




Speech By  
**Sandy Bolton**

**MEMBER FOR NOOSA**

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

 **Ms BOLTON** (Noosa—Ind) (4.08 pm): The main objective of the Inspector of Detention Services Bill 2021 is to establish an independent inspectorate to ensure the safety and health of people who are held in places of detention in Queensland, including in prisons, community correctional centres, work camps, youth detention centres and police watch houses. It should be noted this includes detention in vehicles if under the care of a custodial officer during transportation, such as to a watch house or a hospital for treatment.

Presently, there is no single body that focuses on the independent oversight of detention and detention services, which leaves the system open to mistreatment, neglect and potential corruption. The main role of this independent inspectorate will be to ensure that all detainees are treated humanely; that there is a proactive assessment of treatment including the conditions they are held in, such as overcrowding; and, importantly, that detainees are kept from harm. This should not override the understanding that human rights violations continue to occur in prisons every day, often closely linked with the lack of adequate health screening and provision, which must be a focus of the new inspectorate as well.

Imprisonment is a punishment. However, a prison should also be a place where inmates can gain and promote self-worth, and rehabilitate themselves with assistance from in-house programs with the aim of becoming productive members of society who will not reoffend should they be released. During the hearings, a number of concerning aspects were raised that can hinder this, including an inability of prisons to provide enough access to programs due to prisoner numbers, which leads to a loss of job and life skill development as well as the ability to apply for parole. In addition, the lack of a transitional housing program for those who have nowhere to go on release—with examples given as to the volume of prisoners eligible for parole remaining incarcerated for that reason—is adding to the overloads on our system.

Sisters Inside and other submitters raised concerns that people being transported or detained under the Mental Health Act 2016 are not included. However, our committee's examination of the bill determined that the Chief Psychiatrist continues to have responsibility and oversight in those instances, which is reassuring.

The Department of Justice and Attorney-General noted that the new inspectorate will not take over the usual internal oversight that is provided by existing government departments, such as Corrective Services, Police and Youth Justice. Rather, it will provide a consistent and systemic approach based on continuous inspections and reviews to ensure that best practice is being maintained at a system-wide level.

An important aspect of this bill and one that needs to be monitored is that the inspector will be an officer of parliament, that is, an independent inspector who is not able to be directed or controlled by any particular government minister or department. With recent debates about the integrity and impartiality of independent authorities, commissioners and those in senior public roles who are not allowed to exercise their impartial judgement, this is a very important aspect.

It is now up to government to ensure adequate resourcing to support the inspector and ensure that it does not become ultimately an annexure of the Queensland Ombudsman's office and budget. In a state as large and diverse as Queensland, this new inspectorate should be a stand-alone office and resourced accordingly. It was reassuring to hear from the Ombudsman that he is confident regarding this. While all submitters to the committee supported the introduction of the independent inspectorate, many stakeholders also raised concerns about adequate resourcing and independence. These included the Queensland Law Society, the Queensland Human Rights Commission, Sisters Inside, the Council of Civil Liberties and the Prisoners' Legal Service. In addition, the role should not be isolated from reporting on aspects that may be considered outside its jurisdiction and that contribute to systemic issues such as overcrowding. At a recent hearing we were advised by the Ombudsman that resources have been determined and will be reported separately and that he is confident this will not impact their office or workloads, which is imperative given the delays being experienced through higher case volumes.

Even though this bill could not cover all the particular concerns of stakeholders and submitters, an avenue has been provided through future evaluations and by the department recognising and incorporating key aspects of OPCAT, whilst awaiting the upcoming decision by government on how OPCAT will be implemented in the context of a national preventive mechanism. In closing, I thank our chair, my fellow Legal Affairs and Safety Committee members, our extremely hardworking secretariat, and all submitters and hearing attendees for their work on the bill. I commend the bill to the House.