

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

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

Submissions of
Together Queensland, Industrial Union of Employees

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Introduction

1. Together is one of the largest public sector unions in Queensland, representing over 28, 000 workers from across the public sector in health, education, public service departments and statutory authorities, as well as workers in the private sector. Together has consistently advocated for a fairer industrial relations system in the state, and our members have been at the forefront of improving the conditions of Queensland public sector workers and the services they deliver.
2. Together Queensland:
 - a. is an Industrial Organisation of Employees under the *Industrial Relations Act 2016* (Qld).
 - b. is a counterpart of the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch (Queensland Together Branch of the ASU). The ASU is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth).
3. Together represents Custodial Corrections Officers and other staff working in Queensland Corrective Services as well as staff in Youth Detention Centres and welcomes the opportunity to make submissions on the *Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Bill 2022*.

Objectives of the Bill

4. Together supports the objectives of the Bill, in particular, the measures to improve safety and security in Correctional Centres by:
 - a. modernising how corrective services facilities and youth detention centres respond to emergencies that threaten the health and safety of people within them
 - b. responding to new security risks by criminalising the use of drones over corrective services facilities and youth detention centres, as well as entry onto their rooftops and other restricted areas
 - c. providing clear authority to use x-ray body scanners, closed circuit television, body-worn cameras and other emerging technologies to maintain safety and security in correctional environments
 - d. updating the prisoner security classification framework to better align with corrective services facility infrastructure and appropriately respond to risk
5. Of note, Together has been pressing for the introduction of body scanners and other technologies to reduce the introduction of contraband into Correctional Centres. Together welcomes the establishment of the legislative framework to support those innovations and look forward to the introduction of this technology as soon as is achievable.

Corrective Services Act 2006

Chapter 4, Part 3A, s173A Electronic surveillance of corrective service facilities

6. Together is concerned at the lack of constraints on how this technology may be used. Section 173A should include a limitation of the chief executive's authorisation to prevent the possible surveillance and recording of staff activities for performance or disciplinary processes. This is not to undermine the safety and security of the members or the ability for the chief executive to collect and record surveillance materials for the purposes outlines in Section 173A(1).

Recommendation 1: Limit the chief executive's powers to authorise electronic surveillance of corrective services facilities for performance or disciplinary purposes.

Youth Justice Act 2006

Part 9A, Division 3, Staffing detention centre during emergency period

7. Together has fundamental concerns with these provisions. The Bill proposes to allow the temporary appointment of 'detention centre employees' under the *Youth Justice Act 2006* rather than the *Public Service Act 2008* under which all other current detention centre employees are employed.
8. Further, it provides that that these employees would be employed on terms and conditions decided by the chief executive alone.
9. This effectively allows employees to be excluded from any industrial conditions Queensland Modern Award or Agreement provisions under the *Industrial Relations Act 2016*, leaving the *Queensland Employment Standards* as the only industrial entitlements.
10. It also excludes the entire disciplinary and appeal framework under the *Public Service Act 2008*. Given the circumstances set out in which such a temporary detention centre is anticipated to be established, the potential for exploitation and mistreatment of staff is unacceptable.
11. While the provisions replicate previous temporary emergency powers in former section 264A of the YJA the circumstances in which this Bill is being proposed are markedly different. That section was inserted by the *Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020* in response to a once in a century health pandemic and the lack of detail around employment conditions and non-existent protection for workers may be explained by the urgency and immediacy of the pandemic at that time.
12. To replicate them now when there is no such urgency and time could be taken to properly integrate the emergency provisions with extant industrial legislation in order to ensure workers are protected is not appropriate.

Recommendation 2: These provisions must be amended to ensure temporary detention centre employees are afforded the protections under the Industrial Relations Act 2016 and the Public Service Act 2008 that are provided to other Public Sector workers.

Conclusion

13. The proposed amendments to the *Corrective Services Act 2006* are generally welcome and address concerns raised by our members for some time.

14. The issues raised with the proposed amendments to the *Youth Justice Act 2008*, however, are extremely concerning and need to be completely revised.