

Sisters Inside Inc.

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Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system

4 September 2019

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By email only: LACSC@parliament.qld.gov.au

Dear Committee Secretary

Community Based Sentences (Interstate Transfer) Bill 2019

Sisters Inside welcomes the opportunity to provide a submission to the Queensland Legal Affairs and Community Safety Committee regarding the Community Based Sentences (Interstate Transfer) Bill (the **Bill**).

About Sisters Inside

Sisters Inside is an independent community organisation that exists to advocate for the collective human rights of women and girls in prison, and provide services to meet the needs of women, girls and their families. Established in 1992, Sisters Inside has over 25 years experience supporting criminalised women and girls.

Our submission is informed by our experience supporting women and girls in the criminal legal system through our programs and services. We believe all changes to sentencing legislation and practice must support *decarceration* – a reduction in the numbers of women in prison or subject to formal supervision by Queensland Corrective Services.

Sisters Inside supports the purpose of the Bill in its current form, which is to align Queensland with other states and streamline the process of interstate transfers of community based sentences. Sisters Inside also submits that there is fundamental importance in allowing those who are subject to community based sentences to transfer jurisdictions to access community and family support, job and opportunities and to escape domestic violence.

Key issues

Sisters Inside has identified the following key issues for comment in the Bill.

Clause 14

Time Frames

Sisters Inside are concerned that under clause 14, there is no given time period for the Delegate or Local

Authority to decide the request to transfer a community based sentence. We recognise that this is not reflected in other jurisdictions however we believe that it is important to connect time frames for the local authority to make a decision on the request. Time frames are important as it provides accountability and may assist the local authority in decision making and planning. Sisters Inside proposes a 21 day time frame from receiving the request to a decision being made. Extended delays may affect the ability for a person to retain job and study opportunities and housing in another jurisdiction.

Decision making

Sisters Inside recognises the need for the registration criteria under clause 13 (1). We have concerns, however about the discretionary nature of the decision making process and we recommend that Ministerial guidelines are developed to assist the local authority to make decisions that are fair, unbiased and consistent. Guidelines are essential to ensure that people are receiving similar decisions irrespective of where the authority is located.

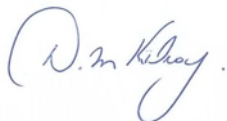
We are particularly concerned regarding the lack of information provided to the applicant should the local authority decide not to register the interstate transfer. We note that there is no provision for written reasons for the refusal to be provided, only a written notice. This disallows the applicant the ability to respond to specific concerns regarding the refusal, which can affect their ability to appeal a decision successfully. We suggest that clause 14 (6) of the Bill should amend the term 'written notice' to 'written reasons'.

The explanatory notes advises that there is nothing in the Bill that precludes the application of the *Judicial Review Act 1991* to decisions made by the local authority. Sisters Inside asserts that a process should be available to allow an appeal at a local level. This could be enabled by providing an opportunity to respond in writing to the written reasons at a local level before a final decision is made. Clarification is also sought in relation to whether the written notice is a final and operative decision for the purpose of the *Judicial Review Act 1991*.

As outlined in the explanatory speech, a fundamental purpose of the Bill is to enable a cohesive national approach and to assist those subject to community based sentences to have access to opportunities and support in alternative jurisdictions. The issues that we have commented on will ensure that the Bill is administered in a consistent and fair manner across all Queensland authorities.

Thank you for considering this submission. Please contact me on (07) 3844 5066 if you would like to discuss anything further.

Yours faithfully



Debbie Kilroy
Chief Executive Officer
Sisters Inside Inc