



Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 15 July 2020

CORRECTIVE SERVICES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (3.21 pm): I move—

That the bill be now read a second time.

I take this opportunity to thank the committee for their consideration of this bill and for their report. I note the committee made one recommendation, which is that the bill be passed. I also thank key stakeholders for their valued feedback and for taking the time to meet with me and officers from my department on important aspects of this bill. By working together we are best placed to achieve outcomes that are in everyone's best interests and, importantly, in the interests of community safety. I particularly note feedback from the Queensland Homicide Victims' Support Group and thank the CEO, Brett Thompson, for taking the time to discuss a number of community safety aspects of the bill.

This government will always put community safety first. Indeed, examples of amendments to boost safety and security in this bill include a proposal to increase the maximum penalty for serious assaults on corrective services officers and a new offence prohibiting staff from having intimate relationships with offenders. This amendment addresses the corruption risk of inappropriate relationships identified during Taskforce Flaxton hearings conducted by the Crime and Corruption Commission. It recognises the seriousness of the corruption risk associated with inappropriate relationships.

Firstly, I will turn to the amendment to increase the maximum penalty for serious assaults on corrective services officers. This government has zero tolerance for violence. Queensland Corrective Services manages people with some of the most complex needs in the community. The nature of the correctional environment means incidents can and do occur and that sometimes officers need to put themselves in situations that can be dangerous. Should this happen, highly trained staff swiftly respond to control the situation and restore the security and good order of the correctional centre. Staff in Queensland Corrective Services are trained in de-escalation techniques, control and restraint, weapons and first aid. They are supported by an array of safety and security equipment, including body worn cameras, tactical and riot gear, chemical agents and other weapons. This amendment will ensure that, in circumstances where a prisoner commits a serious assault, they will face a maximum penalty of 14 years. This maximum penalty will send a strong message to prisoners who are intent on assaulting a custodial officer that they will face tougher consequences for their actions.

I take this opportunity to thank the staff of Queensland Corrective Services who are working on the front line of community safety for the actions they take day in and day out to protect our community. I also acknowledge the Together union for working with the government to make this important change to the Criminal Code. I acknowledge the continual and strong advocacy of the member for Maryborough.

His dogged determination and support for corrective services officers is to be commended. This amendment delivers a strong deterrent and again sends a strong message that this behaviour is unacceptable and will not be tolerated.

I propose to move amendments during the consideration in detail stage of the bill that include a change to the timing of the commencement of amendments relating to the Parole Board Queensland, relocating the intimate relationships provisions of the bill, removing the clause regarding section 110A and trespass provisions under the Summary Offences Act 2005. Additionally, the Minister for Natural Resources, Mines and Energy has outlined to me the importance of fixing an oversight created by recently commenced amendments to the Petroleum and Gas (Production and Safety) Act 2004. To address that oversight, I will move amendments on Minister Lynham's behalf.

I will also move amendments to the Public Health Act 2005 and the Hospital and Health Boards Act 2011. These amendments will support the government's ongoing response to COVID-19 by providing stronger penalties for persons who contravene public health directions, creating a new statutory position of Deputy Chief Health Officer and enabling Queensland's contract tracing officers to assist efforts in other states and territories to contain the spread of COVID-19. I table the supplementary explanatory notes and statement of capability for these amendments.

Tabled paper: Corrective Services and Other Legislation Amendment Bill 2020, explanatory notes to Hon. Mark Ryan's amendments [\[1177\]](#).

Tabled paper: Corrective Services and Other Legislation Amendment Bill 2020, statement of compatibility with human rights contained in Hon. Mark Ryan's amendments [\[1178\]](#).

The COVID-19 health pandemic has affected the operations of this bill. Two measures in the bill relating to the Parole Board Queensland were brought forward in the COVID-19 emergency response regulations. These two measures were required to respond to a significant increase in parole applications as a result of the pandemic. As all COVID-19 amendments are temporary, it is proposed to keep these amendments in the bill as originally intended to permanently support the improved operations of the Parole Board Queensland.

