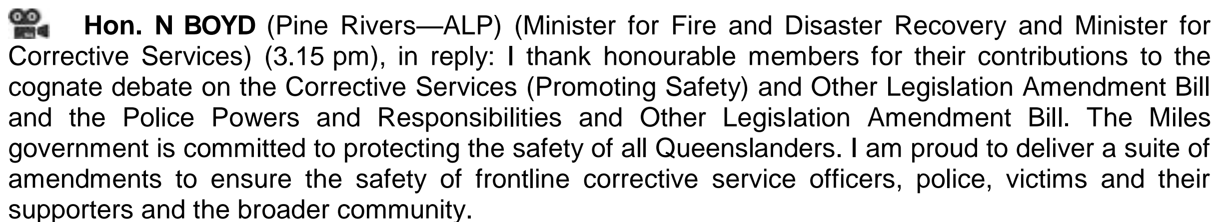
Speech By
Hon. Nikki Boyd

MEMBER FOR PINE RIVERS

Record of Proceedings, 21 May 2024

POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL; CORRECTIVE SERVICES (PROMOTING SAFETY) AND OTHER LEGISLATION AMENDMENT BILL



Hon. N BOYD (Pine Rivers—ALP) (Minister for Fire and Disaster Recovery and Minister for Corrective Services) (3.15 pm), in reply: I thank honourable members for their contributions to the cognate debate on the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill and the Police Powers and Responsibilities and Other Legislation Amendment Bill. The Miles government is committed to protecting the safety of all Queenslanders. I am proud to deliver a suite of amendments to ensure the safety of frontline corrective service officers, police, victims and their supporters and the broader community.

Firstly, I would like to address some of the matters raised by members during the course of this debate. I will start with matters relating to the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill. The member for Burdekin's contributions have cemented his position in this chamber as the exemplar for incongruity. His suggestion that the government needs to ensure our frontline services have the backing of this government is at odds with his own party's abhorrent treatment of police and corrective services officers. Their restructure of police in 2013 resulted in a reduction of 110 commissioned officer police positions. Under the same LNP government, 180 corrections staff lost their jobs—not the actions of a government that backs frontline officers. By contrast, we will always put our frontline officers first, not last.

The member for Burdekin inferred that this government does not support victims. The Miles government has made a commitment to victims to ensure their voices are considered when the Parole Board Queensland is considering a parole application and to establish the Queensland Victims Commissioner. The Miles government has passed legislation to establish the Queensland Victims Commissioner. In addition to this, the bill includes an amendment to require victims' representation on the board. The amendment is not limited to a person with lived experience as a victim of crime, but it has been tailored to specific circumstances of the board. This could include someone with lived experience as a victim of crime or someone with experience working with or counselling victims of crime. I note that the membership requirements for parole boards in other jurisdictions already include requirements that capture a broad range of expertise and experience. This experience may include having an understanding of victims of crime and vulnerable persons facing the criminal justice system. The amendment in this bill aligns with the approach taken in other Australian jurisdictions.

The opposition is correct in that clause 11 of this bill inserts a requirement that a professional board member is First Nations. This does respond to the Queensland Parole System Review recommendation 39.

Since commencement in 2017, the board has matured and evolved and, through the provision of additional temporary funding, has expanded from three board teams to its current seven teams. It is therefore appropriate to finalise these arrangements and implement this recommendation.

The member for Ninderry reiterated the need for additional police officers, selectively ignoring the LNP's own track record for restructuring away police positions. He then went further and raised concerns around police resourcing. Given the member was a serving police officer at the time, you would think he would remember when the LNP cut police training, reduced firearms training and forced police to pay for their own body worn cameras.

