

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition it is recognised as such.



# ***GOVERNANCE, ENERGY AND FINANCE COMMITTEE***

## **Members present:**

Mr MJ Crandon MP—Chair  
Mr CG Whiting MP  
Ms B Asif MP  
Mr JT Barounis MP  
Mr LR McCallum MP  
Ms KJ Morton MP

## **Staff present:**

Mr T Horne—Committee Secretary  
Ms N Cutmore—Committee Support Officer

## **PUBLIC HEARING—INQUIRY INTO THE CORRECTIVE SERVICES (PAROLE BOARD) AMENDMENT BILL 2025**

### **TRANSCRIPT OF PROCEEDINGS**

**Wednesday, 30 April 2025**

**Brisbane**

## WEDNESDAY, 30 APRIL 2025

**The committee met at 11.30 am.**

**CHAIR:** Good morning. I declare open this public hearing for the Corrective Services (Parole Board) Amendment Bill 2025. My name is Michael Crandon. I am the member for Coomera and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share.

We meet today are: Chris Whiting MP, member for Bancroft and the deputy chair; Bisma Asif MP, member for Sandgate; John Barounis MP, member for Maryborough; Lance McCallum MP, member for Bundamba; and Kendall Morton MP, member for Caloundra. The hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphone on before you start speaking and off when you are finished and please turn your mobile phones off or to silent mode.

**GREENWOOD, Ms Kate, Barrister, Senior Policy Lawyer, Closing the Gap, Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (via teleconference)**

**SHARMA, Ms Pree, Legal Practitioner, Law Reform and Community Legal Education, Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd**

**CHAIR:** Welcome. Would you like to make an opening statement before we start any questions?

**Ms Sharma:** Thank you for inviting the Aboriginal and Torres Strait Islander Legal Service, also known as ATSILS, to speak at the public hearing for this bill today. My name is Pree Sharma and I am a legal practitioner at ATSILS. I work in law reform and community legal education. I am joined today by Kate Greenwood, who is kindly appearing via video link from Sydney—while on leave, mind you. Kate is a barrister and our senior policy officer for Closing the Gap. Kate also prepared the submission that we lodged in relation to this bill.

ATSILS is a community-based not-for-profit organisation. We provide culturally appropriate legal services for Aboriginal and Torres Strait Islander peoples across Queensland in the areas of criminal, civil and family law. We have been providing services for over 50 years and we have over 25 offices throughout the state. We also deliver community legal education and early intervention and prevention initiatives which uphold and advance the human rights of Aboriginal and Torres Strait Islander peoples.

We would like to start off with a quote from the Parole Board Queensland's annual report from 2023-24, which we feel emphasises why this bill is of particular interest to the Aboriginal and Torres Strait Islander Legal Service. It states—

The Board is very aware of the over-representation of First Nations peoples within the criminal justice system, with a significant proportion of parole applications and suspensions before the Board involving First Nations peoples.

Parole is a critical tool that supports both prisoner rehabilitation and community safety. It allows eligible prisoners to serve part of their sentence under supervision in community, assisting them to reintegrate gradually with access to rehabilitation programs, support services, employment and family

connection, all of which are key factors in reducing the likelihood of reoffending. A well-functioning parole system protects the public by not keeping prisoners locked away until the end of their sentence but by giving them the tools and supervision they need to succeed on the outside.

Mr Walter Sofronoff KC stated in his Queensland Parole System Review report in 2016—

Each time an offender's parole is suspended for non-compliance, there is a return to custody. But there are no programs available in custody that could be undertaken by an offender on a suspension.

A period of imprisonment on suspension can be expected to cause serious disruption to any progress that the offender was making in the community. When the offender is released back into the community there is the real likelihood that she or he will be in a worse position than before suspension.

Decisions to deprive a person of their liberty by placing them in detention, including decisions to suspend the parole of a person such that they return to custody, carry profound consequences for that person, can significantly hinder their ability to successfully reintegrate into society and might, in fact, increase the risk of them reoffending upon release, which would have a negative impact on community safety. Accordingly, it is essential that such decisions are made with fairness, transparency, accountability and strict adherence to due process. In our view—and you will see this in the submission that we have lodged—we do not feel that the bill meets these standards.