I propose relocating the intimate relationships offence to make it clear, as stated in the explanatory notes, that the offence applies to any staff member and not just those working in corrective services facilities. Further, I intend to remove clause 15 of the bill because, put simply, as governments around the world work towards response to and recovery from the COVID-19 health pandemic, it is not considered a priority of this government.

I intend to move amendments to address a gap in the trespass provisions of the Summary Offences Act. Part 2 of the Summary Offences Act outlines a number of offences that prohibit a person or persons from unlawfully entering or remaining on a place used for a business purpose. The existing offence provisions do not prevent authorised industrial officers from entering workplaces in accordance with the terms of their appointment, but they do not allow for those officers to remain at the location. The proposed amendments remedy this gap. The proposed amendments also clarify that the trespass offences do not prevent workplace health and safety entry permit holders from entering and remaining in a workplace in accordance with their appointment. This amendment updates the definition of 'authorised industrial officer' under the act to reflect terminology used in other legislation.

In relation to the amendments to the Petroleum and Gas (Production and Safety) Act 2004, the amendment I will move today will restore the ability of the chief executive who administers the general resources functions under the act to appoint authorised officers. Recent amendments made by the Resources Safety and Health Queensland Act 2020 inadvertently removed those powers and provided them exclusively to the CEO of Resources Safety and Health Queensland, a newly established statutory body. I understand it is critical that the chief executive administering the general resources function of the Petroleum and Gas (Production and Safety) Act 2004 is able to appoint authorised officers to carry out those functions while the CEO of Resources Safety and Health Queensland appoints authorised officers to carry out safety and health related functions.

I will move amendments to the Public Health Act and the Hospital and Health Boards Act to support the government's ongoing response to COVID-19. Since the commencement of the COVID-19 emergency, the Chief Health Officer's workload has been extraordinary. The Chief Health Officer has made over 60 public health directions, considered many individual requests for exemptions to the public health directions, approved plans and checklists and declared numerous COVID hotspots.

Amendments to the Public Health Act and the Hospital and Health Boards Act will create the position of Deputy Chief Health Officer and will allow the Chief Health Officer to delegate functions to her deputy and to other appropriately qualified public officers. Not all of the Chief Health Officer's powers

will be delegable. Only the Chief Health Officer will be able to issue public health directions. However, the Chief Health Officer will be able to delegate their functions including those that arise under a public health direction, such as granting exemptions, approving COVID-19 plans and checklists, and declaring COVID-19 hotspots.

Amendments to the Public Health Act will increase the penalties for those individuals who breach a public health directive to 100 penalty units or six months imprisonment. The increase in penalty will be a strong deterrent and protect Queenslanders from the public health risk posed by persons who breach public health directions. The term of imprisonment is consistent with the approach taken in other states and territories. Further, the amendments will authorise contact tracing officers to exercise their functions outside Queensland, or in relation to persons outside Queensland, so that they may assist other jurisdictions, such as Victoria, to prevent or minimise the transmission of a notifiable condition.

I will now provide an overview of the remainder of the bill. This bill supports the government's key objective—keep communities safe in *Advancing Queensland's priorities: our future state*. The bill responds to the immediate risks identified in the Crime and Corruption Commission's Taskforce Flaxton report, supports the government's implementation of recommendations from the Queensland Parole System Review and enhances operational efficiencies for Queensland Corrective Services and the Parole Board Queensland.

In addition to these important corrective services amendments, the bill introduces two significant policies associated with unregistered firearms and the possession and use of replica firearms. The bill also includes amendments to the Racing Integrity Act 2016 to provide certainty that the information that the Racing Integrity Commission and a relevant agency may share is not limited to information about racing bookmakers and associates. Rather, the information has a broader application in fulfilling the functions of the commission and the relevant agencies.

