

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

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Subject: – The Independent Ministerial Advisory Council correspondence relating to the *Review of the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024*

Dear members of the Community Safety and Legal Affairs Committee,

The Independent Ministerial Advisory Council (IMAC) thanks the Committee for the opportunity to submit the below for consideration of the Committee in relation to the review of the *Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024* (the Bill).

The IMAC was established by Queensland Government to elevate the voice of victims of crime in conversations about criminal justice reform and improving victim support services.

IMAC is co-Chaired by former Childrens Court Judge Mr John Robertson and Ms Beck O'Connor, Chief Executive Officer of DVConnect and VictimAssist. The membership of the IMAC is broad and covers representation from victim-survivors, victim-advocates, peak advocacy bodies, First Nations Representatives and legal and expert practitioners. An overview of the membership of the IMAC can be found at **Attachment 1**.

The IMAC was established to provide timely advice to government on issues relating to criminal justice reform in Queensland. The establishment of the IMAC is an opportunity to improve public responses to youth crime, outcomes for children at risk of entering the criminal justice system, legislative support for victims and victim-survivors of serious and domestic, family and sexual violence related crime, and the way the victims and victim-survivors* of crime are responded to.

**For the purpose of this correspondence victims and victim-survivors refers to the experiences of those with lived and living experience.*

Members of the IMAC suggest that greater consideration of victim centred and trauma informed measures within parole processes are implemented to ensure the physical, emotional and psychological safety of victim-survivors.

In line with this, the IMAC directs its comments to the below main objectives of the Bill:

- Enhancing the legislative framework for the Queensland Corrective Services (QCS) Victim Register to promote the safety and wellbeing of victims engaging with the service.
- Require representation for victim-survivors on the Queensland Parole Board (the Board) to increase victim-survivors input into parole decision.
- Strengthen powers to respond to abuse of prisoner communication channels to protect the community from prisoners who seek to inflict harm behind bars.
- Protect use of victim-survivor and intelligence information to support effective decision making.
- Other minor technical issues.

Response to the Bill

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

The IMAC supports the proposed streamlining of the registration process to reduce instances of re-traumatisation, extend the eligibility criteria to ensure access for those that need it, increase flexibility for how an eligible person can engage with the parole process and clarify what information is provided to eligible persons to support their safety.

On the issue of prisoner transfers, the IMAC supports the views outlined in the submission of the Queensland Victims' Homicide Support Group (QHVSG) in its concerns related to the current *Prisoners (Interstate Transfer) Act 1982*. Currently, the Minister may take into consideration proximity information as it relates to an active eligible person registered with the QCS Victim Register, and the prisoner's request to transfer.

At present, victim-survivors are not consulted on prisoner transfers to locations that occur outside their place of residence. This may raise a variety of concerns, especially as family members of the victim-survivor may be residing in these locations. Transferring prisoners to locations where family members reside may produce the following consequences:

- Impacts upon the ability of victim-survivors to access their support networks.
- A concern amongst victim-survivors for the safety of family.
- Victim-survivors may perceive their emotional and psychological safety needs are secondary to those of the prisoner, which may lead to distrust in the criminal justice system.
- In cases involving serious interpersonal violent crime, victim-survivors are not given the opportunity to undertake and implement safety planning.

Other opportunities to promote safety and wellbeing of victim-survivors

The IMAC notes there may be other opportunities to enhance the *Corrective Services Act 2006* (CSA) to promote safety and wellbeing for victim-survivors. In particular, it is noted that the definition of restricted prisoner in section 175D of the CSA is limited to those with convictions for murder. This fails to acknowledge the safety of victim-survivors of particularly heinous violent offending who do not die as a result of the relevant offences. There may be an opportunity to promote the safety and wellbeing of these living victim-survivors by expanding the definition of restricted prisoner to include those with, for example, convictions for violent offences resulting in a life sentence where the offending is considered particularly heinous in all the circumstances.

