




Speech By
Hon. Nikki Boyd

MEMBER FOR PINE RIVERS

Record of Proceedings, 13 February 2024

CORRECTIVE SERVICES (PROMOTING SAFETY) AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. N BOYD** (Pine Rivers—ALP) (Minister for Fire and Disaster Recovery and Minister for Corrective Services) (11.35 am): I present a bill for an act to amend the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Corrective Services Act 2006, the Corrective Services Regulation 2017, the Parole Orders (Transfer) Act 1984 and the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Safety Committee to consider the bill.

Tabled paper: Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 [166](#).

Tabled paper: Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024, explanatory notes [167](#).

Tabled paper: Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024, statement of compatibility with human rights [168](#).

The Miles government is committed to backing victims of crime. The Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 strengthens support for victims and their families. It puts victims' voices first. Responding to crime and better supporting victims of crime is a priority of ours. We are always listening and always seeking to improve, and that is what this bill does. The bill will provide greater support for victims of crime and make it easier for them to register as an eligible person on the victims register to ensure they receive necessary information to plan for their safety.

The bill will also strengthen powers to respond to abuse of prisoner communication channels to crack down on prisoners seeking to inflict harm from behind bars by contacting victims, especially domestic violence victims, via the prisoner telephone system. Other amendments in the bill will help protect the community and the safety of corrective services by increasing oversight of child sex offenders and introducing an offence to possess a gel blaster on corrective services land.

The Miles government is committed to increasing support and safety for victims who are interacting with the correctional system. We have listened to victims advocacy groups and we have identified opportunities to: provide greater support for victims of crime; ensure victims receive necessary information to plan for their safety; and empower victims to engage with the parole process. Amendments will allow other agencies, such as a victim support service, to refer a victim directly for registration. This new pathway is intended to reduce retraumatisation that can occur when victims are asked to repeat their story to multiple services.

The bill also extends the criteria for those who are eligible to register; for example, enabling a person impacted by a homicide event offence to register against the offender if they return to custody or supervision. The bill also ensures that an immediate family member who may register on behalf of the deceased victim will include any equivalent First Nations family or kinship arrangement. Once a

person is registered, the victims register can share prescribed information about the prisoner with the eligible person. The victims register will have discretion to share broad information about a prisoner's parole such as information about parole suspensions or cancellations. The victims register may also share information about a prisoner's immigration removal status if this is provided by Australian Border Force.

The best parole process is one where victims' voices are heard. The bill further strengthens opportunities for victims to engage with the parole process to ensure they can participate more actively and have their voices heard. Under the current process, a registered victim is entitled to make a written submission about the prisoner's parole. This bill makes it possible for the board to accept a submission in another format such as a voice or video recording. While written submissions will continue to be the norm, this amendment provides greater accessibility. Critically, this bill will ensure the Parole Board must consider any submission provided by an eligible person in its deliberations.

The Miles government understands that victims of crime have a personal story to tell, and that story needs to be heard and considered. The bill also enshrines victims and First Nations representation on the Parole Board by amending its membership requirements. It gives a greater voice to First Nations people in the parole process by requiring at least one First Nations person to be a professional board member. First Nations people are already represented within the Parole Board's community membership; however, this amendment recognises the importance of having First Nations representation on the Parole Board's professional membership in addition to its community members. As part of the Path to Treaty initiative, the Queensland government committed to ensuring First Nations people have increased representation on government boards and committees. The amendment to enshrine First Nations representation within the board's professional membership further supports these important objectives.

The Parole Board's membership requirements will also enshrine representation for victims. Victims are already able to make statements to the Parole Board. This amendment gives a person with lived experience or expertise in victims' issues the opportunity to provide context about the victim's perspective. This could also include where the board has not received a victim submission.

This bill also makes amendments to prison processes to put victim safety first. We know domestic and family violence victims can face ongoing and challenging effects after enduring physical, mental or emotional abuse. Incarceration of a perpetrator can offer a reprieve for victims, but prisoners generally have access to a telephone system while they are imprisoned. Some prisoners seek to use these systems to inflict further harm on the community and their victims from behind bars. This behaviour by offenders continues their unacceptable pattern of violence and abuse. The bill provides new powers for Queensland Corrective Services to crack down on prisoner communications being used to inflict harm. This includes strong powers to suspend or end phone calls and revoke approved contacts where prisoners are abusing the system, such as trying to breach a domestic violence order from custody.

Next, I would like to highlight amendments in the bill that will protect information provided by victims or through intelligence from being disclosed to offenders. Providing reasons for decisions is important to ensure a prisoner's right to procedural fairness. However, this right must be balanced with the need to prevent prisoners from accessing sensitive and confidential information. In particular, victim information must be protected to ensure their safety. The bill provides a clear power for decision-makers to withhold information when giving reasons.