This bill pays particular attention to ensuring the measures included are compatible with the new Human Rights Act 2019 and fundamental legislative principles. These are important safeguards that ensure individual rights and liberties are protected and that any limitations are strictly necessary.

The bill brings into effect a permanent, ongoing firearms amnesty for Queensland. It supports an agreement of the Ministerial Council for Police and Emergency Management ministers to establish a permanent nationwide firearms amnesty by late 2020. The amnesty will allow any firearms or prescribed items to be handed in to a police station or an approved licensed dealer without fear of prosecution. This is all about keeping Queensland safe.

The bill also makes amendments in relation to replica firearms, including gel blasters, that look like real firearms. This is about creating a safe framework that protects the community, supports small businesses and allows people to continue to safely enjoy a popular pastime. While the majority of gel blaster owners behave responsibly and do the right thing, in recent times there has been a spate of incidents involving the misuse of gel blasters. This government asked the Police Commissioner to look into what steps could be taken to enhance community safety, and the police recommended that we need to remind people who transport a replica firearm, or a gel blaster that looks like a real firearm, that it should be carried in a suitable bag or case away from public view; that gel blasters that look like real firearms and replica firearms should be kept safely secured when not in use; and, finally, that owners of gel blasters that look like real firearms and replica firearms should have a reasonable excuse for their possession, such as being a member of a gel blaster club and/or taking part in club activities.

This bill paves the way for a sensible set of regulations that support a greater level of community safety, support small businesses and allow people to continue to safely enjoy a popular pastime. The Weapons Act will be amended to give support to a new Queensland Police Service policy which will be fully introduced through regulatory change to address the possession of replica firearms. All replicas of firearms, including deactivated category A, B and C firearms, will be captured by this policy.

The amendments in the bill will clarify when a person will have a reasonable excuse to possess a replica firearm. For instance, a person can have a gel blaster if they are taking part in club activities. The bill makes it clear that it is a reasonable excuse for a member of an association that carries out recreational activities to possess a replica to take part in those recreational activities. The bill also makes it clear that a collector with a collector's item can have a replica as part of their collection.

While the bill makes it clear that these two specific circumstances are a reasonable excuse to possess a replica firearm, it puts no limits on what other circumstances may also be considered a reasonable excuse. For example, in most circumstances it would be considered a reasonable excuse for an RSL to have possession of a deactivated category A, B or C firearm as part of the history and memorabilia of that RSL. Likewise, an active member of an historical re-enactment association who

possesses a replica firearm for use as part of re-enactment activities would also be considered to have a reasonable excuse. In addition, authorised officers in the Queensland Police Service will have the ability to approve an alternative means of storage if it is as least as secure as otherwise required by legislation. This may cater for when such items are stored by being mounted to a wall.

The Queensland Police Service has worked closely with key stakeholders including clubs, associations and retailers in the development of this policy position. There has been extensive consultation and meetings with key stakeholders. Queenslanders and those stakeholders were invited to have their say on a government website as well, and I thank people for taking part in that survey. Around 4,000 people took part, and their feedback has helped form these amendments. Further, the Queensland Police Service has implemented the Stop and Think awareness campaign to enhance community safety.

I will now turn to the corrective services amendments included in this bill. The Corrective Services Act 2006 sets out the authority for Queensland Corrective Services to humanely contain, supervise and rehabilitate almost 30,000 prisoners and offenders across Queensland. This operation is complex, spanning across 11 high-security and six low-security correctional centres, 13 work camps, 36 community corrections district offices and more than 150 reporting centres right across our great state.

Since mid-2016, review and reform of Queensland's correctional system has been a significant focus to ensure that the delivery of corrective services remains strategic, innovative and evidence based. A key review guiding the development of this bill is Taskforce Flaxton. The Crime and Corruption Commission's Taskforce Flaxton report made 33 recommendations to reform Queensland's anti-corruption framework for correctional centres, improve oversight mechanisms and safety, increase accountability and raise performance standards. This government supported all 33 recommendations and, as part of our response, we are progressing the implementation of amendments in this bill. This highlights the government's commitment to ensuring all departments act with the highest standards of integrity, ethics, accountability and transparency.