Other minor technical issues.

The IMAC supports the view of the QHVSG that under s325 of the Bill, a provision should be included that gives eligible persons on a QCS Victim Register the opportunity to make submissions expressing their concerns *prior* to a prisoner transfer. On this, QHVSG has rightly called attention to the risk of victim-survivors being re-traumatised, particularly in circumstances where prisoners are released into the same community where the related victim/s live.

In relation to this matter, QHSVg also call for the widening of the eligibility criteria, which the IMAC supports. Currently, a person is deemed eligible under the following provisions of s321(2), as below,

- (2) A person is entitled to be registered as an eligible person against the prisoner if—
- (a) the person is one of the following—
 - (i) a person against whom the offence was committed (the victim);
 - (ii) an immediate family member of a deceased victim of the offence; or
 - (b) the chief executive is satisfied the person's life or physical safety could reasonably be expected to be endangered because of—
 - (i) a documented history of violence by the prisoner against the person; or
 - (ii) a connection between the person and the offence.

The IMAC supports the view of QHSVg that the eligibility criteria should include provisions for extended family, neighbours, witnesses or other relevant persons to be named as eligible persons. It is the view of the IMAC members that this would enable the Bill to recognise and be more inclusive of the needs of First Nations peoples and families from culturally and linguistically diverse backgrounds.

The Bill allows for eligible persons to make submissions to the Parole Board in writing or in some other form approved by the parole board (under s 188). This requirement does not recognise the potential needs of eligible persons. The IMAC, in line with QHSVg, supports the expansion of submissions to include, as a standard, written, voice, telephone, or video link. As raised by the QHSVg submission, prisoners currently utilise similar modes during their applications.

Building Belonging: Review of Queensland's Anti-Discrimination Act 1991

The IMAC calls the Committee's attention to recommendations made in the Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* report (the Building Belonging report), with particular regard to the following:

Recommendation 12.1: Section 319E of the Corrective Services Act 2006 (Qld), that requires a person detained in a corrective services facility who is making a complaint against a 'protected defendant' to first make a complaint to the chief executive before lodging a complaint with the Commission, should be repealed.

Recommendation 42.1: Sections 319G, 319H and 319I of the Corrective Services Act 2006 (Qld), which alter the tests for direct and indirect discrimination, and create restrictions on compensation orders should be repealed.

The IMAC also raises its concerns in regard to the proposed amendment to omit from the Bill the provision, under s 39(2), that at least 1 health practitioner be of the same sex as the prisoner during a body search.

The IMAC respectfully asks the Committee to consider findings from the Women's Safety and Justice Taskforce (the Taskforce), *Hear Her Voice, Report Two* (report 2). In this report, the Taskforce heard from women in prisons that the practice of strip searching is violating and triggering. Body searches were identified as a particularly concerning practice for women in prison who are victims-survivors of sexual violence.

Removing the requirement for at least one health practitioner to be of the same sex as the prisoner increases the risk of retraumatising women in prisons, particularly those who are victim-survivors.

QCS in its *Interim Women's Strategy 2023-2025*, notes that 'many aspects of traditional corrective service delivery...can exacerbate the impacts of trauma' and commits to ensuring women's correctional practices are gender-centric, person-centred, evidence-informed, culturally safe and trauma-informed.¹

Given the above evidence and a commitment made by QCS to improve its approaches to managing women in prisons, the IMAC is perplexed by the proposed omission to s39(2) in the Bill. The IMAC respectfully asks that the Committee consider the impact this amendment will have on women in prisons, and on the QCS in its attempts to put in place gender-appropriate trauma-informed approaches.

