

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

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6 March 2024

Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
George Street
BRISBANE QLD 4000
By Email: CSLAC@parliament.qld.gov.au

QIFVLS Submission – Review of the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024

Dear Committee Secretary,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to lodge a submission in relation to the review of *the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024* (the Bill).

Queensland Corrective Services (QCS) and the corrective services system in general is a key stakeholder from the standpoint of the corrective services' system response, accommodating victim-survivors whose perpetrators are in custody as well as from the perspective of an institution responsible for the custody, care and rehabilitation of the many traumatised women and children in its care.

Our submission is brief and will touch on the following points:

- Enhancing availability for the QCS Victims Register.
- Supporting diverse representation on the Parole Board of Queensland.
- Prescribing search requirements to accommodate diverse prisoner needs.

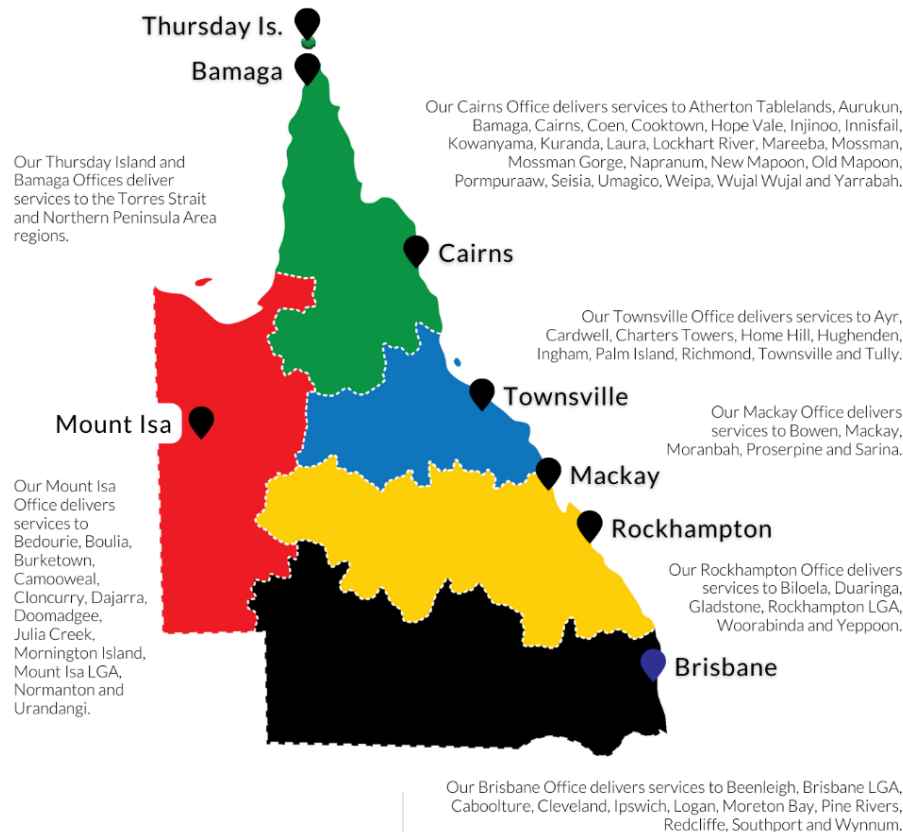
We hope that you consider our feedback from the standpoint of an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO), dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#) (the National Agreement), particularly Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) among the other inter-related targets.

About QIFVLS

The Queensland Indigenous Family Violence Legal Services Aboriginal Corporation (QIFVLS) is a Family Violence Prevention Legal Service (FVPLS) and an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) that fills a recognised gap in access to culturally appropriate legal and wraparound support services for Aboriginal and Torres Strait Islander victim-survivors of family and domestic violence and sexual assault.



QIFVLS is primarily an outreach service. As can be seen from the map below, we operate out of eight offices across Queensland, delivering services to over 90 communities, from the urban south-eastern corner of the state, out west to communities surrounding Mount Isa, reaching the Northern Territory border, and north to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Our services extend from domestic and family violence to family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications.



Family violence as a cornerstone

The Women’s Safety and Justice Taskforce’s two *Hear Her Voice* reports, although primarily focusing on women’s experiences of family violence, provided detailed examination of the intersecting factors that Aboriginal and Torres Strait Islander victim-survivors of family violence face daily. *Hear Her Voice – Report One* addressed coercive control and domestic and family violence with an added view of the service system response of institutions like corrective services. *Hear Her Voice – Report Two* examined the overlap in experiences of women and girls as both victim-survivors of sexual violence and as accused persons and defendants in the criminal justice system.

