of another State or a foreign country, means an entity in that State or foreign | 32 33 |

| | | | |
|------------------|---|--|--|
| | country that has the function of detaining, housing, supervising or reporting on prisoners or other persons held in custody by that State or foreign country. | 1 2 3 4 | |
| (5) | Section 341(3A) and (4)— <i>renumber</i> as section 341(4) and (5). | 5 6 | |
| Clause 33 | Amendment of s 351 (Evidentiary aids) | 7 | |
| (1) | Section 351(7), definition <i>appointed person</i> , paragraph (g)— <i>omit</i> . | 8 9 | |
| (2) | Section 351(7), definition <i>appointed person</i> , paragraphs (h) and (i)— <i>renumber</i> as paragraphs (g) and (h). | 10 11 12 | |
| Clause 34 | Insertion of new ch 7A, pt 16 | 13 | |
| | Chapter 7A— <i>insert</i> — | 14 15 | |
| | Part 16 | Transitional provisions for Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2022 | 16 17 18 19 20 21 22 |
| | 490ZF Changes to prisoner security classification | 23 | |
| (1) | If, immediately before the commencement, a prisoner's security classification was maximum, from the commencement the prisoner's security classification is high. | 24 25 26 27 | |

-
- (2) If, immediately before the commencement, a prisoner mentioned in subsection (1) was subject to a maximum security order, the maximum security order continues unaffected by the change under subsection (1).
- (3) Nothing in this section prevents the chief executive changing or reviewing the prisoner's security classification or maximum security order under this Act.

490ZG Application of amended section 112

Section 112, as amended by the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2022*—

- (a) applies to a prisoner sentenced or detained before or after the commencement; but
- (b) does not apply to a prisoner who was unlawfully absent before the commencement.

Clause 35 Insertion of new s 490ZH

Chapter 7A, part 16, as inserted by this Act—
insert—

490ZH Electronic surveillance of corrective services facilities

- (1) This section applies if, immediately before the commencement, a prescribed surveillance device was in use at a corrective services facility to monitor and record activity in and around the facility.
- (2) From the commencement, the use of the prescribed surveillance device at the corrective services facility is taken to be authorised by the chief executive under section 173A.

[s 36]

(3) Nothing in subsection (2) prevents the chief executive revoking the authorisation or imposing or changing requirements about the use, storage or destruction of recordings made by the prescribed surveillance device. 1
2
3
4
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(4) In this section— 6
prescribed surveillance device means a 7
surveillance device prescribed for section 173A. 8

Clause 36 Amendment of sch 4 (Dictionary) 9

(1) Schedule 4, definitions *corrective services facility*, *general search* and *scanning search*— 10
omit. 11
12

(2) Schedule 4— 13
insert— 14

corrective services facility— 15

(a) generally, means— 16

(i) a prison; or 17

(ii) a community corrections centre; or 18

(iii) a work camp; and 19

(b) for chapter 6, part 2, division 3—see section 20
271A. 21

general search, of a person, means a search to 22
reveal the contents of the person's outer garments 23
or general clothes or of a thing in the person's 24
possession. 25

health practitioner means a registered health 26
practitioner under the Health Practitioner 27
Regulation National Law (Queensland), section 28
5. 29

imaging search, of a person, means a search of 30
the person using electronic imaging produced by 31

a method of scanning the person, including, for
example, using ionising or non-ionising radiation. 1 2

release day, for a prisoner, means the day on
which the prisoner is to be released on parole. 3 4

risk sub-category, of a prisoner, means the risk
sub-category, if any, decided for the prisoner as
part of the prisoner’s security classification. 5 6 7

scanning search, of a person, means a search of
the person by electronic or other means that does
not require the person to remove the person’s
clothing but may require another person, a
specially trained animal or an apparatus to touch
or come into contact with the person. 8 9 10 11 12 13

Examples— 14

- using an electronic apparatus through which a
person is required to pass 15 16
- using a corrective services dog that is trained to
detect the scent of a prohibited thing to search a
person 17 18 19

