

**From:** [Matilda Alexander](#)  
**To:** [Legal Affairs and Community Safety Committee](#)  
**Subject:** Prisoners' Legal Service response to LACSC Urgent Call for Submissions - Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Bill 2013  
**Date:** Wednesday, 20 November 2013 2:51:40 PM

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Prisoners' Legal Service is a community legal service that has existed for 28 years providing advice and assistance to prisoners and their families on matters related to their imprisonment.

Thank you for providing us with the opportunity to respond to these changes in the law. It is disappointing to note the rushed nature of this consultation. This is a matter that should have wide debate and expert knowledge about the impact of the changes on rehabilitation and community safety.

We comment primarily in relation to the proposed changes to the Corrective Services Act. Despite this, we are also concerned about other changes in the Bill that will limit freedoms and employment opportunities post release as we believe these changes will further entrench criminal activity rather than provide support for a crime free life.

In relation to the Corrective Services Act changes, we believe that rehabilitation must be central to defining prison conditions.

There is an old saying that if you treat people like animals, they will behave like animals. Having witnessed the downwards spiral of behavior of people in the current maximum security unit, Prisoners' Legal Service can vouch for the truth in this statement.

The new measures will increase solitary confinement (segregation) and sensory deprivation (by removing activities like TV, gym, visits) for incarcerated people identified in these laws.

Maximum security units are already used in Queensland to create conditions of long term solitary confinement. We know of some people who have lived in these conditions for over a decade.

When you take away everything from a cell, including TV, exercise and personal items a person is left with nothing to do or to distract themselves with. This sensory deprivation, when combined with solitary confinement is detrimental to mental health and detrimental to prospects of successful

reintegration post release. Research consistently shows the disturbing impact of solitary confinement on behavior, communication and social skills. It creates more problems with behavior, rather than solutions as stripping people in prison of their already limited forms of social interaction de-humanises them.

Current laws require that maximum security units are used for people who have been assessed to be a major threat to the security of the prison. While some so called 'bikie' members may fit this definition, there will be some who are in prison for minor crimes and some who are enthusiastic workers in prison jobs. There are some who are loving parents and some who are working steadily towards their own rehabilitation so that when they are released they will have a better chance of living a crime free life in the community.

The proposed measures threaten to make people more angry and isolated. They will deprive opportunities to access rehabilitation, meaning people are more likely to go back to criminal activities after they are released. And we need to remember that 99% of people in prison will be released one day. There are only a handful of serious offences that attract a life sentence. Would you prefer to live next door to someone who has been to prison and come out with job prospects and family connections or someone who has been kept in solitary confinement and only has the support of other members of their gang? Harder prison time simply leads to more hardened criminals in our community.

Finally, we are concerned about the lack of sufficient accountability mechanisms in these laws. Accountability measures for government decision making are commonly found in internal, external and judicial review mechanisms. Maximum security orders currently have a 6 month review including review by the prison's external official visitor. These review mechanisms were required by the court in the case of.... They provide some level of accountability for persons placed in long-term solitary confinement by allowing for a review of the merits of the continued confinement.

Another important mechanism for accountability that is missing from this law concerns Judicial Review where there has been an error of law. Judicial Review is a review by the courts of the legality of a decision. The court does not have the power to consider the merits of whether or not the segregation order should have been made or to change the decision either way. It can simply say whether the decision was made lawfully and, if not, ask that the decision be re-made in accordance with the law.

These means of review are not extensive or unreasonable. An accountable government should welcome these measures in order to ensure good and effective decision-making by its employees. We hope that you reconsider the exclusion of these accountability mechanisms.

This is not about 'bikie' rights. This is about basic dignity and how we can work together to give people the best chance at building a safe and crime free life after prison.

Thank you once again for this opportunity to comment. Please contact Matilda Alexander of our office if you have any questions.

Yours Sincerely,

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