



Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 11 May 2023

MONITORING OF PLACES OF DETENTION (OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE) BILL

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.25 am): I rise to support the bill. This government is committed to the humane containment, supervision and rehabilitation of prisoners and offenders. This is a commitment shared by the Queensland Police Commissioner and the Queensland Corrective Services Commissioner and wholeheartedly supported by their departments.

In 2017, the then Commonwealth government ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, otherwise called OPCAT. It was ratified with very limited consultation with states and territories. In fact, it was almost a surprise to states and territories that the then federal government took this action. Nonetheless, it now finds its way into the statute books of Queensland.

This bill facilitates the United Nations Subcommittee on Prevention of Torture mandate by providing a mechanism for the subcommittee to visit places of detention, access relevant confidential information and interview detainees and others. The bill before the House includes provisions for the United Nations subcommittee to access prisons, work camps and community corrections centres as well as police watch houses and holding cells. This bill demonstrates our government's commitment to the principles of OPCAT and removes the legislative barriers that would restrict the subcommittee from physically accessing all places of detention within Queensland. The bill also provides necessary safeguards to enable detaining authorities to preserve privacy, security, good order, welfare and safety in places of detention during visits by the subcommittee.

During a visit, Queensland authorities retain the right to temporarily prohibit or restrict the United Nations subcommittee's delegations access to certain parts of the facility in certain circumstances. This is to maintain security and good order or to conduct essential operations at those facilities. The bill also contains provisions to ensure these powers are used appropriately, and I note that the Legal Affairs and Safety Committee was satisfied that care has been taken to include a number of safeguards to limit the use of the proposed power to temporarily prevent the visit. If a visit is suspended or restricted, a written record of the reasons for the restriction and the date, time and duration of the prohibition is required and copies must be provided to the United Nations subcommittee and the relevant minister.

The bill grants the United Nations subcommittee authority to privately interview any person at a place of detention during a visit either in person or electronically; however, the bill also contains safeguards to protect the rights of detained people by requiring the subcommittee to obtain consent from that person or their legal guardian before that person can be interviewed. The person also has the right to request a support person for the interview. Safeguards in the bill will ensure a person is not subject to punishment or any detriment for providing information to the United Nations subcommittee. A person who takes a reprisal commits an offence under the bill. It also ensures persons are not subject to any civil or criminal liability for giving information or making a disclosure to the subcommittee if done so under the OPCAT protocols.

I am confident that the agencies responsible for Queensland's places of detention are committed to providing humane containment, supervision and rehabilitation of prisoners and offenders. Queensland welcomes the oversight by the United Nations, but this is not the case in every jurisdiction in the world. By introducing this legislation and fully committing to the United Nations subcommittee's program of inspections, we make it harder for other jurisdictions to oppose the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. By opposing this bill, we would be making it easier for those less reputable jurisdictions to opt out and to point the finger and say, 'Why should we let the United Nations visit our prisons when you won't?'

As I said, Queensland supports the oversight of its places of detention by the United Nations. One reason is that we know that our staff and officers who are responsible for those places of detention are professional, are committed to safety and are committed to the rehabilitation of offenders. Whether they are Queensland Police Service officers, watch house keepers or other staff, those staff are professional and committed to community safety. They are widely regarded as well trained. I take this opportunity to acknowledge those members of the Queensland Police Service who are responsible for the custody of offenders and prisoners. They do incredible work every single day—so do Queensland Corrective Services staff. They are professional. They are committed to community safety. Our custodial officers here in Queensland are widely regarded as the best trained in the Southern Hemisphere.

We are also building a major new correctional facility in the Lockyer Valley, near Gatton. This facility—Southern Queensland Correctional Centre stage 2—will be the most modern in the country and the best example of its kind. Southern Queensland Correctional Centre will be based on a therapeutic model, with extensive rehabilitation services and programs targeting mental health, addictions and substance abuse challenges. The evidence shows that this approach has the best chance of reducing the chances of an individual going on to further offend upon release from detention and improving the chances of that individual going on to lead a productive life. That also promotes community safety. Southern Queensland Correctional Centre is a 1,500-bed-capacity facility that will support around 700 permanent jobs.

We have already taken other measures to promote enhanced safety for both prisoners and staff within correctional facilities. In fact, in a first for the nation—I cannot point to any other example around the world—the Queensland government successfully transitioned, at the same time, two major correctional facilities from private operation to public operation. This means that there are no longer privately operated prisons in Queensland. They are all publicly operated, and that is in the interests of everyone and community safety. This was an historic process, and it significantly enhanced the safety of those centres as well as the community. Under public operation, Arthur Gorrie Correctional Centre and Southern Queensland Correctional Centre stage 1 are now better staffed, providing enhanced safety and support services for those detained in these centres and for the staff who work there.

Queensland Corrective Services manages around 10,000 prisoners inside correctional facilities at any given time. Those prisoners represent the most challenging and complex cohort of offenders in Queensland. It is difficult and challenging work, but corrections staff go about that daily work with professionalism and integrity. I take the opportunity to thank all staff in correctional facilities, as well as community corrections and specialist services, and the support staff within Queensland Corrective Services for the incredible efforts they make every day on the front line and also acknowledge their professionalism and dedication to their fellow Queenslanders and to community safety.

As I said, Queensland supports oversight by the United Nations subcommittee. This bill balances providing the legislative powers to ensure independent scrutiny of Queensland's places of detention with enacting provisions to ensure that any United Nations visit does not compromise the security, safety or essential operations of any place of detention. I commend the bill to the House and encourage all members to support it.