(3) Schedule 4, definition *confidential information*, ‘341(4)’— 20

omit, insert— 21

341(5) 22

(4) Schedule 4, definition *discharge*, ‘unconditionally release the
person from lawful custody’— 23 24

omit, insert— 25

release the person from lawful custody, other than
on parole 26 27

Part 3 **Amendment of Corrective Services Regulation 2017** 28 29

Clause 37 **Regulation amended** 30

This part amends the *Corrective Services Regulation 2017*. 31

Note— 1
See also the amendments in schedule 1. 2

| | | |
|------------------|--|----|
| Clause 38 | Amendment of s 19 (Prohibited things—Act, s 123) | 3 |
| (1) | Section 19(1)(zaa) and (zab), ‘remotely piloted aircraft’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | drone | 6 |
| (2) | Section 19(2), definition <i>remotely piloted aircraft</i> — | 7 |
| | <i>omit, insert—</i> | 8 |
| | <i>drone</i> means a device that is— | 9 |
| | (a) capable of flight; and | 10 |
| | (b) remotely piloted or able to be programmed | 11 |
| | to autonomously fly a particular route; and | 12 |
| | (c) not capable of transporting a person. | 13 |

| | | |
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| Clause 39 | Replacement of s 48 (Apparatus for scanning search—Act, sch 4, definition <i>scanning search</i>) | 14 |
| | Section 48— | 15 |
| | <i>omit, insert—</i> | 16 |
| | 48 Apparatus for scanning search—Act, s 175A | 17 |
| | For section 175A(3) of the Act, an ion scanning | 18 |
| | device is prescribed. | 19 |
| | | 20 |

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|---------------|---|----|
| Part 4 | Amendment of Police Powers and Responsibilities Act 2000 | 21 |
| | | 22 |

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| Clause 40 | Act amended | 23 |
| | This part amends the <i>Police Powers and Responsibilities Act 2000</i> . | 24 |
| | | 25 |

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|------------------|--|----|
| Clause 41 | Amendment of s 366 (Arrest of escapees etc.) | 1 |
| | Section 366(2), after ‘unlawfully at large’— | 2 |
| | <i>insert—</i> | 3 |
| | or unlawfully absent | 4 |
| Clause 42 | Amendment of s 797 (Helping during declaration of emergency under Corrective Services Act 2006) | 5 |
| | Section 797(4), definition <i>corrective services emergency declaration</i> , ‘268’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | 271B | 8 |
| | | 9 |
| | | 10 |
| Part 5 | Amendment of Youth Justice Act 1992 | 11 |
| | | 12 |
| Clause 43 | Act amended | 13 |
| | This part amends the <i>Youth Justice Act 1992</i> . | 14 |
| Clause 44 | Amendment of s 59E (Proper officer of a court may ask for help to perform functions) | 15 |
| | Section 59E(1)(c), before ‘to provide’— | 16 |
| | <i>insert—</i> | 17 |
| | of the police service | 18 |
| | | 19 |
| Clause 45 | Amendment of s 263A (Recordings in detention centres and use of body-worn cameras) | 20 |
| | (1) Section 263A(3)(b), ‘within the meaning of the <i>Corrective Services Act 2006</i> ’— | 21 |
| | <i>omit.</i> | 22 |
| | | 23 |
| | | 24 |
| | (2) Section 263A(3)(f), ‘under the <i>Public Guardian Act 2014</i> ’— | 25 |

omit.

1

Clause 46 Insertion of new s 279A

2

After section 279—

3

insert—

4

279A Unlawful use of drones around detention centres

5

6

- (1) A person (the *operator*) must not operate, or attempt to operate, a drone at a detention centre or the land on which the detention centre is located, without reasonable excuse.

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Maximum penalty—100 penalty units or 2 years imprisonment.

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12

- (2) Subsection (1) does not apply if—

13

(a) the operation of the drone is approved by the chief executive; or

14

15

(b) the operator is an officer of a law enforcement agency or emergency service and the drone is being used to assist the officer in carrying out the officer's functions; or

16

17

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20

(c) the operator is acting on behalf of, or under the direction of, a person mentioned in paragraph (b).

21

22

23

- (3) Subsection (1) applies to the operation of a drone regardless of the location of the operator.

24

25

- (4) In this section—

26

at includes above.