We have noted in there a number of arguments with respect to the Legislative Standards Act with regard to our concerns that the bill does not have sufficient regard to the rights and liberties of individuals, in particular that it makes the rights and liberties or obligations dependent on administrative power, which is not sufficiently defined or subject to appropriate review. We are concerned that the bill is in conflict with section 4(3)(c) of the Legislative Standards Act, that it adversely affects the rights and liberties of prisoners and imposes obligations retrospectively. Because you have read the submission I will not go into those arguments in any detail, but they are provided. Obviously, they are published on the website as well. We are concerned significantly with respect to the very high numbers of suspensions and the risk that the regime might increase the numbers of suspensions and how that will contribute to further overcrowding in prisons. Overcrowding is something that we get feedback on constantly from our practitioners throughout the state and is something that should be part of this conversation as well.

The Queensland government response to the Parole System Review report was tabled in parliament in May 2023. In summarising the key findings of this review it stated that the current rate of suspensions of parole is unsustainable for the system. We believe that the proposed regime will have resource implications as there will be an increase in decisions before the board. We have already seen how an overworked Parole Board can negatively impact outcomes for our clients, with delays and backlogs in decision-making. There are also daily costs in accommodating an offender in custody. The more suspensions, the more in custody, the more cost to the state. We note the Queensland government response to the Parole System Review report also stated that the review highlights that the daily cost of accommodating an offender in custody is significantly higher than the daily cost of monitoring an offender in the community.

Today we would like to make some recommendations, and they are also contained in our submission. Just to reiterate, we recommend that the review mechanism that is proposed does not apply to decisions not to suspend—

**CHAIR:** Can I just stop you there? If they are contained in your submission, we are giving consideration to them and they are published. In the interests of time—I know that members have some questions for you—we might put those to one side. Is there anything else you want to finish off with prior to going to our members for questions?

**Ms Sharma:** I have just one final statement, if I may. From our point of view we would like the committee to consider parole from a broader perspective. There is a way that community safety can be promoted with an efficient parole system and also there would be cost benefits to the state. There are a number of things that are not working very well in the parole system, which we can give feedback on—and we have made significant submissions on these in the past—which we would be happy to share with the committee separately.

**CHAIR:** It is probably outside the bill parameters at this time. I will note one thing that was brought to us today by the Parole Board president—that is, there are 22 matters over the last three years involved in this. I just wanted to pick up on your concerns about costs et cetera. There are 22 matters that might have been impacted over a three-year period, so it is not a significant difference.

**Mr WHITING:** I move—

That the Minister for Corrective Services appear before the committee to provide a further briefing on the Corrective Services (Parole Board) Amendment Bill 2025, and the committee hold an inquiry into the recent explosion at the Callide Power Station C3 unit, including subsequent public communications to the Queensland public from CS Energy and the Queensland government.

**Mr McCALLUM:** I second that.

**CHAIR:** That is out of order. We will not be moving that motion and if—

**Mr WHITING:** Chair, if we went to a private meeting, as I requested, we could have dealt with this there and I would not have had to move it in public.

**Ms MORTON:** Three minutes before your request?

**CHAIR:** We are here now to hear from ATSILS. Do you have any questions for the witnesses?

**Mr WHITING:** Yes, we will go to the member for Bundamba.

**Mr McCALLUM:** Thanks for your time this morning. I would be interested to hear ATSILS's recommendations around any changes you would like to see to the proposed bill as it has been presented before the parliament.

**Ms Sharma:** We did raise in our submission some concerns about clarity in the process. From our point of view, it is unclear from the bill whether the board is required to review all parole suspensions or whether it has discretion over which ones it will review. We also felt that it was unclear on the provisions as to whether prisoners would be told about the initial decision not to suspend and given reasons why that decision has been overturned by the board. In the interests of procedural fairness, they should be given this information.

We found that with those new provisions that were inserted recently into the Corrective Services Act, specifically section 340AA which relates to sensitive information that need not be included in the reasons, the Parole Board is already heavily relying on that. We find it really difficult to address concerns to secure parole for our clients when we are not provided with sufficient reasons for why parole is not given—in this circumstance, for example, if a decision was overturned, sufficient reasons for why that decision was overturned. We feel that the provisions could be more specific with regard to that due process and in that regard you could build in safeguards for balancing the rights of prisoners as well as those imperatives, the objectives of community safety.

