




Speech By
Hon. Di Farmer

MEMBER FOR BULIMBA

Record of Proceedings, 23 May 2023

CORRECTIVE SERVICES (EMERGING TECHNOLOGIES AND SECURITY) AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. DE FARMER** (Bulimba—ALP) (Minister for Employment and Small Business, Minister for Training and Skills Development and Minister for Youth Justice) (3.22 pm): I rise in support of the Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Bill 2022. I would like to thank the committee for its examination of the bill and its recommendations. I also thank the stakeholders and individuals who made submissions and appeared as witnesses as part of the inquiry.

The bill aims to respond to new technologies, emerging security threats and other changes in the correctional and detention environment. The recent COVID-19 pandemic and the increasing frequency and severity of extreme weather events have placed significant stress on the operation of our youth detention centres and our ability to ensure the health, safety and wellbeing of detainees and staff. For example, during the pandemic quarantine directives were issued to almost all staff of the Brisbane Youth Detention Centre when a staff member tested positive for COVID.

These events have highlighted the need for legislation which provides for the broadest possible range of options to deal with emergency situations that present real risks to the health, wellbeing and safety of detainees, staff and visitors to youth detention centres. At the same time, the legislation must include safeguards to ensure that any departure from best practice goes no further, lasts for no longer than is necessary in the circumstances and is transparent so that vulnerable children, staff and other stakeholders can have confidence in government decision-making during emergencies and disasters.

My department regularly reviews its business continuity planning, including planning for when a disaster impacts one of our youth detention centres, but with only a small number of detention centres across the entire state, moving young people to other detention centres in the event a disaster renders one of our centres unsafe is not an option we can count on. Even when our two new youth detention centres are open at Woodford and near Cairns there may not be capacity to accommodate the transfer of a large number of additional detainees.

This bill provides a mechanism for the chief executive to declare that a youth detention centre is a disaster-affected detention centre and to declare one or more other places as temporary youth detention centres. This will enable a quick, tailored and proportionate response to emergency situations which significantly impact on the safe operation of a youth detention centre. These provisions provide the necessary flexibility to deal with various types of emergencies and disasters. It includes, very importantly, significant safeguards. The chief executive must be satisfied that a detention centre is adversely affected by a disaster. It is not sufficient for there just to be a disaster. The disaster must pose an imminent serious risk to the life, health or safety of detainees, staff or visitors which necessitates the evacuation of the centre. A disaster could be a weather event such as a cyclone, storm or flood; an explosion or fire; a chemical, fuel or oil spill or gas leak; or an epidemic. A declaration must also be approved by me as the relevant minister. These emergency powers cannot be used outside of these circumstances.

Other safeguards include: a strict maximum duration of 21 days for a chief executive declaration; publication of the declaration; and notifying oversight bodies, for example, the Queensland Family and Child Commission, the Queensland Human Rights Commission, the Ombudsman and the Public Guardian. The bill requires the chief executive to select the most suitable place to be used as a temporary detention centre. The chief executive must consider several matters, including: the ordinary uses of any places under consideration; the number of children to be detained and the programs and services required; any planning law implications; the facilities available at the places; and the impact on other places such as schools, childcare centres or aged-care facilities.

The chief executive must also consider the extent to which youth justice principles may be complied with at the place and the human rights of detainees, staff and the community. The chief executive is required to regularly review whether the declaration of a temporary detention centre is still needed and whether a more suitable place is available. The chief executive must revoke the declaration if the temporary detention centre is no longer needed. When the impact of the disaster continues for longer than 21 days, the bill provides that the Governor-in-Council may, on the minister's recommendation, make a regulation to declare a temporary detention centre for a longer period. A parallel set of safeguards applies to the minister in these circumstances.

The bill also expands the staffing options available for youth detention centres during a declared emergency. Drawing upon the learnings of the COVID pandemic, my department has contingency plans to redeploy its own staff if large numbers of detention centre staff are unable to work due to an emergency. Where existing staff are not available, our first preference is to appoint persons under the Public Service Act, as these staff are covered by the Public Service Code of Conduct. For that reason, the Youth Justice Act provides that certain powers and functions essential for the operation of detention centres may only be delegated to Queensland Public Service employees. There may be circumstances, however, where this is not the best option. For instance, an interstate youth justice agency may be willing to temporarily lend skilled and experienced detention centre staff to Queensland, and in this scenario the interstate staff would retain their existing employment arrangements. Any other arrangements would be too complicated and take too long to finalise where time would be critical.

There are other matters in this bill relating to delegating powers and functions to appropriately qualified temporary detention centre employees and to drones. We see that through this bill the Minister for Police prohibits the use of drones at or above a youth detention centre. To date, drones have not been detected over youth detention centres as frequently as over adult correctional facilities. I commend the bill to the House.