27

drone means a device that is—

28

(a) capable of flight; and

29

(b) remotely piloted or able to be programmed to autonomously fly a particular route; and

30

31

| | | |
|------------------|---|----------------------|
| | (c) not capable of transporting a person. | 1 |
| | <i>emergency service</i> includes— | 2 |
| | (a) the Queensland Ambulance Service established under the <i>Ambulance Service Act 1991</i> , section 3A; and | 3 4 5 |
| | (b) the St John Ambulance Australia Queensland Limited; and | 6 7 |
| | (c) the Queensland Fire and Emergency Service established under the <i>Fire and Emergency Services Act 1990</i> , section 8; and | 8 9 10 |
| | (d) the State Emergency Service; and | 11 |
| | (e) a rural fire brigade. | 12 |
| | <i>officer</i> , of an emergency service that is the State Emergency Service or a rural fire brigade, includes a member of the State Emergency Service or rural fire brigade. | 13 14 15 16 |
| | <i>rural fire brigade</i> means a rural fire brigade registered under the <i>Fire and Emergency Services Act 1990</i> . | 17 18 19 |
| | <i>State Emergency Service</i> means the State Emergency Service established under the <i>Fire and Emergency Services Act 1990</i> , section 129. | 20 21 22 |
| Clause 47 | Amendment of 297D (Definitions for division) | 23 |
| | Section 297D, definition <i>prescribed entity</i> , paragraph (h), ‘under the <i>Public Guardian Act 2014</i> ’— | 24 25 |
| | <i>omit</i> . | 26 |
| Clause 48 | Insertion of new pt 9A | 27 |
| | After part 9— | 28 |
| | <i>insert</i> — | 29 |

| | | |
|----------------------------------|---|----------------------|
| Part 9A | Provisions for declared emergencies and disasters | 1 2 3 |
| Division 1 | Preliminary | 4 |
| 301B Definitions for part | | 5 |
| | In this part— | 6 |
| | <i>adversely affected</i> , for a detention centre, see section 301F(1) and (2). | 7 8 |
| | <i>declared emergency</i> means— | 9 |
| | (a) a declared public health emergency under the <i>Public Health Act 2005</i> ; or | 10 11 |
| | (b) a disaster situation declared under the <i>Disaster Management Act 2003</i> ; or | 12 13 |
| | (c) an emergency situation or terrorist emergency declared to exist under the <i>Public Safety Preservation Act 1986</i> ; or | 14 15 16 |
| | (d) a biosecurity emergency order or movement control order under the <i>Biosecurity Act 2014</i> if the order prohibits or restricts individuals from entering or leaving a place. | 17 18 19 20 |
| | <i>disaster</i> means any of the following, whether occurring naturally or caused by human acts or omissions— | 21 22 23 |
| | (a) a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening; | 24 25 26 |
| | (b) an explosion or fire; | 27 |
| | (c) a chemical, fuel or oil spill, or gas leak; | 28 |
| | (d) an infestation, plague or epidemic; | 29 |

-
- (e) a failure of, or disruption to, an essential service or infrastructure; 1
2
- (f) an attack against the State; 3
- (g) another event similar to an event mentioned in any of paragraphs (a) to (f). 4
5
- disaster-affected detention centre* means a detention centre declared to be a disaster-affected detention centre under— 6
7
8
- (a) a temporary detention centre declaration; or 9
- (b) a regulation made under section 301N. 10
- emergency period* means the period for which a declared emergency is in effect. 11
12
- temporary detention centre* means a place declared to be a temporary detention centre under— 13
14
15
- (a) a temporary detention centre declaration; or 16
- (b) a regulation made under section 301N. 17
- temporary detention centre declaration* see section 301G(4). 18
19

Division 2 Restorative justice processes 20
21

301C Conference agreement reached at conference held during emergency period 22
23

- (1) This section applies— 24
- (a) to a conference agreement made at a conference held during the emergency period for a declared emergency; and 25
26
27
- (b) if, because of the declared emergency, it was necessary for 1 or more of the persons entitled to participate in the conference, who 28
29
30