Another key review that has driven reform elements included in this bill is the review of the Queensland parole system. The Queensland Parole System Review, the Sofronoff review, made 91 recommendations, including amendments relating to the Corrective Services Act. This review resulted in the government's \$265 million commitment to implement a comprehensive overhaul of Queensland's parole system. This bill makes amendments to further the government's implementation of the review's recommendations.

Finally, to complement the amendments recommended by these reviews, a number of amendments have been requested by the Parole Board Queensland. With the independent Parole Board Queensland in operation for two years, it is timely to progress amendments that will increase efficiency, as well as the operation of the no-body no-parole laws. The bill also makes amendments to support the safe, efficient and effective operations of Queensland Corrective Services, including the repeal of outdated provisions that are no longer applicable.

In relation to the amendments that respond to the recommendations of the Taskforce Flaxton report, this bill introduces alcohol and drug testing for corrective services officers or recruits in response to recommendation 18 of the review. The testing aims to identify staff with substance abuse problems, as those under the influence are more likely to engage in problematic decision-making and behaviour. This is a corruption risk for Queensland Corrective Services outlined by Taskforce Flaxton.

The bill also provides the authority to require staff to submit to a search at a corrective services facility before they enter or at any time. This amendment responds to recommendation 20 of the Taskforce Flaxton report and is aimed at limiting opportunities for contraband to be introduced into corrective services facilities. To complement this amendment, definitions of general and scanning searches in the act will also be expanded to allow for additional search methods such as using an lonscan to detect traces on a person's clothing. This will apply to searches of staff and other visitors and is further aimed at preventing contraband. Any introduction of contraband such as illicit drugs puts staff and prisoners at risk. In response to recommendation 22 of the Taskforce Flaxton report, this bill provides a clear authority for Queensland Corrective Services to destroy forfeited things or contraband, where appropriate. Sound seizure and disposal practices reduces the risk that seized items can be diverted and recirculated back into the correctional environment.

In response to recommendation 30 of the report, the bill authorises the appointment, role and function of Queensland Corrective Services's Professional Standards and Governance Command inspectors to investigate misconduct or corrupt conduct alleged against staff. However, this amendment will not take away external referral pathways, including to the Queensland Police Service or the Crime and Corruption Commission.

In response to recommendation 32 of the report, the bill provides Queensland Corrective Services with a discretion to refer matters to police that could be dealt with either as an offence or as a breach of discipline. Importantly, this discretion will not apply to sexual offences or offences with a maximum penalty of 14 years or more, which must be referred to the Commissioner of Police. These amendments are only the first step and will be supported by more detailed regulation and operating procedures to ensure consistent operation across all corrective services facilities.

Importantly, to reflect community expectations and enhance community and correctional environment safety, this bill includes three new offences. As previously outlined, this bill includes an offence prohibiting a staff member from having an intimate relationship with an offender, with a maximum penalty of 100 penalty units or three years in prison. Also included is an offence which prohibits a parolee or offender required to wear an electronic monitoring device from removing or tampering with that device, with a further penalty of up to 30 penalty units or three months imprisonment. There is also an offence prohibiting a person from unlawfully interfering with a Queensland Corrective Services staff alcohol or drug test sample, with a maximum penalty of 100 penalty units.

I will now address some additional amendments included in this bill that will enhance corrective services operations and safety. The bill includes amendments to the Corrective Services Act to ensure Queensland's corrective services legislation is responsive and flexible and supports staff, prisoner, offender and community safety. The bill will provide flexibility in the management of prisoners on maximum security orders by allowing, where appropriate, alternate accommodation outside a maximum security unit. The bill also clarifies these orders can be put on hold while a prisoner is at an authorised mental health service.

