

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

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**Submitted by:** North Queensland Women's Legal Service  
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## Feedback by the North Queensland Women's Legal Service

on the

### *Corrective Services (Promoting Safety) & other Legislation Amendment Bill 2024*

We thank the Community Safety and Legal Affairs Committee on the opportunity to provide responses to the first three terms of reference of the Corrective Services (Promoting Safety) and other Legislation Amendment Bill 2024.

#### **Who we are:**

We are the North Queensland Women's Legal Service - a community legal centre with offices in both Cairns and Townsville. We assist women from Mackay to the Cape and out to the NT boarder, primarily in the areas of family law, child protection and domestic violence. Additionally, we are members of the Women's Legal Service Australia committee and are involved in law reform work, along with delivering community education programs and supervising legal students as volunteers and placement students.

We provide an array of face to face and telephone services and duty lawyer services in the domestic violence courts and family law courts. In the 2022/23 year we assisted around 2500 women and girls with 16,000 services. One in five of our clients identify as being Aboriginal or Torres Strait Islander and almost all identified as being victims of domestic and family violence, including sexual violence.

#### **Our feedback:**

Whilst we do not practice in the criminal jurisdiction, we have significant experience in the civil domestic violence courts and have contact with women who are victims of personal offences and sexual assault offences. Our clients regularly tell us of systems failings in providing them a sense of safety and/or inadequacies in having their voices heard.

Our submissions focus on the experiences of our clients, garnered largely through our assistance with their legal issues and from their stories and comments about their lived experiences of violence, including domestic/family/sexual violence, how they perceive the justice system, and what happens to them as victims after court proceedings finalise in incarceration, or a perpetrator is held on remand pending hearing.

Enhance the legislative framework for the Queensland Corrective Services (QCS) Victims Register to promote the safety and wellbeing of victims engaging with the service

We welcome the proposed amendments to the 'Giving Notices' and Information to Eligible Persons sections.

We assume the proposed s 320(3) is included in an attempt to keep people including incarcerated persons, who are victims of domestic and family violence or at risk of other violence, safe by restricting information that would otherwise go to a person posing risk to the prisoner. There is, however, no guidance as to how the Chief Executive would exercise their discretion to refuse to register a person against a prisoner and what would be a reasonable belief for this to occur. We suggest including some examples of scenarios of when and how the Chief Executive would exercise this discretion.

In relation to the proposed s 320(4), there are many victims who would make an application to be placed on the victims register, however they simply do not know about the existence of the register or how to make an application. In circumstances where a victim is identifiable during a sentence where actual incarceration is ordered against an offender, we ponder if an 'opt out' referral could be made by the sentencing judicial officer to Corrective Services? The victim could be notified of the referral as part of the process and opt out if they do not wish to be considered for the register. The Chief Executive would still retain discretion as to the final decision about whether the victim is ultimately placed on the register.

We support the inclusion of the proposed s 322. Even though an offender may not be incarcerated for a domestic violence offence, once they are released they can pose a significant risk to others with whom there is a documented history of domestic violence. Our clients often speak of violent ex-partners being released from custody and just turning up unannounced and refusing to leave. Many speak of fear of not knowing when a perpetrator is being released.

In relation to the proposed s 324AA (2), again there is no guidance as to when and how the Chief Executive exercises their discretion to refuse to give an eligible person a notice or information under this Act, and what constitutes a reasonable belief.

In relation to the proposed s 324A(1)(cb), we suggest that the Chief Executive *must* notify the eligible person not only of details of a formal change of name of the prisoner, but *must* also provide details of a reassignment or alteration of the sex of the prisoner noted or recorded in a register kept under a law of the State about births, deaths and marriages.

In relation to the proposed s 325, we support the expanded examples of information the Chief Executive *may* give to an eligible person, however query why details of the prisoner's security classification be omitted. We particularly support the inclusion of information about orders under the *Dangerous Prisoners (Sexual Offenders) Act* and the deportation or removal status of the prisoner under the *Migration Act*.

We support the proposed s 325(3) in relation to information that may be provided about a homicide offender who is not a prisoner. We believe this would provide eligible persons a sense of safety both physically and emotionally.

Require representation for victims on the Parole Board Queensland (the Board) to increase victims' input into parole decisions

We have reviewed the proposed amendments to s188 regarding submissions from an eligible person when a prisoner has made an application for parole and agree with proposed changes.

Our submission would be for an eligible person to also have the opportunity to make submissions in exceptional circumstances applications - for all the same reasons they should have a right to be heard in standard parole applications - although we note there is no proposal to that effect.

We support the flexibility in the proposed new s188(7), for eligible persons to make written submissions *or* submissions made in some other approved form. This will hopefully allow for victims' voices to *literally* be heard, and not be just words on paper.

It is extremely important to victims that they their voices are heard if the justice system is to move toward a more victim-centric approach. The proposed change to s188(6) that mandates the board considering an eligible person's submission is a step in the right direction in this regard.

Overall, we believe the proposed amendments will support and strengthen a victim's right to be heard in what is often a highly stressful and triggering process. It is crucial for a victim to feel they have had the opportunity to express themselves meaningfully, and that the board must take this evidence into consideration when delivering a decision that will impact the victim's life so fundamentally.

Strengthen powers to respond to abuse of prisoner communication channels to protect the community from prisoners who seek to inflict harm from behind bars

We applaud the resolve to strengthen powers to address domestic violence being perpetrated through prisoner communication channels. We hear regular stories from our clients who are contacted by offenders, often through calls with family members, and who are subject to implied or overt threats. Sometimes the issue is simply unwanted contact and the chance for a victim to move forward without encouragement from a perpetrator to stay in a harmful relationship. Unwanted contact can also be highly problematic to a woman in child protection matters where any contact between the parties is being scrutinised.

We have reviewed the proposed amended sections pertaining to personal calls, and wholeheartedly agree with them. We are especially attracted to the inclusion of, and clear definition of, *prohibited prisoner communication* in schedule 4.

We only comment that there should be some transparency as to the steps taken by the chief executive to establish if an individual is a victim, or otherwise does not consent to the prisoner calling the person.