

# Corrective Services (Prescribed Surveillance Devices) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 39

made under the

*Corrective Services Act 2006*

## General Outline

### Short title

*Corrective Services (Prescribed Surveillance Devices) Amendment Regulation 2025*

### Authorising law

Sections 149 and 355 of the *Corrective Services Act 2006*

## Policy objectives and the reasons for them

The *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023* (Emerging Technologies and Security Act), which received assent on 2 June 2023, inserted section 173A into the *Corrective Services Act 2006* (CS Act). Upon its commencement, section 173A will establish a legislative framework for the Queensland Corrective Services (QCS) chief executive to authorise the use of prescribed surveillance devices in and around corrective services facilities. Surveillance device is defined in section 173A as a device capable of transmitting or recording sound, images or changes in an environment.

The *Corrective Services (Promoting Safety) and Other Legislation Amendment Act 2024*, which received assent on 6 June 2024, amended section 173A before its commencement to clarify the limits of the chief executive's authorisation to use surveillance devices.

The *Corrective Services (Prescribed Surveillance Devices) Amendment Regulation 2025* (Amendment Regulation) will support the effective operation of section 173A of the CS Act. The Amendment Regulation will also provide transparency regarding the surveillance devices which may be used by QCS to maintain the safety and security of corrective services facilities.

Further, the Amendment Regulation will amend the name of the Southern Queensland Correctional Complex to the Southern Queensland Correctional Precinct to align with the name of the site that is master planned for multiple corrective services facilities.

## **Achievement of policy objectives**

The Amendment Regulation will prescribe the surveillance devices able to be authorised by the chief executive for use in accordance with section 173A of the CS Act. The Amendment Regulation identifies classes of device, made distinct by the technology underpinning each device and the purpose of each device.

The Amendment Regulation will update the name of the Southern Queensland Correctional Complex. Schedule 1 of the *Corrective Services Regulation 2017* prescribes the Southern Queensland Correctional Complex as a prison on a site that is master planned for multiple corrective services facilities. This site contains the currently operational Southern Queensland Correctional Complex (female prison) and Lockyer Valley Correctional Centre (male prison). The Amendment Regulation will declare the site to be Southern Queensland Correctional Precinct.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the CS Act objectives of promoting community safety and crime prevention through the humane containment, supervision and rehabilitation of offenders.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

There are no alternative means of achieving the policy objectives.

## **Benefits and costs of implementation**

The Amendment Regulation will provide transparency regarding the use of surveillance devices in and around corrective services facilities. It will also amend the name of the Southern Queensland Correctional Complex to the Southern Queensland Correctional Precinct to align with the title of the master plan site. Any implementation costs for the Amendment Regulation will be met within existing resources.

## **Consistency with fundamental legislative principles**

The Amendment Regulation may generally be considered inconsistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992* (LSA). Specifically, prescribing surveillance devices that are capable of transmitting or recording sound, images or changes in an environment within the correctional centre may be considered inconsistent with the fundamental legislative principle regarding the rights and liberties of individuals in section 4(3). This fundamental legislative principle includes the right to privacy.

However, the Emerging Technologies and Security Act provides sufficient safeguards and limitations for the use of prescribed surveillance devices. In accordance with section 173A, in authorising the use of a surveillance device, the chief executive must be satisfied that use of

the device will enhance one or more of the prescribed matters. These include the safety of prisoners, corrective services officers, visitors to the facility and the community; the maintenance of security and good order at the facility; the prevention of intimidation, corruption and the commission of other offences at the facility; or the detection of prohibited things entering, at or leaving the facility.

The authorisation must include requirements about the use, storage and destruction of recordings made by a surveillance device and must not authorise the covert use of a surveillance. In authorising the use of a prescribed surveillance device, the chief executive must have regard to the privacy of prisoners, corrective services officers and visitors to the facility.

The use of surveillance devices is necessary, to prevent incidents of violence against corrective services officers, other prisoners, visitors and the community, and deter violence through monitoring and recording activity in and around a facility.

Any inconsistencies with fundamental legislative principles are therefore considered justified, given the risks associated with concealed contraband entering a corrective services facility and the need to keep prisoners, corrective services officers, visitors and the community safe.

## **Consultation**

In accordance with the Queensland Government Better Regulation Policy, the Amendment Regulation is determined to be a proposal relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services, and does not require further impact analysis.

No public consultation was conducted as the amendments are minor and technical in nature.