I would now like to address the comments made by the member for Ninderry in relation to the amendments in the bill increasing the number of child sex offenders that the Queensland Police Service will be required to manage in the community. This is simply not true. The amendments in this bill only enliven specific police powers in relation to offenders subject to both the Dangerous Prisoners (Sexual Offenders) Act and CPOR act. Queensland Corrective Services is currently responsible for, and will remain responsible for, supervising all offenders subject to a Dangerous Prisoners (Sexual Offenders) Act supervision order. There are currently 138 offenders supervised in the community under the DP(SO) Act. Not all of these are child sex offenders, meaning the impost on police will be limited. Where corrective services officers suspect an offender has contravened their Dangerous Prisoners (Sexual Offenders) Act order, there will be limited powers to verify an offender's compliance or investigate any concerns of further offending.

The bill will enable police to verify personal details of offenders who are subject to both the DP(SO) Act and the CPOR act, providing consistent mechanisms across both offender cohorts. The Queensland Police Service's powers are intended to complement Queensland Corrective Services case management and supervision of Dangerous Prisoners (Sexual Offenders) Act offenders to promote community safety.

I note the comments by the member for Maiwar that, in the member's view, the amendments in the bill which are designed to protect victim and intelligence information by inserting new section 340AA into the Corrective Services Act will undermine a prisoner's right to procedural fairness. While I acknowledge the importance of providing procedural fairness, this right must be balanced with the need to prevent prisoners from accessing sensitive and confidential information. In particular, victims' information must be protected to ensure victim safety. The member considered that the decision-makers under the Corrective Services Act should be able to rely on the public interest immunity test; however, I would like to clarify that the threshold for non-disclosure of sensitive information in Corrective Services decision-making is different from a public interest immunity test. Public interest immunity may not protect the full scope of sensitive and confidential information which the Parole Board Queensland and Queensland Corrective Services need to rely upon to ensure safe and considered correctional decision-making.

To ensure compliance with human rights and as much transparency as possible to afford the prisoner natural justice, the prisoner will still be provided with the gist of the information which has been withheld. The gist will include as much of the information possible without jeopardising safety or security. These amendments aim to ensure public confidence in the correctional system by protecting victim and intelligence information from being released. The amendments are also important in providing victims with certainty that their information will be protected. This will encourage victims to share relevant information with Queensland Corrective Services or the board.

I would also like to address the member for Currumbin's comments in relation to the new section 340AA of the Corrective Services Act. The amendments to this provision, which are being proposed in response to the majority of the committee's recommendations on the bill, will still protect the safety and welfare of victims. The amendments will not amount to a watering down of this provision or change the original policy intent. As the opposition should be aware, decision-makers are already required under the Human Rights Act to ensure decisions are compatible with human rights. The amendments being proposed to the new section 340AA merely codify the decision-maker's obligation to undertake a balancing test in the provision itself. This will not impact the practical application of the provision. Decision-makers will still have the discretion to withhold information when giving reasons where the reasonably expected consequence of disclosure in subsection (1) outweighs any unfairness associated with the non-disclosure of the information. The consequences in subsection (1) capture considerations of where it could reasonably be expected to cause harm to a victim or the community. This does not mean that a prisoner's or offender's rights will be prioritised over victims' rights. I note the member for Currumbin's comments regarding the decision in McQueen v Parole Board Queensland. The Miles government respects the independence of the judiciary.

Members of the opposition raised concerns about prescribing search requirements for prisoners in the Corrective Services Regulation 2017. This will provide appropriate legislative protections, provide flexibility to consider the preferences of the person being searched and, most importantly, ensure the ongoing safety of everyone involved in those searches.

In addition to a trial of body scanners at the Brisbane Women's Correctional Centre, Queensland Corrective Services is preparing amendments to the Corrective Services Regulation. It is intended to retain the general protection for officers or health practitioners to search prisoners of the same gender and include discretion to allow a different approach where safe and appropriate. This will ensure that corrective services officers have the necessary discretion to ensure the search is conducted safely while taking into account the prisoner's preference. Queensland Corrective Services is also working to respond to the Queensland Human Rights Commission's report *Stripped of our dignity: a human rights review of policies, procedures and practices in relation to strip searches of women in Queensland prisons*.