**Mr McCALLUM:** As the chair mentioned, we heard from the Parole Board earlier today. You mentioned concerns around overcrowding. It was the Parole Board's view and the evidence they gave us that they thought this reform would not necessarily lead to overcrowding. How would you like to respond to that?

**Ms Sharma:** It is really difficult to respond to that without—I am hearing of 22 today. All I can tell you is the observations that we have had from our staff.

**Mr McCALLUM:** Please.

**Ms Sharma:** To give you an example, we recently participated in a consultation with the Inspector of Detention Services in relation to the Capricornia correctional facility. We have a team that works inside correctional facilities on a day-to-day basis, so they have an intimate knowledge of what is going on there. What has been reported to us is that, despite resources being applied to expand existing correctional facilities, including Capricornia, currently they have two prisoners to a cell. They have a bunk with a bunk that has been screwed above that bunk and they are having additional prisoners sleep on the floor on a mattress with their head near the toilet bowl. Obviously, that is a significant potential fire safety and human rights issue, and this is current information. It has also been raised in the Ombudsman's own report, which I think I have some information on here.

The Ombudsman's *Prison overcrowding and other matters report* 2023 has some discourse about overcrowding in the Capricornia correctional facility. Specifically, they note that at the time of that report it had 946 prisoners and a built bed capacity of 967. There was a time when we were told that there were also prisoners being placed in the common areas of the relevant unit—that is, the living area within the kitchenette area—and that this practice was stopped for a period of time by fire wardens due to it being in breach of relevant policies.

**Ms MORTON:** You mentioned in your statement that parole plays an important role in community safety. As we heard from the president of the Parole Board today prior to you, parole is successful for many parolees but there are circumstances and instances where the risk to community becomes too great to manage. At what point does your organisation believe prisoners cannot be safely managed in community and should be returned to custody?

**Ms Sharma:** That is a difficult question. I think we approach it from a different view, which is that what is consistent with promoting community safety is having a parole system where prisoners are given access to good rehabilitation programs. That is a big issue for a lot of our clients because they are not getting access to rehab programs.

For our clients—that is, Aboriginal and Torres Strait Islander individuals—they face an uphill battle due to a number of barriers which are well documented in the first parole system review and the second. They face an uphill battle obtaining parole, but if they do secure parole, because of the way that parole orders are drafted, they are set up to fail, especially if they do not have the supports outside. A lot of the marginalised and disadvantaged individuals do not have those supports, and there is a large proportion of marginalised and disadvantaged individuals. A lot of these people have cognitive impairments, they have a higher rate of disabilities than those outside of prison, and many have literacy issues. We cannot, unfortunately, help all of them either, so there is that aspect of legal assistance services and what capacity they have to provide legal assistance to support people in securing parole.

Another aspect that I think is relevant to that conversation is that lawyers are not allowed in parole hearings to represent their clients so you have marginalised individuals not able to necessarily sufficiently advocate for themselves and they need that additional support. We strongly advocate for better rehabilitation programs, especially culturally appropriate ones. We think that would assist in getting better outcomes for community safety and for those individuals.

**Ms MORTON:** That leads into the next question quite nicely. It becomes a cost and resource question, which is coming back to the same thing. You reflected on the cost of accommodating offenders in custody and that is how it ties in with your previous answer. Do you believe those costs outweigh the safety of the community and the rights of the community to be safe?

**Ms Sharma:** I think it is a broader question than that again. It is difficult. If you take a multipronged approach and some of the problems that I have raised are addressed, then there is no reason why there is a mutually exclusive argument, if that makes sense. There needs to be targeted investment in both what is occurring outside and the rehabilitation programs that are inside in order for there to be an optimal outcome.