A key way to keep the community safe is expanding police powers to provide more robust oversight of Queensland's highest risk child sex offenders. Strict monitoring of offenders with a history of child sexual offending is essential. The Child Protection (Offender Reporting and Offender Prohibition Order) Act and the Police Powers and Responsibilities Act 2000 provide police with powers to check if a reportable offender is complying with their reporting obligations, committing any offences or engaging in conduct that poses a risk to the safety or wellbeing of children. A reportable offender under the Child Protection (Offender Reporting and Offender Prohibition Order) Act, who is also subject to supervision under the Dangerous Prisoners (Sexual Offenders) Act, is only required to make an initial report to police before their reporting obligations to police are suspended. The reason for this is to avoid duplication of reporting obligations to multiple agencies who can share the information.

The bill will enable the use of certain police powers in relation to reportable offenders subject to both legislative schemes. These powers will complement and enhance existing efforts by giving police the ability to enter premises, verify reported details and search devices for reportable child sex offenders being supervised under the Dangerous Prisoners (Sexual Offenders) Act. The amendments aim to enhance collaboration between police and corrective services officers and will not result in duplication of an offender's reporting requirements. They will complement Queensland Corrective Services' supervision and management of these high-risk offenders by ensuring appropriate powers are available to police.

The bill will increase the penalty for any person who enters or attempts to enter corrective services land while in possession of a restricted item, including a gel blaster. While this offence is necessary and appropriate for the general community, the possession of gel blasters on corrective services land presents unique risks to the correctional system. The bill increases the maximum penalty for the possession of gel blasters on corrective services land to two years imprisonment. This will help protect frontline corrective services officers and better align with community expectations.

There is a clear authority for frontline officers to use body worn cameras in prisons. However, in situations where officers are escorting prisoners in the community, the authority is less clear. These situations could include where a prisoner has to attend court or seek medical treatment. For the protection and safety of the community, it is vital that officers are able to use body worn cameras outside of prisons. The bill will also deter unsafe behaviour and promote accountability in the delivery of corrective services by clearly authorising the use of body worn cameras in the community.

Our correctional facilities have diverse prisoner needs. To meet these we are making improvements to enable invasive searches to be conducted in a better way. Contraband undermines the safety and security of Queensland's prisons. The Corrective Services Act enables the authorisation of different types of prisoner searches, including invasive searches. Invasive searches are critical in maintaining safety and safety of prisons and reducing the risk contraband poses to corrective services officers, visitors and prisoners. The Corrective Services Act provides safeguards for prisoners who have to undergo invasive searches. However, the Queensland Human Rights Commission's report, *Stripped of our dignity*, identified opportunities for improvement to ensure best practice is followed. The report highlighted the need for more flexibility in how Queensland Corrective Services conducts searches. In particular, the report noted the vulnerabilities of female prisoners, especially those who have a disability, are pregnant or breastfeeding, or wear religious clothing. The report also noted there is a tension between the same-sex safeguards and the desire to provide additional flexibility for invasive searches of trans, gender diverse and intersex prisoners. The bill will ensure that legislation can better accommodate the diverse needs of prisoners, including those who are trans or gender diverse.

In October 2021, the Queensland government entered into an agreement with the Commonwealth government to support the provision of state services to Norfolk Island. In line with these commitments, the bill makes amendments to enable Queensland Corrective Services to receive and lawfully detain prisoners from Norfolk Island on behalf of the Commonwealth government.

Other amendments in the bill will further support the administration of the Parole Board. In 2021, the Queensland government engaged KPMG to provide advice on how to best support the Parole Board to modernise and increase its efficiency. In its response to this review, the Queensland government committed to clarifying the Parole Board's status and ensuring appropriate operational, structural and governance arrangements are in place. The bill gives effect to the Queensland government's commitments by making amendments to support the independence and efficient administration of the Parole Board.

I would now like to provide a brief overview of the minor and technical amendments in the bill. Amendments in the bill will ensure the continued effectiveness of the assistance that frontline corrective services officers provide to the proper officer of a court to maintain the security and good order of court cells. To ensure prisoners are receiving the right level of health care, the bill clarifies the authority to lawfully transfer a prisoner to a place for ongoing palliative or personal care.

Another amendment in the bill clarifies an official visitor's ability to oversee the law enforcement removal of a prisoner from custody via video link, therefore ensuring operational practices keep pace with technology. The bill also contains amendments which remove outdated gendered references to modernise the language in the Corrective Services Act. Lastly, the bill makes amendments to validate parole order transfer and registration decisions between Queensland and other states and territories under the Parole Orders (Transfer) Act 1984.

This bill is about supporting victims of crime. It makes it easier for victims of crime to register as an eligible person and makes it easier for victims to have their voices heard. It is part of our ongoing commitment to better support victims of crime and improve our response to crime with best practice.

First Reading

Hon. N BOYD (Pine Rivers—ALP) (Minister for Fire and Disaster Recovery and Minister for Corrective Services) (11.49 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Safety Committee

Madam DEPUTY SPEAKER (Ms Bush): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.