A number of members raised concerns about prisoners who are refused parole and restricted from reapplying for parole for a set period being disadvantaged if they have difficulties with literacy. Queensland Corrective Services is committed to supporting vulnerable prisoners, addressing the over-representation of Aboriginal and Torres Strait Islander people in custody and supporting prisoners with a disability. Communication with prisoners occurs in a manner which is fair and does not place the prisoner at a disadvantage.

It is common knowledge that Queensland Corrective Services is experiencing significant pressure in corrective services facilities across the state due to unprecedented prisoner numbers. The amendments in the bill in relation to restricting prisoners from reapplying for parole after a refusal are not likely to result in further demand on capacity. The amendments intend to reduce the number of repeat parole applications when it is unlikely that they will be granted. The amendments only apply in the circumstances that a prisoner has had their parole application refused by the board. The board then has the discretion to set a period—whether it be the applicable 12 months, three years or five years—that the prisoner must not reapply for parole. The time frame set for each prisoner will be proportionate to the time the board considers it will take the prisoner to make changes and increase their prospects of a successful parole application. Therefore, these prisoners would remain in custody whether they have a parole application afoot or not.

Comments were made in relation to the Queensland Parole System Review 2 report. This report has been provided to Queensland Corrective Services and is currently under consideration. The QPSR2 report was received by Queensland Corrective Services in late 2023. It is a comprehensive and wideranging review undertaken by former District Court judge Mr Milton Griffin KC. The report required careful consideration and response by Queensland Corrective Services prior to government being briefed. The amendments in this bill were developed prior to the report being finalised, so they are not related to the report.

Comments were also made regarding the opposition's support for eligible persons to provide oral submissions to the Parole Board Queensland. As noted earlier today, the government has committed to consider allowing for non-written parole applications for prisoners, in response to recommendation 2 of the committee report. Queensland Corrective Services will work with the Parole Board Queensland to work through operational process in response to the recommendation. There is already ongoing work to streamline and simplify the parole application process for prisoners, and it is vital that this recommendation is considered in addition to that work to support effective delivery of holistic improvements in this space.

I would now like to speak to the concerns raised regarding amendments to provide timely prisoner safety order decisions, in particular who can make these orders. The bill introduces the ability to appoint a large range of professionals with suitable and relevant expertise and training in mental health. This is to ensure Queensland Corrective Services engages staff that have the relevant training, competencies and expertise to assess a prisoner's risk of self-harm in the correctional environment. Relevant professional qualifications include social worker, speech pathologist, occupational therapist and appropriately qualified registered nurse. These professions complete similar assessments for Queensland Health under the Mental Health Act. Each of these professions undertakes formal training in assessing an individual's mental health and undertakes these functions in other agencies such as Queensland Health's mental health teams.

Expanding the range of professionals that Queensland Corrective Services can recruit to assess prisoners at risk of self-harm will support timlier assessments of prisoners at risk of self-harm or suicide. The bill will ensure that suitably qualified allied health professionals can make recommendations regarding safety orders following assessing a prisoner's risk of suicide or self-harm.

I am informed that the formal training of health professionals will be complemented by tailoring training on making a mental health risk assessment in the correctional context. These highly skilled clinicians have the required skills to assess prisoners for a safety order consistent with the risk-based assessments performed under the Mental Health Act. Given the current difficulties in recruiting

psychologists, it is of benefit to ensure there is flexibility in the future to recruit clinicians with the appropriate skills to perform these assessments. Additional safeguards in the corrective services bill will require an authorised practitioner to maintain their professional qualifications and to have the necessary training and competency to assess a prisoner's risk of self-harm or suicide in the correctional context. This approach will exclude any professionals who do not have the necessary clinical expertise in assessing prisoners' mental health in the context of the safety order.

This government and these bills support victims and I am sure all victims will feel buoyed, not last. In conclusion, I once again thank all honourable members for their contributions during the cognate debate. I also wish to thank our fantastic public servants for their hard work and dedication and members of Queensland Corrective Services and Queensland Police Service for the development of these bills.