

SENATE SELECT COMMITTEE ON COVID-19

Attorney-General's Department

Question No. 1 to 5

Senator Rachel Siewert submitted the following written questions:

1. What role is the Attorney-General's Department playing in taking preventative action to stop the spread of COVID-19 in prisons and youth detention centres?
2. What steps, if any, have been taken to ensure that Aboriginal and Torres Strait Islander peoples are not issued fines, penalties or otherwise penalised for breaking COVID-19 restrictions if they are doing so in order to obtain essential supplies?
3. I understand some states such as NSW and ACT have passed legislation that would enable the early release of prisoners should emergency conditions arise. Is the Department aware of any cases where these provisions have been used to release prisoners early?
4. Is the Commonwealth looking at a national strategy to enable the early release of First Nations prisoners who are low-risk, have chronic health conditions, are on remand, are elderly, children or are at increased risk of COVID-19?
5. What work is the Attorney-General's Department doing to track and monitor policing, issuing of fines, and arrests during COVID-19?

The responses to the honourable Senator's questions are as follows:

1. The Attorney-General's Department, through the Council of Attorney's General (which included Corrective Services Ministers), worked closely with state and territory counterparts to develop a nationally coordinated approach to preventing and responding to COVID-19 in the corrections sector. Key initiatives were agreed to by National Cabinet and announced by the Prime Minister on 5 May 2020 (<https://www.pm.gov.au/media/update-coronavirus-measures-050520>).

The Attorney-General's Department also has observer status on the Corrective Services Administrator's Council, and has been participating in regular meetings to monitor and discuss plans regarding the COVID-19 pandemic. There are currently no COVID-19 outbreaks in Australian correctional facilities.

All states and territories have contingency plans in place for each correctional facility to manage COVID-19 cases if required. This includes planning for and managing COVID-19 outbreaks in prisons in accordance with Communicable Diseases Network Australia National Guidelines, the provision of personal protective equipment for staff and inmates, testing for COVID-19 and the provision of appropriate medical care.

Under Australia's federal system of government, states and territories are responsible for the operation and management of correctional facilities.

2. The enforcement of COVID-19 restrictions is a matter for states and territories.
3. Under Australia's federal system of government, states and territories are responsible for the release of offenders convicted of state or territory offences.
4. Provision for the early release of people convicted of federal offences already exists under the *Crimes Act 1914*. The early release of offenders convicted of state or territory offences is a matter for state and territory governments.
5. This is a matter for states and territories.