| | |
|---|----------------------------|
| chose to participate, to participate by audio link or audiovisual link. | 1 2 |
| (2) For section 36(2), the requirement that the conference agreement must be signed by a particular person, other than the convenor of the conference, is taken to be satisfied if the convenor notes on the agreement that the person has agreed to the agreement. | 3 4 5 6 7 8 |
| (3) The convenor of the conference is taken to have complied with section 36(4) if, promptly after the conference, the convenor gives a copy of the conference agreement to each person who is required to sign the agreement under that section. | 9 10 11 12 13 |
| (4) In this section— | 14 |
| <i>audio link</i> means facilities, including telephone, that enable reasonably contemporaneous and continuous audio communication between persons at different places. | 15 16 17 18 |
| <i>audiovisual link</i> means facilities that enable reasonably contemporaneous and continuous audio and visual communication between persons at different places. | 19 20 21 22 |
| Division 3 | 23 |
| Staffing detention centre during emergency period | 24 |
| 301D Appointment of temporary detention centre employees during emergency period | 25 26 |
| (1) The chief executive may, during an emergency period, appoint an appropriately qualified person as a temporary detention centre employee. | 27 28 29 |
| (2) However, subsection (1) applies only if the chief executive is satisfied the appointment is reasonably necessary for— | 30 31 32 |

-
- (a) the security and management of 1 or more detention centres; and
- (b) the safe custody and wellbeing of children detained in 1 or more detention centres.
- (3) A temporary detention centre employee is appointed under this Act and not the *Public Service Act 2008*.
- (4) A temporary detention centre employee holds office on the terms and conditions, not provided for by this Act, decided by the chief executive.
- (5) Unless an appointment under subsection (1) is sooner revoked, the appointment ends on—
- (a) the day emergency period ends; or
- (b) the earlier day stated in the instrument of appointment.
- (6) The chief executive must revoke an appointment under subsection (1) if satisfied the appointment is no longer reasonably necessary for the purpose mentioned in subsection (2).
- 301E Functions and powers of temporary detention centre employees**
- (1) A person appointed as a temporary detention centre employee is taken to be a detention centre employee under this Act.
- (2) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified temporary detention centre employee.
- (3) In this section—
- temporary detention centre employee* means a person appointed as a temporary detention centre employee under section 301D.

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| Division 4 | Detention centres | 1 |
| | adversely affected by | 2 |
| | disasters | 3 |
| | | |
| Subdivision 1 | Declaring disaster-affected | 4 |
| | detention centre and place | 5 |
| | to be temporary detention | 6 |
| | centre | 7 |
| | | |
| 301F | When is detention centre <i>adversely affected</i> | 8 |
| | by disaster | 9 |
| (1) | A detention centre is <i>adversely affected</i> by a | 10 |
| | disaster that has happened, is happening or is | 11 |
| | likely to happen if— | 12 |
| (a) | the disaster, or the impact or likely impact of | 13 |
| | the disaster, poses an imminent serious risk | 14 |
| | to the life, health or safety of detainees or | 15 |
| | staff at a detention centre; and | 16 |
| (b) | it is necessary to evacuate all or some of the | 17 |
| | detainees or staff from the detention centre | 18 |
| | to protect their lives, health or safety. | 19 |
| | <i>Example of a disaster that is likely to happen—</i> | 20 |
| | An area that is not currently flooded is predicted to be | 21 |
| | flooded in a number of days because of heavy rains | 22 |
| | falling in the area and flood waters flowing downstream | 23 |
| | to the area. | 24 |
| (2) | A detention centre is also <i>adversely affected</i> by a | 25 |
| | disaster that has happened if— | 26 |
| (a) | the disaster or the impact of the disaster— | 27 |
| (i) | has caused widespread or severe loss | 28 |
| | of, or damage to, property at the | 29 |
| | detention centre; or | 30 |

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- (ii) has caused widespread or severe damage to the environment in the area in which the detention centre is located; or
 - (iii) poses a serious risk to the life, health or safety of detainees or staff at the detention centre; and
- (b) because of the loss or damage, or risk, it is not possible, or likely not to be possible, for the chief executive to ensure—
- (i) the security and management of the detention centre; or
 - (ii) the safe custody and wellbeing of the detainees at the detention centre.

301G Temporary detention centre declaration

- (1) This section applies if the chief executive is satisfied a detention centre is adversely affected.
- (2) The chief executive may, with the approval of the Minister and by signed writing, declare—
 - (a) the detention centre to be a disaster-affected detention centre; and
 - (b) 1 or more places selected under section 301H as a temporary detention centre for the disaster-affected detention centre.
- (3) A declaration under subsection (2) must state the following—
 - (a) the nature of the disaster;
 - (b) the name of the detention centre;
 - (c) the name and location of the place or places declared as a temporary detention centre;
 - (d) the duration of the declaration.
- (4) A declaration under subsection (2) is a *temporary*

detention centre declaration.

