

Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024

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26th February 2024

Community Safety and Legal Affairs
Committee
Parliament House

CSLAC@parliamenthouse.qld.gov.au

Dear Sir/Madam,

RE: Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024

We refer to the Community Safety and Legal Affairs Committee correspondence to the Queensland Sexual Assault Network (QSAN) on 16th February 2024 seeking feedback on the *Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024*.

We thank you for providing us with an opportunity to provide comment.

About QSAN

QSAN is the peak body for sexual violence prevention and support organisations in Queensland. We have 23 member services, including specialist services for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with intellectual disability, young women, men and children and our membership are located throughout Queensland, including in rural and regional locations.

Our network of non-Government services is funded to provide specialist sexual assault counselling, support, and prevention programs in Queensland. QSAN is committed to working towards ensuring all Queenslanders who experience sexual violence recently or historically, regardless of age, gender, sexual orientation, cultural background receive a high-quality response in line with best practice, client-centred principles. Our work and analysis of sexual violence is from a feminist perspective and addressed within a trauma-informed framework.

We are committed to engaging with government and other bodies to raise systemic issues of concern, and to ensure the voices and experiences of victims of sexual violence are considered in the formulation of policy and legislation that impacts on sexual violence victims in Queensland.

Please see our feedback below.

Easier registration process

We welcome the changes allowing for the chief executive to register an eligible person where the chief executive is satisfied the person is entitled to be registered. When used it may assist to decrease re-traumatisation, as these processes can easily over-burden victim-survivors.

The current process of registration is cumbersome, especially when victim-survivor has already been through an investigation and entire criminal justice court process, including sentencing. In many instances 'the criminal justice system' is aware of their interest in the matter and that they are a victim of crime and, for many cases it should be a 'tick a box' exercise to be registered on the Victim's Register.

Improved communication to victim-survivors about accessing the registration process is required.

We would also recommend, as a matter of urgency that the process of making victims aware of the existence of the register in the first place be improved, standardised, and streamlined. Victim-survivors are unable to access the process if they are unaware of it. Perhaps this is something that the new Victim's Commissioner could take responsibility for.

Other changes welcomed.

We also welcome the following changes-:

- clarification in the legislation that an entity can represent the victim-survivor through the process of registration and can be nominated to receive the correspondence and,
- increasing the diversity of the Board and the appointment of a professional who can provide a victim perspective to the Board.

Children

We note Section 323A requires a parent or guardian to be an eligible person. An additional amendment to Section 323A is required to allow for communication directly with the child when they turn 18 years of age.

Parole Board Determinations

Important information about upcoming Parole Board hearings needs to be provided to victim-survivors and clarification is required about their right to make a submission.

We note Section 325 (g) provides that an eligible person may be provided only information about the results of the prisoner's parole application and (h) other information relevant to the parole. We note Section 188 of the Corrective Services Act 2006 provides that an "eligible person" must be given written notice of an upcoming parole application and that they have 21 days to make a submission.

Section 325 should be as specific as possible and consistent with the other terms of the existing Act as possible.

We therefore suggest the following amendments to Section 325 of the bill-:


1. The eligible person has a right know about an upcoming parole application before a decision is made; and
2. The victim-survivor has a right to provide a submission to the Parole Board and that the Parole Board be required to consider this submission before making its decision; and
3. Eligible persons can make submissions to the Parole Board that are not in writing but may be provided via alternative means such as a voice record, telephone.
4. Eligible person should be provided information about the release date and release conditions.

Any amendments need to allow a 'reasonable time' for victim-survivors to provide a submission to the Parole Board and we recommend, preferably 6 – 8 weeks rather than the current 21 days allowed under Section 188 (3) (C). Although there is opportunity to seek an extension, this places the burden on victim survivors to do this. The application for parole could cause some victim-survivors are high degree of trauma and the extra time allows for these emotions and responses to be better processed and, if required, for assistance to be obtained form a victim support service to help with any response.

Even if a victim-survivor chooses to not be involved in the Parole Board process, a reasonable time is required to allow the victim-survivor to ready themselves emotionally for the possible release and to allow them to undertake safety planning including, if necessary, court applications for example, domestic violence protection orders.

If you require anything further, please do not hesitate to contact the Secretariat.

Kind Regards,



Angela Lynch
Executive Officer.