




Speech By  
**Jason Hunt**

**MEMBER FOR CALOUNDRA**

---

Record of Proceedings, 22 June 2022

### **INSPECTOR OF DETENTION SERVICES BILL**

 **Mr HUNT** (Caloundra—ALP) (3.58 pm): I rise to speak in support of the Inspector of Detention Services Bill 2021. As is ever the case, thanks go to the secretariat staff who time and again do such excellent work in the administration and the culminating periods leading up to and including the formation of these reports. The committee members themselves—Peter Russo, member for Toohey; Jonty Bush, member for Cooper; Sandy Bolton, member for Noosa; Laura Gerber, member for Currumbin; and Andrew Powell, member for Glass House, who was still on the committee at the time of this report—have all worked effectively and collaboratively on this report.

The objective of the bill is to establish an independent inspectorate to promote and uphold humane treatment and conditions of people in prisons, community correctional centres, work camps, youth detention centres and police watch houses. To that end, a public hearing was held in November of last year. Twenty submissions were received in total and of those seven organisations presented at the public hearing on November 29. These organisations comprise Together—the union representing prison officers—Change the Record, Aboriginal and Torres Strait Islander Legal Service, Sisters Inside, Queensland Advocacy Inc., Queensland Human Rights Commission, knowmore legal service and, finally, the Queensland Law Society.

The purpose of the bill is to improve detention centres with a focus on promoting and upholding the humane treatment of detainees, including the condition of their detention, and preventing the detainees from being subject to harm, including torture or cruel, inhuman or degrading treatment. That said, let me make one thing abundantly clear: our custodial officers in Queensland are a well-trained and enormously professional group of staff doing a very difficult job in extremely difficult conditions.

No prisoner in Queensland is subject to torture or cruel or degrading conditions. When, for example, a prisoner is placed in restraints, handcuffs or spit hoods, it can look very daunting to the untrained or the unfamiliar. But make no mistake, a prisoner is invariably restrained in this way to prevent them doing harm to others. In the case of certain restraints which look even more imposing—body belts et cetera—they are put into effect to preserve the prisoner's life. More times than I care to remember I have seen a prisoner protest during the application of restraints, only to make an immediate and very graphic self-harm attempt literally within moments of the restraints being removed. Events of that type are not torture; they are a concerted effort by the staff who are straining every sinew to preserve the life of a detainee until such time as they can return to a more measured state of positive ideation.

To finalise this specific point and to remove all doubt, it is worth quoting from the written submission from Together, the union representing all Queensland prison officers. That they now represent all prison officers is testimony to this government's excellent decision to reclaim the last two private jails in Queensland to the lasting benefit of the staff in those centres, a move that the LNP

described as wasteful spending, as though enhancing staff safety was somehow wasteful. The submission from Together stated—

... the Bill focuses almost entirely on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and in doing so seeks to solve a problem that, in the main, does not exist and loses sight of the need to adopt a holistic view of the operation of detention centres.

...

While it is accepted that one of the aims of OPCAT is to prevent torture of detained persons that must be understood in the context of an international standard aimed at prison systems very different to those in Queensland. The union is unaware of any issue with 'torture' in state run prisons, yet the explicit inclusion of that language implies that the issue exists. This is highly insulting to the thousands of Correctional Officers that do a difficult and dangerous job on behalf of the community.

I commend the union on the central messaging of their submission. Under this bill the inspectorate will cover the operations and management of facilities and the treatment and conditions of people detained in accordance with national and international rules that speak to best practice, including the Nelson Mandela Rules for minimal standards for the treatment of prisoners, the Beijing Rules for the administration of juvenile justice and the Bangkok Rules for the treatment of women prisoners.

All of the submissions received were broadly supportive of the establishment of an inspector in Queensland. However, two concerns were raised by the majority of submitters around resourcing and whether the bill provides an avenue for staff concerns as well as those of detainees. To that end I can reassure all submitters who spoke to the issue that, although the inspectorate will not investigate specific incidents or complaints, staff will be able to provide information to the inspector which may be relevant to reviews or inspections. If staff provide information to the inspector they will be protected from reprisals under clause 40 of the bill. If relevant, the inspector may choose to use this information to inform reviews or inspections.

While the main purpose of the bill and the role of the inspector is to promote the improvement of detention services and places of detention, it is possible the inspector could look at staff related issues as part of an inspection or review. For example, the inspector may choose to review the conditions or treatment of staff where the issue is linked to a detainee's wellbeing at a place of detention. In 2014 the Western Australian inspector conducted a review of the assaults on staff in Western Australian prisons. Of course, it will be a matter for the independent inspector to decide the focus of the reviews and inspections.

Insofar as resourcing is concerned, there were certainly questions asked around the resourcing of the inspectorate. Sisters Inside called for a model that was based entirely on the Western Australian model. Prisoners' Legal Service expressed some concern that the Queensland Ombudsman would be required to provide administrative support services to the inspectorate. In a similar fashion, knowmore touched on concerns that shared administration may lead to competition of resources and priorities with the Office of the Queensland Ombudsman which may impact on the performance of the inspector's function and the quality of scope, while the Human Rights Commission was more cautious and reinforced its desire that the inspectorate be adequately resourced so as not to impede the Ombudsman's preventive work. The QHRC, however, was pleased to see the commitment in the explanatory notes that indicated that the inspector will have its own resourcing dedicated to the performance of its functions.

In response to the points raised about resourcing, the department was able to provide that the bill establishes the inspectorate as having a separate functionality and is an independent statutory appointment with distinct functions and powers. Further, this government has set aside funding to ensure the inspectorate can fulfil its functions set out in the bill. In consultation with the Queensland Ombudsman, DJAG is finalising work around the resourcing requirements and budget allocation pending the passage of the bill and once established the financial and performance reporting will be reported on separately as part of the Ombudsman's annual report.

I would be remiss if I did not highlight the remarkable track record of the LNP in this space. As a CCO during the term of the last LNP government I speak from lived experience. In April 2013, the LNP's responsible minister categorically stated that rape does not occur in Queensland jails. I can tell you it does. In November 2014; the LNP's responsible minister indicated that he was advised that officers were not facing any more dangers as a consequence of overcrowding. In essence, he was stating that overcrowding did not present a danger to staff or prisoners. That is absolute nonsense and the outcome of that was disastrous. Three days after that now infamous statement telling custodial staff at Maryborough Correctional Centre that everything was going really well, that same centre had a code black or a prison riot where GP dogs and chemical agents had to be deployed. That is fine, because according to the LNP everything was going really well.

Having been made aware of the potential for overcrowding, the LNP decided to try to solve that problem by making it immeasurably worse. In response to the looming crisis of overcrowding in Queensland jails, the LNP closed the correctional centre located in the Darling Downs. Their response to a potential overcrowding crisis was to close a 140-bed jail. Who could forget the spectacular failure of the VLAD laws and the corresponding bikers unit at Woodford Correctional Centre, a unit where the prisoners wore pink or, as it was coined by the staff, 'aggressive salmon', so laughable was the idea? The unit's existence was announced on TV before the staff at Woodford knew anything about it. The training was so rushed that the staff were advised to try to find some material on YouTube to fill the void. There is a well thought out criminal justice policy position for you!

**Mr Millar:** Who was the minister?

**Mr HUNT:** Need you ask? I will conclude as I began: by praising the staff who work in these centres of detention. Any bill that brings greater security to the operation of these places of detention is a step in the right direction because it will directly and indirectly highlight the excellent work of the officers who work there.