




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 21 May 2020

**JUSTICE AND OTHER LEGISLATION (COVID-19 EMERGENCY RESPONSE)
AMENDMENT BILL**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (12.29 pm): I rise to contribute to the debate on the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill. There is a very important amendment in this bill around the Police Powers and Responsibilities Act to support disease test orders for the COVID-19 virus. People who deliberately spit, cough or sneeze on any person commit a filthy, vile and disgusting act. However, when they do so during this COVID-19 public health emergency they potentially expose their victim to one of the most contagious and deadly viruses the world has seen.

These amendments are aimed at providing our essential workers and the broader Queensland community with as much protection to their health as we can. This government makes no apology for wanting to protect and support Queenslanders during this health pandemic. Our doctors, nurses, ambulance officers and police officers provide invaluable frontline care to the community whenever and wherever it is needed. Other essential workers, such as supermarket employees and petrol station attendants, interact daily with members of the public to provide them with vital goods and services. Absolutely no-one has the right to deliberately spit, cough or sneeze at or on anyone.

The provisions in this bill will apply in circumstances where a person deliberately coughs, spits or sneezes at or on another person and they have been arrested for a relevant assault offence under the Criminal Code. The disease test order provisions will also apply where a person is arrested for another offence, for example public nuisance, and during the course of the arrest the person commits a relevant offence by deliberately coughing, sneezing or spitting at or on another person.

The victims of such malicious acts are placed under significant stress as they have no way of knowing with any degree of certainty whether the offender may be infectious with the potentially deadly COVID-19 virus. Establishing a legislative framework that allows a court to order the offender to undergo a test for COVID-19 goes some way to reducing the stress on the victim of such an assault by providing them with knowledge of their offender's potential infection status. As the pathology results of the disease test are sent to both the victim and the offender's nominated medical practitioner, it will ensure that the offender is equally aware of their infection status and any need to self-isolate and receive medical treatment for COVID-19. This is particularly important where the offender has stated to the victim that they have the COVID-19 virus prior to spitting or coughing on them.

It is hard to believe that this type of behaviour is occurring, but sadly it is happening both here and overseas. I can tell the House that in the month of April this year the Queensland Police Service recorded 26 instances where an offender wilfully spat or coughed at or on either a police officer, healthcare worker or a member of the public. Only last week there were widespread media reports about a railway ticket office worker in London who died of coronavirus after being spat on while doing her job.

These amendments complement the strong measures established under the public health directive—Protecting Public Officials and Workers (Spitting, Coughing and Sneezing) Direction—issued by the Chief Health Officer on 27 April. The disease test order provisions will expire on 31 December 2020 or on the expiry date of the declared public health emergency made under section 319 of the Public Health Act should the declaration continue past the end of the year.

The Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020 includes four amendments to the Corrective Services Act 2006 that will assist Queensland's adult correctional environment to continue operating safely and effectively during the COVID-19 public health emergency. Queensland Corrective Services has a workforce of approximately 5,000 staff and they supervise almost 30,000 prisoners and offenders across Queensland every day. Their operations are complex and are delivered across 11 high-security and six low-security correctional centres, 13 work camps, 36 community corrections district offices and more than 150 reporting centres throughout Queensland. Significant planning has been put in place to ensure business continuity and the safe and secure operation of all elements of the correctional system in response to the COVID-19 pandemic. Queensland Corrective Services has adopted a staged and evidence based approach to implementing restrictions and measures to detect and prevent the spread of COVID-19.

Given the real threat to lives that COVID-19 presents, decisions about how to prevent the introduction and spread of the virus into Queensland's prisons and, in turn, the amendments put forward in this bill, are not being made lightly. So far the measures put in place in our correctional system in response to COVID-19 have been successful. However, to respond to future challenges as the situation evolves, several key amendments are required.

The amendments in this bill will ensure Queensland Corrective Services and the Parole Board Queensland have the necessary powers to ensure the health and safety of prisoners and offenders. The amendments in the bill will expand the application of a declaration of emergency to any Corrective Services facility, clarify the Queensland Corrective Services Commissioner's powers regarding Corrective Services facilities administered by engaged service providers and provide longer term acting appointments for the Parole Board Queensland. As mentioned, these amendments are temporary and cease at the end of the year.

In respect of the amendments the government is supporting, particularly in respect of the proposed expansion of the emergency declarations, I say that the staged response to COVID-19 in our correctional facilities is largely enabled by a declaration of emergency made under section 268 of the Corrective Services Act. This emergency declaration power currently applies only to prisons and excludes Corrective Services facilities such as the Helana Jones Centre or work camps. This bill will modify section 268 to expand the application of this power to cover all Corrective Services facilities impacted by the COVID-19 emergency.

In relation to the proposed clarification of the chief executive function, this bill will amend section 272 of the Corrective Services Act to ensure the continued operation of facilities run by an engaged provider—namely, the Arthur Gorrie Correctional Centre—in response to the COVID-19 pandemic prior to its transition to full public operation from 1 July 2020. With the onset of COVID-19, Queensland Corrective Services had to re-evaluate the amount of and methods for delivering activities planned in advance of the transition date, such as face-to-face training and change management. As a result, a modification to section 272 is required to clarify the commissioner's powers. This amendment supports the security and good management of correctional centres.

In relation to the proposed extension of acting board appointments, this bill modifies section 228 of the act to increase the duration a qualified person may be appointed to act as a prescribed member of the Parole Board. As a result of COVID-19 the Parole Board has received a significant increase in the number of applications for parole. This amendment is important to allow the Parole Board sufficient capacity to continue to do its work. The ability of the Governor in Council to appoint a suitably qualified person to act as a board member for longer than three months increases the board's capacity. We live in challenging times, but the government is doing everything in its power to keep Queenslanders safe and healthy. I commend the bill to the House.