Speech By

Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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

Second Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (12.08 pm): I move—

That the bill be now read a second time.

The closed environments of corrective services facilities and youth detention centres are some of the most complex and challenging workplaces for frontline officers in Queensland. Ensuring safety in those facilities is paramount and constantly requires new and innovative responses. As a result, this bill includes key amendments to the Corrective Services Act 2006 and the Youth Justice Act 1992. These amendments aim to ensure the continued safety and security of the custodial environment by harnessing new technologies and practices and addressing evolving behaviour.

Before I discuss the amendments in detail, I would like to turn to the report by the Education, Employment and Training Committee in respect of this bill. The committee tabled its report on 10 February 2023 and I would like to take this opportunity to thank the committee and the secretariat for its consideration of the bill. I would also like to thank stakeholders who provided feedback and submissions to the committee and express my appreciation for the feedback. The committee made four recommendations, the first being that the bill be passed. The other three recommendations made by the committee relate to matters to be confirmed or clarified. I tabled a response to these recommendations on 5 May 2023. I now will address these three recommendations.

Recommendation 2 relates to the threshold for emergency declarations. Recommendation 2 requests I confirm that the threshold for making an emergency declaration is appropriate. The emergency response amendments have been designed in response to significant recent emergency situations that present real risk to the safety and security of corrective services facilities and the people at those facilities. As a result, the bill provides the chief executive of Corrective Services with the necessary powers to declare an emergency at a corrective services facility to enable a swift and tailored response to emergency situations as they arise and evolve.

While the threshold for when an emergency can be declared has been designed to be flexible, it sets a high bar for the making of an emergency declaration regardless of the type of emergency. The chief executive must first reasonably believe that a situation exists that is likely to threaten the security or good order of a facility or the health, security or safety of a prisoner or another person at the facility. Secondly, the chief executive must be satisfied that the situation justifies making the emergency declaration. Lastly, the chief executive can only make a declaration of emergency with my approval.

The bill provides safeguards around the use of this power, including: that the power of the chief executive to make an emergency declaration is not able to be delegated; that there are strict maximum durations for the emergency declaration reflective of the risk of each type of emergency; that the declaration must be published, including the reasons for making the declaration; and that all decisions to make a declaration and any directions under a declaration are subject to the Human Rights Act 2019.

In addition to the amendments in the bill in relation to a new emergency declaration framework for the adult correctional environment, amendments are made to ensure that essential youth justice services can continue during a disaster or an emergency. The bill introduces arrangements for the declaration of temporary youth detention centres in the event that an existing youth detention centre is unsafe or its security cannot be assured due to, for instance, a natural disaster. A declaration may be made by the chief executive with the approval of the minister responsible for youth justice.

The arrangements provide a clear framework to enable decisions that balance the best interests of young people, staff and the community. There are appropriate safeguards to ensure: that the most suitable site for a temporary detention centre is chosen; that programs, services and oversight continue to be delivered having regard to the circumstances of, for instance, the natural disaster; and that the temporary youth detention centre is compatible with the human rights of detainees, staff and other community members. Additional legislative safeguards include a requirement to publish the declaration of a temporary detention centre as soon as practicable and a requirement to notify particular entities with oversight responsibilities about the declaration including the Queensland Family and Child Commission, the Human Rights Commissioner, the Ombudsman and the Public Guardian.

The chief executive is required to regularly review whether the declaration of a temporary detention centre is still needed and whether more suitable places are available. The chief executive is required to revoke the declaration if the temporary detention centre is no longer needed. A declaration of a temporary detention centre by the chief executive is limited to a maximum of 21 days, but the bill also enables temporary youth detention centres to be declared by regulation. It is intended that these powers will be used where, due to the impact of a disaster or emergency, it is necessary for temporary detention centres to be in place for longer than 21 days. A parallel set of safeguards apply to a temporary centre declared by regulation including, for example, a requirement that the minister take action to have the declaration revoked if the permanent centre is no longer disaster-affected.

The bill also establishes contemporary arrangements for the appointment of temporary youth detention centre staff in the event that a large number of the established workforce is unavailable due to an emergency and the appointment of alternative staff is reasonably necessary for the security and management of a youth detention centre and the safe custody and wellbeing of detained children. The bill includes appropriate safeguards to ensure the safety of detainees and staff in these circumstances, such as the full application of the Youth Justice Act and the Youth Justice Regulation to the temporary staff, including the requirement for appropriate training.

