




Speech By
Peter Russo
MEMBER FOR TOOHEY

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CORRECTIVE SERVICES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (6.12 pm): Well, the member for Southern Downs has misled his poor children! I put it on the record.

Mr Lister: I haven't misled the House, though!

Mr RUSSO: No; I think it is worse to mislead your children. The principal purposes of this bill are: to respond to the immediate risks identified in the Crime and Corruption Commission's report *Taskforce Flaxton: an examination of corruption risks and corruption in Queensland's prisons*; and to improve operational efficiencies for Queensland Corrective Services. Further, the bill creates a permanent firearms amnesty and includes amendments on replica firearms. I would like to speak in support of this bill.

The Legal Affairs and Community Safety Committee in its report No. 65, tabled in this assembly on 29 May 2020, recommended that the bill be passed. The bill supports the implementation of recommendations from the Crime and Corruption Commission's Taskforce Flaxton report, with several immediate priorities identified which will assist Queensland Corrective Services to execute its duties within Queensland prisons. Queensland Corrective Services operates with a workforce of approximately 4,700 frontline staff who supervise almost 30,000 prisoners and offenders across Queensland every day. Corrective services officers have a difficult job and work with some of the most challenging people in our society.

The government is committed to providing safe environments not only for the workforce but also for visitors, support workers and personnel, prisoners and offenders. Several strategies have been implemented to increase safety in the complex operational community and correctional environments. A significant amendment is the increase in funding to provide for an increase in staffing levels and the rollout of body worn cameras and load-bearing vests across Queensland's prisons.

Like any other workforce, corrective services officers should be able to attend work, perform their job and return home to their families without experiencing physical threats and violence. Further safety strategies would improve prisoner and offender directed approaches to provide for the installation of additional bunk beds, more effective and efficient procedures through demand management strategies, provide for an extension of prison industries from five to seven days, and the implementation of a modified unit routine to alleviate overcrowding pressures. There would be additional investment in educational programs for prisoners and offenders with a focus on violence reduction and prevention programs. Programs would also provide for the provision of relevant tools, training and de-escalation techniques for staff.

The Corrective Services and Other Legislation Amendment Bill 2020 includes a new offence under the Criminal Code to appropriately respond to assaults on working corrective services officers by a prisoner. Prisoners who assault corrective services officers should be held accountable and be liable to receive the maximum penalty for their actions. The amendment makes it clear that if a prisoner seriously assaults a corrective services officer while in a correctional centre with any aggravating

circumstances resulting in causing bodily harm to the officer, or if the prisoner is, or pretends to be, armed with a dangerous or offensive weapon or instrument, the maximum penalty of 14 years imprisonment can be applied. Clarity is necessary to provide a strong deterrent to this type of behaviour occurring in a closed environment and to give reassurance to corrective services officers of the importance of their health and safety.

The legislative amendments in the Corrective Services and Other Legislation Amendment Bill 2020 respond to risks identified in the Taskforce Flaxton report. While the government recognises that the vast majority of corrective services officers do the right thing, these amendments will rightly authorise and strengthen the authority for alcohol or drug testing of corrective services officers, allow for searching a staff member at a corrective services facility and allow Queensland Corrective Services to destroy forfeited things, to investigate alleged staff misconduct or corrupt conduct and to deal with an offence as a breach of discipline.

To address the risk of inappropriate relationships between staff and prisoners or offenders, a new offence attracting strict penalties has been introduced which will prohibit a staff member from being involved in an intimate relationship with a prisoner or offender. Currently, the chief executive can require an offender to wear a device for monitoring an offender's location. The bill proposes to amend the provision to also allow the chief executive to direct an offender to permit the installation of a device, such as a battery charger, which would allow the monitoring device to continue to function. It would make it an offence for an offender to remove or tamper with an electronic monitoring device or associated equipment without having a reasonable excuse.

Under further amendments to the bill, victims of offences who are on the victims register are to be notified of a prisoner's discharge or release as soon as practicable, and they will also be allowed to apply to the Parole Board Queensland for an extension to provide a submission. The government's swift implementation of legislative amendments to support the Taskforce Flaxton recommendations highlights a commitment to ensuring that all government departments act with the highest standards of integrity, ethics, accountability and transparency.

The Corrective Services and Other Legislation Amendment Bill 2020 makes amendments regarding two Queensland Police Service policies, and they are the regulation of replica firearms and the creation of a permanent firearms amnesty. While offences exist for using replica firearms in public, the possession of them has never been regulated in Queensland. There has been an increase in the number of replica firearms being seen in public and causing alarm when people mistake the replicas for real firearms. This is a problem that needs addressing as sightings of these replicas in public spaces around the community create a drain on police resources and increase the risk of a police shooting.

The amendments are not seeking to ban participation in popular pastimes and will allow the recognition of reasonable excuses for why someone would be carrying a replica firearm, such as a gel blaster, in public and will also look at other measures such as the safe storage and carriage of these items. Whether something is or is not a reasonable excuse will depend on all of the circumstances at the time, though essentially it is whether a reasonable person would consider it a reasonable excuse to possess the item. The majority of stakeholders hold the view that regulation creates a safe framework that protects the community, supports small businesses and the industry, and allows people to continue to safely enjoy participation in the activity.

A permanent firearms amnesty was resolved at the Ministerial Council for Police and Emergency Management meeting in late 2019. Firearms amnesties are a proven, effective means of reducing the number of unregistered firearms in the community. This bill contains amendments which create a permanent, ongoing firearms amnesty for Queensland. The amendments provide that a person cannot be prosecuted for the unlawful possession of a firearm, or a prescribed item, if they are at or proceeding directly to a police station or approved licensed dealer for the purpose of relinquishing the firearm or item.

There is also a condition that, when practicable, the person must notify the dealer or police station prior to attending. This condition will allow police to determine whether that is, in fact, what they are doing and it is not a false claim being made. If the person who is surrendering the firearm provides their details to a firearms dealer, then the dealer can apply to transfer ownership of a relinquished firearm to themselves to resell. However, if no details are provided to the dealer at the time of surrender of the firearm, then the firearm is to be given to police for forfeiture to the state. This is important to avoid any risk of the scheme being used to launder firearms. I support the committee's recommendation and commend the Corrective Services and Other Legislation Amendment Bill 2020 to the House.