**Ms MORTON:** Are you suggesting that those have not been in place to date over the last period of time?

**Ms Sharma:** I think we can do better. That is the feedback we have heard time and time again with regard to access to culturally appropriate programs or just rehabilitation programs—men's behaviour programs, particularly up north, and mental health programs—with the waiting lists and so on. That needs to be addressed, noting there should be focus on addressing the underlying root causes and drivers of offending for these individuals. If we do not do that and they are released into community, then not only is there a very high risk of them reoffending but also it does not promote community safety. We would argue that it would benefit both community safety and the rehabilitation of that prisoner.

**Ms MORTON:** I appreciate your answer and I think you are right. It is well documented that we are at this point; it is just that we are at this point and with the system and resources that we have. If somebody's behaviour changes whilst on parole in the community, do you believe they should remain in the community if there is a significant risk to community safety?

**Ms Sharma:** Of course not, and that is an assessment that would need to be made but subject to appropriate review to promote the human rights of that prisoner as well.

**Ms MORTON:** Thank you.

**Ms ASIF:** Thank you for coming in today. Ms Sharma, in your opening statement you were going to highlight some of your key concerns. I would be keen to hear that as part of my question and then if I have a follow-up I will ask.

**Ms Sharma:** Do you mean the key concerns with regard to the Legislative Standards Act?

**Ms ASIF:** Yes.

**Ms Sharma:** I will just go back to my notes. We have raised a number of concerns from a legal point of view, noting that legislation should comply with the fundamental legislative principles that are enshrined in the Legislative Standards Act. In our view, the legislation does not give the requisite sufficient regard to the rights and liberties of individuals, instead making rights and liberties or obligations dependent on administrative power, which is not sufficiently defined nor subject to appropriate review.

We believe that the bill is in direct conflict with section 4(3)(c) of the Legislative Standards Act in that it adversely affects the rights and liberties of prisoners and imposes obligations retrospectively. It does not give the requisite sufficient regard to the institution of parliament on the basis that it proposes to retrospectively validate decisions of the Parole Board dating back to 2017 to review decisions of a prescribed board member not to suspend a prisoner's parole after a request from the chief executive to suspend—a function which the Parole Board is not legislatively empowered to do under provisions of the Corrective Services Act but which, as the statement of compatibility provides, the Parole Board has been doing as a matter of practice in the interests of community safety.

Furthermore, if enacted, the regime will be inconsistent with the principles of natural justice for reasons that it extinguishes the prisoner's rights of review of relevant decisions made since 2017 by the Parole Board that were, in effect, made without express legislative authority, and in turn extinguishes the ability of a prisoner to seek compensation for unlawful detention. We respectfully also draw the committee's attention to section 29(3) of the Human Rights Act which states—

A person must not be deprived of the person's liberty except on grounds, and in accordance with procedures, established by law.

This right exists to protect individuals against the deprivation of liberty that is arbitrary or unlawful. The fact that the Parole Board were making decisions which they were not empowered to do in the governing legislative framework gives rise to legitimate concerns about the due process followed. Essentially, that is a summary of our submissions with regard to the Legislative Standards Act.

**Ms ASIF:** Thank you. As a follow-up on that, when the member for Bundamba mentioned the 22 cases which the Parole Board president mentioned in his opening remarks this morning, you said you were not aware of that number. Is that different to the perception that you have?

**Ms Sharma:** The perception that I have is that one is too much. From our point of view, we talk to individuals where this is their life. We hope for the rehabilitation of each and every individual, so one is too much. The fact that review rights are being extinguished is just untenable, but that is from a legal and human rights point of view.

**CHAIR:** We certainly have to do more in the rehabilitation space right across the board, from our youth justice system right through into our adult system. There is no doubt about that.

**Mr BAROUNIS:** How long have you been hearing this report regarding capacity? I understand this has been ongoing for many years because of a lack of investment in infrastructure. What are your thoughts about that?

**Ms Sharma:** To give you an idea, I have been hearing about it for a long time, even before my time at ATSILS. I have some figures here about the parole system. At the time the first parole system review was completed and the report was published in 2016, there were 8,000 prisoners incarcerated in the state, and 17 per cent to 20 per cent of those were incarcerated because their parole was suspended. In the more recent report—that is, the *Government response to Queensland Parole System Review 2* that was tabled in parliament on 26 July 2024—QCS facilities were operating at a 144.2 per cent capacity, with 10,879 prisoners in custody. They also noted that there was a record high of 10,964 prisoners on 24 May 2024. Overcrowding has been occurring for a very long time. We know about that; we see it because we have lawyers who provide legal assistance to individuals who are experiencing human rights issues as a consequence of their time in custody, and overcrowding significantly exacerbates risk to prisoners in custody.