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**301H Place selected to be temporary detention
centre**

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3

- (1) A place selected to be a temporary detention
centre for a disaster-affected detention centre
must be the place that, in the circumstances and in
the chief executive's opinion, is the most suitable
place to be used as a temporary detention centre of
the places available to be used for that purpose of
which the chief executive is aware. 10
- (2) In forming an opinion about a place under
subsection (1), the chief executive must consider
the following matters— 13
- (a) the nature of the disaster and its impact on
the disaster-affected detention centre; 15
 - (b) how urgently, and for how long, a place is
likely to be required to be a temporary
detention centre; 18
 - (c) the number of children who are likely to be
required to be detained in a temporary
detention centre and the programs and
services the children are likely to require; 22
 - (d) the places that are available to be used as a
temporary detention centre; 24
 - (e) for each place available to be used as a
temporary detention centre of which the
chief executive is aware— 27
 - (i) the purpose for which the place is
ordinarily used; and 29
 - (ii) the uses of the place that are allowed
under a planning law, including an
instrument or approval, or condition
imposed, under a planning law; and 33

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- (iii) the facilities available at the place to accommodate children who may be detained at the place, to provide programs and services to the children and to secure the place as a temporary detention centre; and
- (iv) the purposes for which other places in the same area are ordinarily used and the impact that the use of the place as a temporary detention centre will have on the use of the other places; and
- Examples of the impact of the use of the place as a temporary detention centre on other places—*
- the impact on the use of other places in the same area for residential purposes, a school, child care centre or aged care facility
 - the impact of additional traffic and car parking requirements on road use in the same area
 - the impact of noise or outdoor security lighting on the use of other places in the same area
- (v) the extent to which the youth justice principles would be able to be complied with in relation to each child detained at the place; and
- (vi) the extent to which the place is compatible with the human rights of the detainees, staff of the disaster-affected detention centre and individuals in the community.
- (3) In this section—
- planning law*** means—
- (a) the *Economic Development Act 2012*; or
 - (b) the *Planning Act 2016*; or
-

- (c) the *State Development and Public Works Organisation Act 1971*. 1
2

301I Notice of declaration 3

- (1) As soon as practicable after a temporary detention 4
centre declaration is made, the chief executive 5
must— 6
- (a) publish the declaration on the department’s 7
website; and 8
- (b) publish notice of the declaration in the 9
gazette. 10
- (2) However, if the declaration can not, for technical 11
or other reasons, be conveniently published on the 12
department’s website, it must be published— 13
- (a) in another way decided by the chief 14
executive; and 15
- (b) on the department’s website as soon as 16
practicable. 17
- (3) Failure to comply with subsection (1)(b) does not 18
invalidate the declaration. 19

301J Duration of declaration 20

- (1) A temporary detention centre declaration takes 21
effect when it is first published— 22
- (a) on the department’s website under section 23
301I(1)(a); or 24
- (b) in another way decided by the chief 25
executive under section 301I(2)(a). 26
- (2) The declaration ends on the earliest of the 27
following days— 28
- (a) the day the declaration is revoked under 29
section 301L; 30

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- (b) for a declaration that is extended or further extended under section 301K—
 - (i) the day that is 21 days after the day the declaration was made; or
 - (ii) otherwise—the day the extended or further extended period of the declaration ends;
 - (c) the day that is 7 days after the day the declaration was made.

301K Extension or further extension of declaration

- (1) This section applies if the chief executive is satisfied that a detention centre the subject of a temporary detention centre declaration continues to be adversely affected.
- (2) The chief executive may, with the approval of the Minister and by signed writing, extend, or further extend, the period of the temporary detention centre declaration by up to 7 days.
- (3) The total period of the declaration and any extension or further extension must not be more than 21 days.
- (4) The chief executive must publish an extension or further extension under subsection (2) on the department’s website as soon as practicable after it is made.
- (5) However, if the extension or further extension can not, for technical or other reasons, be conveniently published on the department’s website, it must be published—
 - (a) in another way decided by the chief executive; and
 - (b) on the department’s website as soon as practicable.