The bill expands late discharge provisions to released prisoners. This will allow a prisoner released to parole to request to temporarily stay at a corrective services facility—for example, where it is late in the day and there is no transport or where there is a natural disaster. The bill provides clarity on the authority of a corrective services officer to execute a warrant and arrest a prisoner unlawfully at large such as where a parole order has been suspended or cancelled. The bill provides the express authority for the chief executive to approve or refuse deposits into a prisoner's trust account. This will allow appropriate monitoring and response to suspicious payments.

The bill will clarify and expand the definition of a law enforcement agency to enable criminal justice agencies to perform their function as established in law. This will support ongoing interagency cooperation with agencies such as the Australian Border Force by streamlining visiting and interview abilities in Queensland's corrective services facilities.

I will now address the proposed amendments that relate to the Queensland Parole System Review and the Parole Board Queensland. This bill supports several amendments that respond to key recommendations of the Queensland Parole System Review. With regard to the recommendation in relation to the eligibility of prisoners to transfer to low security prison facilities, the Queensland Corrective Services commissioner has advised that certain prisoners will be restricted and will not be eligible to be placed in low security facilities. Indeed, the government's position was made very clear at the time of the Queensland Parole System Review—the Sofronoff reforms—that the government did not accept that recommendation of the Sofronoff review.

In response to recommendation 85 of the review, this bill will allow persons registered on the victims register to apply for an extension to the time limit of 21 days for submissions. This will ensure a greater opportunity for victims to be involved in the parole process by providing additional time for them to make a considered submission. I thank the Queensland Homicide Victims' Support Group for their feedback in relation to this amendment.

In support of recommendations 33 and 59 of the review, this bill will provide a framework to enable children to establish and maintain relationships with a parent who is incarcerated. This framework will apply to certain prisoners, and certain prisoners only, and will always prioritise community safety.

In support of recommendation 81 of the review, this bill provides that a person on the victims register will be notified of a prisoner's discharge or release as soon as practicable after Queensland Corrective Services is made aware. This bill also includes several amendments to enhance the operation of the Parole Board Queensland, including in its consideration of no-body no-parole matters. The no-body no-parole process will be strengthened to ensure a quorum of five members will hear all no-body no-parole applications and, further, to clarify the relevant transcripts that must be considered in the determination of any prisoner's cooperation in locating a victim's remains. The Parole Board Queensland's general operations will also be enhanced by streamlined quorum requirements for less complex matters and longer-term acting appointments.

In relation to parole, this bill includes amendments to the suspension and cancellation of parole orders, including allowing the board to determine when a reconsidered decision to suspend or cancel a parole order takes effect. This will ensure that there is time to notify any victim and proper consideration can be given to release arrangements such as travel and accommodation. It also ensures the board can prioritise immediate suspension requests and decisions. This will ensure those matters that present risks to community safety are prioritised over others. It further enables the board to also cancel a parole order following a request by Queensland Corrective Services for an immediate suspension. This will streamline the decision-making process, eliminating the need for a second decision on cancelling a parole order, if the information leading to a suspension would also warrant cancellation.

I now turn to the amendments relating to the Racing Integrity Commission and information sharing. This bill includes amendments to the Racing Integrity Act 2016 to relocate section 98A, which provides that the commission may enter into information sharing arrangements with relevant agencies to assist the parties to perform their functions. Section 98A will be relocated to a new chapter 2, part 6A headed 'Information sharing' and will be renumbered as section 53A. This will clarify that the information that may be shared has a broader application in fulfilling the functions of the parties which is provided for in the provisions, and is not restricted to information about racing bookmakers and associates. The bill also provides for consequential amendments to section 3A of the Racing Integrity Regulation 2016 to update the references from section 98A to section 53A.

The amendments proposed in this bill represent a significant step in the government's response to recent reviews into Queensland's correctional system. Further, these amendments relating to criminal justice legislation in Queensland will make our communities safer. Of course, nothing is more important than that. I commend the bill to the House.