The IMAC would welcome the opportunity to further speak with the Committee regarding the views of the IMAC members. The IMAC co-Chairs can be contacted via email at [REDACTED]

Yours sincerely

[REDACTED]

Beck O'Connor
IMAC co-Chair

[REDACTED]

John Robertson
IMAC co-Chair

¹ Queensland Corrective Services. 2023. *Interim Women's Strategy 2023-2025: Women in our custody and care*. <https://www.publications.qld.gov.au/dataset/f18ea162-6af3-4302-b5b4-61dc5286e586/resource/942ce5ab-52d4-4d73-8467-60b8b388c58c/download/20230428-interim-womens-strategy.pdf>

Independent Ministerial Advisory Group Membership

Membership	Name
Co-Chair	John Robertson was a judge of the Childrens Court of Queensland for his whole judicial career and President of that Court from 1999 to 2001. He is presently a part-time judicial member at the Queensland Civil and Administrative Tribunal and was recently Chair of the Queensland Sentencing Advisory Council from 2018 to 2023.
Co-Chair	Beck O'Connor has over 20 years' experience in senior leadership roles in the community and human services sector. Beck is the Chief Executive Officer of DVConnect where she also leads VictimConnect, Queensland's 24/7 victims of crime support service.
Member	Andrea Storey is a victim representative, as a survivor of attempted murder by her estranged husband. Andrea will bring her experience of navigating the criminal justice system as a victim-survivor of domestic violence to advocate for reform.
Member	Brett Thompson is the Chief Executive Officer of the Queensland Homicide Victims' Support Group. His role is focused on victim support, interagency systemic improvement, and advocacy for justice system reform.
Member	Christine Castley is CEO of Multicultural Australia and is a passionate advocate for equal access to justice and services for everyone. She regularly interacts with criminal justice agencies on the challenges faced in multicultural communities by both victims and offenders on a broad range of criminal matters.
Member	Elvie Sandow is the first female mayor of Cherbourg and previously served as Chairperson of Youth and Community Combined Action, a juvenile crime prevention initiative.
Member	Ian Leavers has served the people of Queensland as a Police Officer since 1989. Ian is the General President and CEO of the Queensland Police Union and the current National President of the Police Federation of Australia.
Member	Julie Arthur is the manager of the Cloncurry Justice Association, where her work focuses on court innovation and working closely with the criminal justice system to support victims and offenders.
Member	Professor Lorraine Mazerolle is an international expert in policing and crime prevention. She is a member of the Youth Justice Reference Group, helping to advance evidence-based policies and practices in the government's youth justice strategy.
Member	Matilda Alexander is the CEO of Queensland Advocacy for Inclusion and a human rights lawyer with a lengthy history in the community legal sector. Matilda has won multiple awards for her work with vulnerable communities and holds an enduring passion for justice. Matilda is also on the management committee of the LGBTIQ+ Legal Service.
Member	Robert Keith Hamburger was Queensland's first Director-General of the then Queensland Corrective Services Commission and led significant reform across Queensland's prisons. Keith is a Queensland patron of the Justice Reform Initiative, established in September 2020 with a goal to reduce Australia's reliance on incarceration.
Member	Professor Susan Dennison is a Professor in the School of Criminology and Criminal Justice and the Griffith Criminology Institute at Griffith University. She is currently Director of the Transforming Corrections to Transform Lives Centre, leading a transformative system of practice to better support mothers who experience incarceration, and their children.

Member	Timothy Grau is a practicing barrister at the private Bar in Queensland. His practice is based in Cairns and he works with clients from as far afield as the Torres Strait, Cape York, Cairns and Townsville and surrounding regions.
Member	Zac Davidson is a Youth Parliamentarian with firsthand insight into the complexities surrounding youth-related crime. Zac believes bringing a youth perspective in addressing the youth crime crisis is of paramount importance.
Member	Benjamin John Cannon* is a victim representative who created the community group Voice for Victims following a violent home invasion at his neighbour's property. Ben is advocating for more support for victims and improved solutions to fix youth crime.

In addition, 2 other members with lived experience as victims of crime have been appointed as members, who wish to remain confidential.

*Mr Cannon tendered his resignation on Monday 11 March 2024.