The bill also inserts new provisions into the Youth Justice Act to enable restorative justice conferences to be held remotely by audio or video link during declared emergencies. Restorative justice can give victims of crime a voice and bring a young person face to face with the people they have harmed while supporting them to take responsibility and make amends. Holding conferences in person is preferable but, when this is not possible due to an emergency, it may still be beneficial to proceed with a technology assisted conference rather than delay for a lengthy period or abandon the conference altogether. Ongoing access to restorative justice during emergency situations will ensure that victims and offenders continue to be afforded the opportunity to be heard and agree on how to repair the harm in a timely manner.

Recommendation 3 relates to the use of surveillance devices for performance management. Recommendation 3 of the committee report relates to amendments in the bill that provide a clear head of power for embedded and emerging use of surveillance technology to maintain safety and monitor threats within the closed correctional environment. The use of CCTV, body worn cameras and audio recording devices at a corrective services facility is imperative to maintain the safety of corrective services officers, prisoners and visitors.

The committee recommended that I clarify whether the bill would permit recorded electronic surveillance authorised for another purpose to be used for performance management or in disciplinary proceedings involving staff. Surveillance devices enable Queensland Corrective Services to: collect, evaluate and analyse information to identify and manage risk; respond to or investigate emergency incidents; support a breach hearing or review; prosecute an offence; and deter prisoners and visitors from attempting to breach security requirements.

Surveillance devices also provide an objective source of evidence about how prisoners are treated which can be reviewed after the fact to support the humane treatment of prisoners. Use of surveillance devices enables prisoners, corrective services officers and visitors to a facility to be monitored—for example, while having conversations or undertaking activities and tasks. Footage can also be recorded and stored for future review of incidents. This does increase the extent of this impact on individual privacy; however, use of recordings in this manner is communicated to persons entering a closed corrective services facility. The entry to each custodial facility is clearly signed with a warning that video and audio surveillance devices are used at all times. This signage also advises that information may be used for the investigation of safety and security incidents or staff conduct matters.

The bill provides that in authorising the use of a surveillance device the chief executive must be satisfied that use of the device will enhance one or more of the prescribed matters, including the safety of persons, the security of facilities, preventing corruption and detecting contraband. These prescribed matters do not include performance management or staff discipline as this is not the purpose of the use of surveillance technology. As a matter of practicality, surveillance devices are not actively monitored to assess staff performance; however, recordings are accessed retrospectively following an incident or allegation of corruption or misconduct. In this respect, the amendment does provide for the use of recordings for staff conduct matters as this relates to the purposes that monitoring can be authorised for under the bill.

Recommendation 4 relates to information sharing and foreign agencies. I now turn to the fourth and final recommendation of the committee's report which relates to the amendments in this bill that provide for information sharing with another state or foreign country. I also note the committee's concern raised in the report about the disclosure of sensitive information to foreign governments and would like to provide reassurance about the safeguards in place in relation to these amendments.

When offenders relocate from Queensland, including when removed or deported from Australia to another country after the completion of their custodial sentence, a receiving jurisdiction may still hold concerns about the individual. Confidential information about the offender held by Queensland Corrective Services, including any rehabilitation activities that were undertaken, risk assessments or other such information, can assist the receiving jurisdiction to determine what risk mitigation strategies might be appropriate in managing the individual under their local law.

For this reason, the bill provides a clear head of power for Queensland Corrective Services to share information with corrective services agencies in other jurisdictions. In practice, information is considered for release following a formal request by the other jurisdiction. For example, Queensland has arrangements with New Zealand to support the management of offenders under the Returning Offenders (Management and Information) Act 2015 with procedures guided by a memorandum of cooperation. If a request for information is received, a Queensland Corrective Services decision-maker considers the request and what information should be released in accordance with relevant legislation, procedures and policies.

The bill will further guide this process by creating a threshold for the release of such information. The amendments require that information released must be relevant to support the supervision or management of the offender. The delegate will therefore need to be satisfied that any information released meets this threshold. Further, the Human Rights Act requires that the decision to release the information must be compatible with human rights. This is a significant safeguard for the release of information. I am therefore satisfied that there are safeguards in place to guide this process and ensure the appropriateness of any information shared to another corrections jurisdiction, and ultimately supporting the safety of communities outside of Queensland.

I would now like to address the statement of reservation made by opposition members of the committee. The members' statement suggests that the bill is a missed opportunity to strengthen the penalties which apply to offenders who assault corrective services officers. Corrective services officers work in a highly dynamic, complex and at times volatile environment. I take this opportunity to acknowledge their work. It is outstanding. They are outstanding public servants and we owe them a debt of gratitude for the work that they do on behalf of all of us to keep the community safe.

