

Proclamation – Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Laura Gerber, Minister for Youth Justice and Victim Support and Minister for Corrective Services, provide this human rights certificate with respect to the proclamation made under the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Act 2023* (Emerging Technologies and Security Act).

In my opinion, the proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The proclamation commences sections 19 (Insertion of new ch 4, part 3A) and 35 (Insertion of new s 490ZH) of the Emerging Technologies and Security Act. These sections:

- insert new section 173A in the *Corrective Services Act 2006* to provide a clear head of power for the Queensland Corrective Services (QCS) chief executive to authorise the use of a prescribed surveillance device within a corrective services facility to monitor and record activity in and around the facility, and
- insert new section 490ZH to provide a transitional provision for section 19, which applies if a prescribed surveillance device is in use at a corrective services facility immediately before commencement. From commencement, the use of the prescribed surveillance device is taken to be authorised by the QCS chief executive.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

I have considered the human rights protected by the HR Act. The Human Rights Statement of Compatibility tabled with the Emerging Technologies and Security Act, as it relates to sections 19 and 35, continues to apply.

In my opinion, the proclamation to commence these sections does not engage or limit human rights.

Conclusion

I consider that the proclamation is compatible with the HR Act because it does not limit human rights.

THE HONOURABLE LAURA GERBER MP
Minister for Youth Justice and Victim Support
and Minister for Corrective Services

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