The experiences of these brave women and children reflect our daily observations as a family violence prevention legal service that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person’s connection to the child protection system, the



youth justice system, adult criminal justice system, corrections, housing and/or homelessness, health and the family law system.

Our consistent position is that uniform, holistic and consistent strategies that will improve responses in the family violence, policing and criminal justice, child protection system, housing and corrective services are a more effective pathway in contrast to siloed government responses.

Our response to the Bill

Enhancing the QCS Victims Register

We support streamlining the process for registrations with the Victims Register. Simplifying the process for our clientele would provide great benefits and relieve any re-traumatising effects.

We appreciate that the Bill will enable an entity supporting an eligible person (such as QIFVLS) to refer the person to the Victims Register for registration. This provides our organisation with an opportunity to efficiently assist our clients, with their consent, to register for the Victims Register without them facing a long-drawn out and potentially re-traumatising process. We understand this extends to amendments allowing an eligible person to nominate a person or body, such as QIFVLS, to receive any information from the Victims Register on behalf of the eligible person, including about parole applications.

Definition of ‘immediate family member’

We applaud the inclusion of Clause 35 in that it will facilitate amendment to the definition of ‘immediate family member’ under Schedule 4 (Dictionary), including the additional provision that an immediate family member is, *“If the person is an Aboriginal or Torres Strait Islander person – a person who, under Aboriginal tradition or Island custom (‘Ailan Kastom’) is regarded as an immediate family member of the person.”* This recognizes the unique and inclusive family structures in Aboriginal cultures and Torres Strait Islander cultures.

Diverse membership / representation on the Parole Board of Queensland

We support the proposed amendment in clause 11(3) which will provide that at least 1 of the professional board members must be an Aboriginal or Torres Strait Islander person. We support the sentiment that this requirement will enhance the cultural awareness of parole decision-making by ensuring that sufficient consideration is given to the overrepresentation of Aboriginal and Torres Strait Islander persons in custody.

We also support the proposed amendment under clause 11(3) which will require at least 1 of the community members to be a person who has expertise or experience relevant to victims of crime, including how crimes affect victims and the challenges victims face in interacting with the criminal justice system.



Prescribing search requirements to accommodate diverse prisoner needs

QIFVLS was involved in consultations that informed the recommendations of the Queensland Human Rights Commission's 2023 report, *Stripped of our dignity: A human rights review of policies, procedures, and practices in relation to strip searches of women in Queensland prisons* (QHRC report)¹.

We understand from the Explanatory Notes that the effect of Recommendation 17.1 of the QHRC report will see this Bill omit section 34(2) from the *Corrective Services Act 2006* (the Act). The Explanatory Notes outline the need for flexibility with the same-sex requirements for a strip search in the Act and how this conflicts with prisoners who identify as being trans or gender diverse. We also understand from the Explanatory Notes that reform in this area will also be dependent on amendments to the *Births, Deaths and Marriages Registration Act 2023*.

From QIFVLS' point of view, rather than removing section 34(2) from the Act, we suggest that section 34(2) be amended to include a provision similar to some of the wording from Recommendation 17.1 of the QHRC report:

*"...that prisoners who identify as trans or gender diverse should be given the option of whether to be searched (including strip searches, pat down searches, urine testing) by male or female corrective services officers..."*²

Further regulation amendments

We have observed references in the Explanatory Notes to further regulation amendments to be progressed, particularly under the proposed new section 39A. On this point, we advocate for the recommendations in the QHRC report to be a guiding source, particularly Recommendations 4 (Only conduct targeted strip searches as a last resort to respond to an identified risk following an individual risk assessment) and Recommendation 13 (Enhanced recognition of Aboriginal and Torres Strait Islander rights and cultural safety).

¹ Queensland Human Rights Commission September 2023, *Stripped of our dignity: A human rights review of policies, procedures, and practices in relation to strip searches of women in Queensland prisons*

² Queensland Human Rights Commission September 2023, *Stripped of our dignity: A human rights review of policies, procedures, and practices in relation to strip searches of women in Queensland prisons*, page 24



Conclusion

We take this opportunity to thank you for considering our feedback. We trust that the Committee appreciates our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

If you would like to discuss our response further, please don't hesitate to contact me at

[REDACTED].

Yours faithfully

Queensland Indigenous Family Violence Legal Service

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Principal Legal Officer