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| (6) The extension or further extension takes effect when it is first published— | 1 2 |
| (a) on the department’s website under subsection (4); or | 3 4 |
| (b) in another way decided by the chief executive under subsection (5)(a). | 5 6 |
| 301L Revoking declaration—detention centre no longer adversely affected | 7 8 |
| The chief executive must revoke a temporary detention centre declaration for a disaster-affected detention centre if the chief executive is satisfied— | 9 10 11 12 |
| (a) the detention centre is no longer adversely affected; and | 13 14 |
| (b) the place declared as a temporary detention centre is no longer needed for the detention of children who would otherwise be detained at the disaster-affected detention centre. | 15 16 17 18 19 |
| 301M Revoking declaration—more suitable place to be temporary detention centre | 20 21 |
| (1) This section applies if— | 22 |
| (a) a temporary detention centre declaration declares a place as a temporary detention centre for a disaster-affected detention centre; and | 23 24 25 26 |
| (b) the chief executive is satisfied— | 27 |
| (i) the detention centre continues to be adversely affected; and | 28 29 |
| (ii) another place selected under section 301H is more suitable to be a | 30 31 |

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| temporary detention centre than the place declared under the declaration. | 1 2 |
| (2) The chief executive may— | 3 |
| (a) revoke the temporary detention centre declaration; and | 4 5 |
| (b) make a temporary detention centre declaration under section 301G in relation to another place selected under section 301H. | 6 7 8 |
| | |
| Subdivision 2 Declaration by regulation | 9 |
| | |
| 301N Regulation may declare disaster-affected detention centre and place to be temporary detention centre | 10 11 12 |
| (1) A regulation may declare— | 13 |
| (a) a detention centre to be a disaster-affected detention centre; and | 14 15 |
| (b) 1 or more places as a temporary detention centre for the disaster-affected detention centre. | 16 17 18 |
| (2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) only if the Minister is satisfied— | 19 20 21 |
| (a) the detention centre is adversely affected by a disaster that has happened; and | 22 23 |
| (b) a place being declared as a temporary detention centre has been selected under section 301H. | 24 25 26 |
| (3) A regulation made under subsection (1) must state when the declaration ends. | 27 28 |

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| 301O Minister must recommend making of regulation declaring another place as temporary detention centre | 1 2 3 |
| (1) This section applies if— | 4 |
| (a) a regulation made under section 301N declares a place to be a temporary detention centre for a disaster-affected detention centre; and | 5 6 7 8 |
| (b) the Minister is satisfied— | 9 |
| (i) the disaster-affected detention centre continues to be adversely affected; and | 10 11 |
| (ii) another place selected under section 301H is more suitable to be a temporary detention centre than the place declared by the regulation; and | 12 13 14 15 |
| (iii) it is appropriate in the circumstances to relocate the temporary detention centre to a temporary detention centre at the other place. | 16 17 18 19 |
| (2) The Minister must recommend to the Governor in Council the making of— | 20 21 |
| (a) a regulation to end the declaration of the place as a temporary detention centre; and | 22 23 |
| (b) another regulation under section 301N in relation to the more suitable place. | 24 25 |
| 301P Minister must recommend making of regulation to end declaration | 26 27 |
| (1) This section applies if— | 28 |
| (a) a regulation made under section 301N declares a place to be a temporary detention centre for a disaster-affected detention centre; and | 29 30 31 32 |
| (b) the Minister is satisfied— | 33 |

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- (i) the disaster-affected detention centre is no longer adversely affected; and
 - (ii) the place is no longer needed for the detention of children who would have otherwise been detained at the detention centre.
- (2) The Minister must recommend to the Governor in Council the making of a regulation to end the declaration of the place as a temporary detention centre.

Subdivision 3 General

301Q Effect of declaration

- (1) For this Act, a temporary detention centre is taken to be—
 - (a) for a declaration under a temporary detention centre declaration—the disaster-affected detention centre in relation to which the declaration was made; or
 - (b) for a declaration under a regulation—the disaster-affected detention centre stated in the regulation.
- (2) Without limiting subsection (1), a child who would otherwise be detained at the disaster-affected detention centre may be detained at the temporary detention centre without the chief executive—
 - (a) making a decision or direction under section 265; or
 - (b) being given a document mentioned in section 266(2).
- (3) The chief executive must carry out the chief executive’s responsibilities mentioned in sections

