




Speech By  
**Melissa McMahon**

**MEMBER FOR MACALISTER**

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Record of Proceedings, 15 July 2020

### **CORRECTIVE SERVICES AND OTHER LEGISLATION AMENDMENT BILL**

 **Mrs McMAHON** (Macalister—ALP) (6.30 pm): I rise to speak in support of the Corrective Services and Other Legislation Amendment Bill. Before I do so I have to recover from the dizziness caused by the flip flopping in the speech by the member for Currumbin: we have too many people in prison, we need more people in prison.

**A government member:** It is confusing.

**Mrs McMAHON:** How much money did those opposite allocate to building prisons when they were in government? None at all. There is quite a bit in this bill to speak to and as a member of the committee that considered it I thought I would use the limited time that I have to point out some of the key components. A significant component of this bill puts into legislation many recommendations of the Crime and Corruption Commission's report titled *Taskforce Flaxton: an examination of corruption risks and corruption in Queensland prisons*. There were a number of recommendations in the Taskforce Flaxton report and this government has agreed to implement in principle all of the recommendations. This bill addresses a number of the risks identified in the report and is a key component in the government's response to that report, along with the commitment to delivering stage 2 of the Southern Queensland Correctional Precinct. The member for Currumbin might like to know we are actually increasing the capacity in our corrective system.

Included in this bill is the authorising of the chief executive to require corrective services staff to submit to alcohol and drug testing, strengthening powers to undertake general or scanning searches of staff at a facility at any time, improving property and exhibit handling practices and assisting both the Queensland Corrective Service and Queensland Police Service's Corrective Services Investigation Unit in establishing greater clarity in investigating incidents at correctional facilities.

With respect to alcohol and drug testing, it was specifically highlighted in the Taskforce Flaxton report as a present and very real corruption risk. The CCC identified that drug and alcohol testing could identify staff with substance abuse problems, assist in the detection of contraband and identify staff who are more likely to engage in problematic decision-making and unreasonable use of force due to being under the influence of alcohol or drugs. I understand that for many this will be seen as an overreach in the workplace. I get it.

Issues with substance abuse may be for very personal and troubling reasons. However, ultimately it is a workplace, it is a position of power and there is a duty of care to those in custody. When one wears a uniform it carries with it a key community safety expectation that one's behaviour must be beyond reproach. I have spent most of my life in workplaces where I was subject to regular random drug and alcohol testing. It comes with wearing a uniform. It comes with representing a key role within the community. I certainly saw it as part of the trust relationship that I had with the broader community. My job was easier when the community had faith in my ability to do my job unhindered and unencumbered, and being subjected to such testing regimes was my way of being deserving of such faith.

The issue of staff searches is a little bit different, but it is paramount when one considers the workplace and the corruption risks around contraband. The idea of prisons being drug and contraband free is pivotal not only to prisoner and officer safety but also to the rehabilitation process. I am pleased that the least invasive manner of searching, a scanning search, is the primary method of searches and that it is done in a manner that causes minimum embarrassment to the person.

The introduction of a new offence prohibiting a staff member from having an intimate personal relationship with a prisoner or offender is also a result of the Taskforce Flaxton report. Taskforce Flaxton found that such behaviour compromises the correctional system and places the safety of other staff, prisoners and the community at risk. Inappropriate relationships provide the basis for smuggling of contraband, aiding prisoner escapes and supporting organised criminal activities. The offending behaviour includes sexual conduct or other physical expressions of affection or sexual contact or the exchange of written or other forms of communication of a sexual nature.

I will now turn to other aspects in this bill outside the Taskforce Flaxton report, such as the inclusion of the corrective services workforce as people protected under section 340 of the Criminal Code in relation to serious assault, just as other public officers are protected under that same section. Given the nature of the population that corrective services officers work with, they are at a high risk of assault. I have spent some time working as a custodial officer supervising police prisoners as well as corrective services prisoners and it is a high-risk workplace. Spitting or throwing bodily fluids at another person is a particularly vile act. It is especially malicious as it places the victim under significant and prolonged stress while they await the outcome of infectious disease testing.

Outside the scope of corrective services, this bill will introduce changes to the Weapons Act and regulations. Firstly, it creates the establishment of a permanent firearms amnesty. In 2019 a Ministerial Council for Police and Emergency Management meeting resolved that a nationwide permanent firearms amnesty should be established by the end of 2020. The aim of a permanent firearms amnesty is to reduce the number of unregistered firearms in the community by making it easier for people to hand them in. This reduces the risk of firearms falling into the wrong hands. Under the provisions a person will not be prosecuted for the unlawful possession of a firearm if they are at or in the process of proceeding directly to a police station or approved dealer to relinquish that item.

Another significant change is the regulation of replica firearms. While offences exist for using replica firearms in public places, such as going armed so as to cause fear, the possession of them has never been regulated. The growing concern is the emergence of gel blasters which meet the definition of replica under the Weapons Act as they look like real military style weapons but do cause little physical harm. I understand that many young people, families even, like to use gel blasters to participate in combat style games, much like paintball activities before them. In and of themselves they are not harmful activities. They encourage movement, fitness, team work and the like. Gel blasters are readily available online and available at many retailers, including in my electorate. Anyone can buy them. That does not change.

Away from organisations, competition and private property there is a growing concern about how these items are perceived in public places. For those not familiar with gel blasters, unlike paintball and airsoft items, gel blasters look in almost every way identical to fully automatic machine guns and come in many other forms such as handguns, rifles and shotguns. They are realistic. Mr Kirk Yatras, president of Firearm Owners United, indicated that the everyday layperson would have difficulty differentiating it from an actual firearm. This can clearly cause problems.

Since 2017 Queensland police have identified 352 incidents involving the public reporting their concerns about gel blasters, thereby causing police to investigate. This has resulted in some 85 offences detected. Keep in mind that possessing these items is not an offence so it was how these toys were used that constituted an offence. These are considered toys, but their use in public spaces can be concerning, so much so that other states, including states with LNP governments, have outright banned the use of gel blasters. We are now the only state where gel blasters can still be bought, sold and used.

We do not want to go that far. We believe that, with some level of regulation, active participation in such hobbies can and should continue, a retail industry can and will continue, and the community can also be kept safe. Amendments to the Weapons Categories Regulation will make replica firearms restricted items—not category R weapons, but restricted items. That means that when they are not being used for their intended purpose they are to be locked away. They will not have to be stored in the sorts of receptacles that firearms are stored in, but they will have to be secured. They should not be carried in public without a reasonable excuse, such as attending an organised group or activity or

participating in a recreational activity involving gel blasters. Obviously entities such as gel blaster retailers, re-enactment groups and RSLs would be considered to have reasonable excuses for the possession of those items.

Extensive consultation has occurred and representatives of key gel blaster industry groups have expressed their support for the changes that provide their organisations with certainty and legitimisation in the face of the gel blasters being banned in other states. I acknowledge that there are a number—

*(Time expired)*