This government is committed to the safety of corrective services officers, which is why in 2020 we already did what the opposition members called for in their statement of reservation. I progressed amendments to double the maximum penalty for prisoners who seriously assault a corrective services officer and those opposite voted for them. The Corrective Services and Other Legislation Act 2020 amended the Criminal Code to increase the maximum penalty for the serious assault of a corrective services officer by a prisoner from seven years to 14 years imprisonment, in line with the penalty for the serious assault of a police officer. That amendment was strongly supported by the relevant stakeholders as well.

One of the opposition members actually spoke to the bill, which is why I am surprised they raised this matter in their statement of reservation. Not only did they vote for it, but one of their members spoke on the bill in relation to the doubling of the penalty. I remind that member that during their contribution they did not speak to that particular amendment. They were happy to speak on other aspects of the bill but made no reference at all to the government's strong decision to double the penalties for those assaults. There was not one mention. In this regard, I note that the member said, 'The bill contains a number of good measures which we will support.' Perhaps that is what they meant when they were speaking about this bill.

In addition to the increased penalty, this government is supporting the safety of our frontline officers through a range of other measures, including the deployment of body worn cameras, the personal issue of load-bearing vests, an increase in CCTV capability and substantial capital works which has increased the number of beds for prisoners in custodial centres. In the 2022-23 budget, millions of dollars was also provided to roll out an additional 1,000 cell cuff hatches and to purchase more than 500 additional body worn cameras for custodial officers. This government is committed to implementing the necessary actions to mitigate the risk of violence in our prisons and to ensure our officers are the best trained and equipped in Australasia.

I now turn to the other amendments in the bill that support corrective services officers and youth detention staff in responding to emerging threats and technology and ensure the closed correctional environment keeps pace with changes in a complex work area. First, I turn to the amendments in the bill relating to drones. The bill aims to tackle the use of drones at corrective services facilities and youth detention centres by creating new offences with tough new penalties to deter people from operating a drone at these locations. Drones are a significant safety and security risk to these custodial environments.

There have been over 100 incidents relating to drone incursions since 2013. For example, in November last year a drone crashed into the grounds of the Townsville Correctional Centre carrying sealed packages of methamphetamine, tobacco, cannabis and suboxone strips, with a value of around $250,000. I commend custodial officers in respect of that because they obviously intercepted that attempt to smuggle contraband into the custodial centre. Not only can drones be used to introduce dangerous items or contraband; drones can also survey secure infrastructure or be weaponised.

In the youth detention environment there is the added risk of drones being used to capture images of children. In response, the bill will introduce Queensland specific offences to tackle any operation of a drone at or above a corrective services facility or youth detention centre. The offences will carry a maximum penalty of up to two years imprisonment to deter these actions, recognising that any incursion into the airspace above or around a prison is a risk to security.

I will now move on to the second offence introduced by the bill. The bill makes it a clear offence for a prisoner to be on the rooftop of a corrective services facility or in another restricted area. Each and every time a prisoner gets up onto a rooftop it is a danger to both the prisoner and responding officers. A rooftop incursion sends a whole centre into lockdown, disrupting prisoner rehabilitation programs, education, employment and visits for all other prisoners. As this risk-taking behaviour continues to increase, it is clear that existing sanctions are insufficient to deter this behaviour. In response, the creation of a specific offence in this bill aims to further deter prisoners from climbing onto rooftops or accessing other restricted areas in the future, with a maximum penalty of up to two years imprisonment.

Next I would like to address the amendments in the bill which provide an opportunity to trial and use X-ray body-scanning technology at corrective services facilities in Queensland. The use of body-scanning technology supports the government's response to recommendation 136 of the second report of the Women's Safety and Justice Taskforce which provided that Queensland Corrective Services move to introduce non-invasive screening technology in all women's correctional facilities. In response, the bill provides a clear head of power to use X-ray body scanners for searches conducted at corrective services facilities, supporting this government's investment of an additional $3.35 million over four years and $11 million in capital to implement body-scanning technologies in all three secure female centres across the state.

The use of X-ray body scanners for searches will provide new and strengthened opportunities to detect contraband, offer a less invasive search method for prisoners and minimise the requirement to conduct removal-of-clothing searches following visits. This new technology presents an opportunity to further enhance the safety of correctional centres in Queensland.

Other amendments included in the bill update the prisoner security classification framework to better align with corrective services facility infrastructure and appropriately respond to risk, clarify sentence calculation issues, enable the effective operation of the Official Visitor Scheme, and update outdated terminology in relation to the provisions of services to prisoners by Queensland Health within the Corrective Services Act.

In conclusion, the amendments in this bill provide that Queensland's correctional and youth justice systems are responsive and flexible to emerging threats and opportunities; support the ongoing safety and security of the correctional system for prisoners, young people, corrective services officers, detention centre workers, visitors and service providers; and ensure community safety. I commend the bill to the House and I encourage all members to support it.