

20 November 2013

Attn: Legal Affairs and Community Safety Committee

**Re: Criminal Law (Criminal Organisations Disruption) and Other Legislation  
Amendment Bill 2013**

*"The mere fact of membership of an organisation of that kind should not have criminal consequences"*

Nicholas Cowdrey, former NSW Director of Public Prosecutions

Catholic Prison Ministry joins the Australian Human Rights Commission in expressing concern both regarding the manner in which the proposed bill is being passed, and the serious human rights ramifications on legislation that targets individuals based on their associations rather than the crime they have committed.

Catholic Prison Ministry is a support and advocacy service for prisoners and their families. Catholic Prison Ministry is a part of Centacare, a large Catholic social services organisation providing support to a diverse client-base across South-East Queensland.

Catholic Prison Ministry believes that there are adequate existing laws for any crimes committed by individuals.

*"As a democratic and fair society, freedom of association, freedom of expression and our right to be treated equally before the law in accordance with the International Covenant of Civil and Political Rights should be fundamentals under which we operate."*

Australian Human Rights Commission

***Summary of Concerns***

The major concerns held by Catholic Prison Ministry about the proposed legislation include:

- The presumption against bail for criminal motorcycle gang members;
- Criminal Organisation Segregation Orders;
- Mandatory sentencing of 15 to 25 years imprisonment;
- Crushing of vehicles;
- Offences against association or 'gatherings'; and
- The use of maximum security facilities to house any prisoners labelled members of a criminal organisation

We believe this legislation is a medieval approach to criminal justice.

***Implications for the use of Maximum Security Units***

Imprisonment in maximum-security units allows no access to rehabilitation opportunities.



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Catholic Prison Ministry

*supporting prisoners and their families*

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Maximum security units will be used for long term solitary confinement and are akin to torture for prisoners, depriving them of privacy, social interactions, and exercise.

This type of imprisonment removes the basic human rights of prisoners. Prisoners in the MSU spend 23 hours a day in their unit. They rarely have association with other prisoners and have little contact with anyone other than Corrective Services staff. Visit with friends, family and loved ones are only permitted in a non-contact booth with no physical contact occurring. Research alarmingly indicates that damaging psychological effects are directly relational to the duration of the period of solitary confinement<sup>1</sup>.

Mental health impacts of incarceration in Maximum Security Units include:

- Anxiety;
- Depression;
- Poor memory and concentration;
- Confusion;
- Hallucinations;
- Paranoia; and
- Psychosis<sup>2</sup>.

The impact of the use of MSU's not only have implications for the individual prisoner but for the safety of the broader community.

Prisoners will exit the prison system traumatised and in some cases entirely unfit for reintegration into mainstream society.

It is an unacceptable sentencing option for people who have potentially not had any previous contact with the criminal justice system, and in some cases will have only committed minor offences.

### ***Submission Timeframes***

Finally, we would like to express our deep concern to the committee about the lack of community consultation on these serious issues. Additionally it is of great concern we have been given five hours to prepare a submission to the committee, and your committee has been effectively given less than 24 hours to consider any submissions presented to you.

We agree with Peter Callaghan SC who stated "...the process by which it (the legislation) into law is alarming. It will, apparently, become part of our law without disclosure, without public consultation, without input from people who could actually help make it work".

It seems a cynical exercise by the government to now allow less than 24 hours to provide input.

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<sup>1</sup> Metzner, J. L. M. & Fellner, J. E. (2010). Solitary Confinement and Mental Illness in U.S. Prisons: A Challenge for Medical Ethics. *The Journal of the American Academy of Psychiatry and the Law*, 39, 104-107.

<sup>2</sup> Haney, L. A. (2010). Working through mass incarceration: Gender and the politics of prison labor from east to west. *Signs*, 36(1), 73-97.



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We regret that the lack of time provided prohibits our organisation (and many others we presume) from properly presenting an effective and evidence-based response to this piece of legislation.

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