

PRISONS AMENDMENT BILL 2020

Introduction and First Reading

Bill introduced, on motion by **Mr F.M. Logan (Minister for Corrective Services)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [3.24 pm]: I move —

That the bill be now read a second time.

This bill introduces two long overdue reforms to the Western Australian prison system. Firstly, the bill amends the Prisons Act 1981 to introduce mandatory testing for infectious diseases for prisoners in circumstances in which there may be a transfer of bodily fluids from a prisoner to a prison officer. At present, Western Australia has legislation to authorise the taking of blood samples from an individual who has exposed a police officer to the risk of contracting an infectious disease through the transfer of bodily fluids. As we know, an infectious disease may take months to manifest itself. The purpose of taking the blood sample is to promptly identify whether any infectious disease is present in the individual and inform the affected officer of the test result as soon as possible, therefore reducing the period of anxiety experienced by the officer.

Prison officers are not unlike police officers in that they encounter circumstances such as assaults that expose them to bodily fluids capable of transmitting blood-borne viruses. This government is committed to the position that prison officers should be afforded the same safeguard as police officers. This bill fulfils that commitment. In practice, when a prison officer is exposed to bodily fluids from a prisoner either through an assault or an unintentional transfer, the superintendent of the prison will direct the prisoner to undergo testing for infectious diseases. A blood sample will be taken by either a doctor or a nurse. A prison officer may use reasonable force to assist with the taking of a blood sample when asked by the doctor or the nurse. A prisoner who refuses to provide a blood sample may face a penalty under the Prisons Act.

It is intended that detailed procedures for the taking of blood samples and disclosure of test results will be enacted following the passage of the bill through regulations. These will build on existing regulations and procedures for the taking of body samples from prisoners. As an additional measure, the bill authorises the making of regulations for the chief executive officer to disclose a prisoner's medical record to a prison officer. This is another measure to alleviate concern on behalf of an assaulted prison officer. Prisoners are medically examined on admission to a prison, and if any infectious diseases are found on their prison medical records, the bill provides for the disclosure of these diseases to the prison officer exposed to the prisoner's bodily fluids. In conjunction with the above reform, the government takes the initiative to increase the monetary penalties for offences in the Prisons Act. These monetary penalties have not been revised since their introduction and therefore have not kept pace with changes in the consumer price index and in some cases have lost their deterrent impact. The bill amends the Prisons Act to ensure that penalties in the Prisons Act are consistent with other penalties for similar behaviour. At this point, I need to mention that fines are rarely used as a penalty for prison offences committed by prisoners, and other sanctions are available to visiting justices who determine the offences. I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.