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| 263 and 302 in relation to the temporary detention centre to the greatest extent practicable in the circumstances. | 1 2 3 |
| 301R Review of suitability of place to be temporary detention centre | 4 5 |
| (1) This section applies if a place is declared to be a temporary detention centre for a disaster-affected detention centre. | 6 7 8 |
| (2) The chief executive must regularly review— | 9 |
| (a) whether the disaster-affected detention centre continues to be adversely affected; and | 10 11 12 |
| (b) whether the place continues to be needed for the detention of children who otherwise would have been detained at the disaster-affected detention centre; and | 13 14 15 16 |
| (c) whether, considering the matters mentioned in section 301H— | 17 18 |
| (i) the place is the most suitable place to be a temporary detention centre; or | 19 20 |
| (ii) there is another place that is more suitable to be a temporary detention centre. | 21 22 23 |
| 301S Particular entities to be notified about declaration | 24 25 |
| (1) This section applies if either of the following events (each a <i>declaration event</i>) happens— | 26 27 |
| (a) a temporary detention centre declaration is made, or is extended or further extended under section 301K; or | 28 29 30 |
| (b) a regulation is made under section 301N. | 31 |

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- (2) As soon as practicable after the declaration event happens, the chief executive must give a notice about the declaration event to each of the following entities—
- (a) the chief executive of the department that is mainly responsible for any of the following matters—
 - (i) child protection services;
 - (ii) court services;
 - (iii) education;
 - (iv) health;
 - (v) planning;
 - (b) the chief executive officer of the local government for the local government area in which the temporary detention centre the subject of the declaration or regulation is located;
 - (c) the chief psychiatrist under the *Mental Health Act 2016*;
 - (d) the commissioner of the police service;
 - (e) the Queensland Family and Child Commission under the *Family and Child Commission Act 2014*;
 - (f) the director of public prosecutions;
 - (g) the Human Rights Commissioner under the *Anti-Discrimination Act 1991*;
 - (h) the inspector of detention services;
 - (i) the following judicial officers—
 - (i) the Chief Justice of Queensland;
 - (ii) the Chief Judge of the District Court of Queensland;
 - (iii) the Chief Magistrate;

[s 49]

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| | (iv) the president of the Childrens Court; | 1 |
| | (j) the ombudsman; | 2 |
| | (k) the public guardian; | 3 |
| | (l) the following legal entities— | 4 |
| | (i) the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ACN 116 314 562); | 5 6 7 |
| | (ii) the Bar Association of Queensland (ACN 009 717 739); | 8 9 |
| | (iii) Legal Aid Queensland; | 10 |
| | (iv) the Queensland Law Society. | 11 |
| | <i>Note—</i> | 12 |
| | See the <i>Legal Profession Act 2007</i> , section 679(2). | 13 14 |
| Clause 49 | Amendment of s 312 (Delegation) | 15 |
| | (1) Section 312(1), ‘officer’— | 16 |
| | <i>omit, insert—</i> | 17 |
| | employee | 18 |
| | (2) Section 312(2)— | 19 |
| | <i>omit.</i> | 20 |
| Clause 50 | Insertion of new pt 11, div 20 | 21 |
| | Part 11— | 22 |
| | <i>insert—</i> | 23 |
| | Division 20 | Transitional provision for 24 |
| | | Corrective Services 25 |
| | | (Emerging Technologies 26 |
| | | and Security) and Other 27 |

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| | Legislation Amendment | 1 |
| | Act 2022 | 2 |
| | 407 Existing declared emergencies | 3 |
| | For section 301B, definition <i>declared emergency</i> , | 4 |
| | it does not matter whether a declaration or order | 5 |
| | mentioned in paragraph (a), (b), (c) or (d) of that | 6 |
| | definition was made before or after the | 7 |
| | commencement. | 8 |
| Clause 51 | Amendment of sch 4 (Dictionary) | 9 |
| | (1) Schedule 4, definition <i>detention centre</i> — | 10 |
| | <i>omit.</i> | 11 |
| | (2) Schedule 4— | 12 |
| | <i>insert</i> — | 13 |
| | <i>adversely affected</i> , for a detention centre, for part | 14 |
| | 9A, see section 301F(1) and (2). | 15 |
| | <i>declared emergency</i> , for part 9A, see section | 16 |
| | 301B. | 17 |
| | <i>detention centre</i> means— | 18 |
| | (a) a detention centre established under section | 19 |
| | 262; or | 20 |
| | (b) a temporary detention centre. | 21 |
| | <i>director of public prosecutions</i> means the | 22 |
| | director under the <i>Director of Public</i> | 23 |
| | <i>Prosecutions Act 1984</i> . | 24 |
| | <i>disaster</i> , for part 9A, see section 301B. | 25 |
| | <i>disaster-affected detention centre</i> , for part 9A, | 26 |
| | see section 301B. | 27 |
| | <i>emergency period</i> , for part 9A, see section 301B. | 28 |
| | <i>law enforcement agency</i> see the <i>Corrective</i> | 29 |