**Mr BAROUNIS:** These numbers—any numbers—are not good numbers in this situation. What do you think we should do within our communities in order to eliminate these numbers and minimise as much as we can the Aboriginal and Torres Strait Islanders coming to that result?

**Ms Sharma:** I will start with the government's obligations under Closing the Gap. There are significant differences in the potential outcomes for Aboriginal and Torres Strait Islander individuals when compared with their non-Indigenous counterparts. What is fundamental and what we have always advocated for is addressing social determinants—so those key aspects of housing, employment, education and so on. It starts from trying to build healthy and thriving communities or better outcomes for those individuals.

It is such a big conversation because it also expands into youth justice. What can we do to give children better outcomes? If they come from healthy and thriving communities, we support those communities and we support the services which are already doing such an amazing job. Those community organisations provide wraparound services for their communities and for individuals. Essentially, they support that individual and put them on a better trajectory. It is keeping children in

schools, and we have done a lot of advocacy around that as well. Closing the Gap is fundamental and we continue to be concerned about the scorecard of the Queensland government and Australia generally in terms of their commitments under Closing the Gap and where we currently stand on that.

**CHAIR:** Thank you. I am aware that we are running out of time.

**Mr WHITING:** I have three questions on notice.

**Ms Greenwood:** May I speak to the committee?

**CHAIR:** Absolutely, Ms Greenwood. You are here on teleconference. I thought you were working as a team and Ms Sharma was handling questions and potentially throwing to you. Is there a comment that you would like to make at this time? I am very aware that we only have two minutes.

**Mr WHITING:** Before we get there, can I outline my questions on notice?

**CHAIR:** No.

**Mr WHITING:** I have questions. I want to ask questions.

**CHAIR:** Ms Greenwood?

**Ms Greenwood:** Thank you, Chair, if I may very briefly summarise—my colleague has done a brilliant job of doing that—the cost of keeping a prisoner in custody in Queensland is more than 10 times greater than the cost of managing the prisoner in the community. There are two reports—the Parole System Review report and the Queensland Productivity Commission's *Inquiry into imprisonment and recidivism*—and both refer to these resourcing issues. There is an overloaded parole system. There is a comment that parole officers carry about double the load of their equivalents in Victoria and that affects the way they are doing decision-making. Parole is breached when they have not even reoffended. They are using a questionable risk assessment tool. The current rate before these changes will be made is that 50 per cent of parolees return to prison in two years, which is a remarkable failure in the system. In the Parole System Review, the recommendation to address overcrowding was that if all of the people in Woodford prison who had lost their parole for reasons nothing to do with reoffending were released then the overcrowding would be fixed overnight.

**CHAIR:** Thank you very much. That brings us to the close of proceedings, it being 12 o'clock.

**Mr WHITING:** Chair, I have questions. I want to put these questions—

**CHAIR:** Deputy Chair, stand down.

**Mr WHITING:**—on notice.

**CHAIR:** That concludes this hearing. Thank you to everyone who has participated today.

**Mr WHITING:** This is a travesty! Where is the transparency here?

**CHAIR:** Thank you to Hansard. A transcript of these proceedings—you are out of order, Deputy Chair.

**Mr WHITING:** Come on!

**CHAIR:** You are out of order. A transcript of these proceedings will be available—

**Mr WHITING:** That is not how this works, Chair. You know I have the chance to—

**CHAIR:**—on the committee's webpage—

**Mr WHITING:** We have questions on notice.

**Ms ASIF:** There are questions that have not been answered, so can we put them on notice?

**CHAIR:** You are out of order, Deputy Chair.

**Mr WHITING:** I move—

That my questions be put on notice.

**Ms ASIF:** I second that.

**CHAIR:** The meeting is closed. Thank you for your time.

**The committee adjourned at 12.00 pm.**