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| Schedule 1 | Other amendments | 1 |
| | section 52 | 2 |
| | Corrective Services Act 2006 | 3 |
| 1 | Section 22, ‘doctor or psychologist’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | health practitioner | 6 |
| 2 | Section 23, ‘doctor’— | 7 |
| | <i>omit, insert—</i> | 8 |
| | health practitioner | 9 |
| 3 | Section 24(1)(a), ‘doctor appointed for the facility’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | health practitioner | 12 |
| 4 | Section 30(1)(c), ‘medical practitioner’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | health practitioner | 15 |
| 5 | Section 42(1), ‘doctor or a nurse’— | 16 |
| | <i>omit, insert—</i> | 17 |
| | health practitioner | 18 |

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| 6 | Section 42, 57, 64 and 121(3), ‘doctor or nurse’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | health practitioner | 3 |
| 7 | Section 68A(2), ‘268’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | 271C | 6 |
| 8 | Section 111(8)— | 7 |
| | <i>omit.</i> | 8 |
| 9 | Section 291(1)(a), ‘268’— | 9 |
| | <i>omit, insert—</i> | 10 |
| | 271B | 11 |
| 10 | Section 306I(3)(b), ‘doctor’— | 12 |
| | <i>omit, insert—</i> | 13 |
| | health practitioner | 14 |
| 11 | Section 324(1)(a)(i), note— | 15 |
| | <i>omit.</i> | 16 |
| | Corrective Services Regulation 2017 | 17 |
| 1 | Section 4, ‘doctor or nurse’— | 18 |
| | <i>omit, insert—</i> | 19 |
| | health practitioner | 20 |

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| 2 | Section 5(g), ‘officer, doctor or nurse’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | officer or health practitioner | 3 |
| 3 | Section 5(f) and 10(2)(b), ‘doctor’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | health practitioner | 6 |
| 4 | Section 12, note, ‘doctor or nurse’— | 7 |
| | <i>omit, insert—</i> | 8 |
| | health practitioner | 9 |
| Inspector of Detention Services Act 2022 | | 10 |
| 1 | Schedule 1, definition <i>youth detention centre</i>, from ‘established’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | under the <i>Youth Justice Act 1992</i> . | 13 |
| | | 14 |
| Justice and Other Information Disclosure Act 2008 | | 15 |
| 1 | Schedule, definition <i>detention centre</i>, from ‘established’— | 16 |
| | <i>omit, insert—</i> | 17 |
| | under the <i>Youth Justice Act 1992</i> . | 18 |
| | | 19 |

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| Medicine and Poisons (Medicines) Regulation 2021 | 1 |
| 1 Schedule 22, definition <i>detention centre</i>, from ‘established’— | 2 3 |
| <i>omit, insert—</i> | 4 |
| under the <i>Youth Justice Act 1992</i> . | 5 |
| | |
| Mental Health Act 2016 | 6 |
| 1 Section 359(5), definition <i>youth detention centre</i>, from ‘established’— | 7 8 |
| <i>omit, insert—</i> | 9 |
| under the <i>Youth Justice Act 1992</i> . | 10 |
| | |
| Penalties and Sentences Act 1992 | 11 |
| 1 Schedule 1, entry for Corrective Services Act 2006, item 2, ‘124(a)’— | 12 13 |
| <i>omit, insert—</i> | 14 |
| 124(1)(a) | 15 |
| | |
| Public Guardian Act 2014 | 16 |
| 1 Section 51, definition <i>detention centre</i>, from ‘established’— | 17 18 |
| <i>omit, insert—</i> | 19 |

under the *Youth Justice Act 1992*.

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