



PRISONERS' LEGAL SERVICE INC.

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Justice Behind Bars

*Our Ref: MA LR
Your Ref:*

20 December 2011

Research Director
Legal Affairs, Police, Corrective Services and Emergency Services Committee
Parliament House
George Street
Brisbane Qld 4000

Per email lapcsesc@parliament.qld.gov.au

Dear Committee members,

Re: Criminal and Other Legislation Amendment Bill 2011

We write in order to make brief submissions to the LAPCSES Committee in relation to the abovementioned Bill.

Prisoners Legal Service is a community legal service providing advice to prisoners and their families about matters related to incarceration. We have been operating for 26 years.

Prisoners' Legal Service exists to promote justice, equity and the rule of law in the administration of punishment. We to provide and promote access to justice through:

- ☞ legal advice, information and assistance to prisoners and their families;
- ☞ community legal education;
- ☞ law reform and policy development.

PLS offers free legal advice, information, assistance, and referrals to Queensland prisoners and their families on matters relating to their imprisonment. For example, we provide prisoners with assistance drafting parole applications, including relapse prevention and reintegration plans. We also provide a financial counselling service.

Prisoners represent a group with extremely high needs, often evidencing a cross section of mental illness, addiction, homelessness and poverty as demonstrated by the following:

- Over 70% of prisoners have not attained a grade 10 level education and many are functionally illiterate.
- The rate of female prisoners in Queensland with a mental illness is 66%. NSW statistics for male prisoners statistics suggest the presence of a psychiatric disorder amongst this group is as high as 74%.
- Aboriginal and Torres Strait Islander people make up approximately 30% of the prison population as compared to only 3.5% of the general population.

Our submissions are directed to the proposals to increase maximum penalties for a range of offences including child sex offences and animal cruelty.

We ask that you consider the purpose of sentencing when discussing such matters and specifically the impact of law and order debates on promoting effective crime reduction strategies.

When discussing changes to the sentencing landscape, the Australian Law Reform Commission commented:

“Debates about law and order have become a perennial feature of elections in Australia. These debates have been said to be: ‘closed and narrow rather than open and inclusive’; ‘inclined to disqualify rather than welcome diverse viewpoints’; ‘predisposed to populist pandering to private insecurities and resentments instead of the promotion of informed, public-spirited debate’; and seeking short-term, quick-fix remedies. Outcomes are often centred on escalation of the severity of penalties.”¹

It is our belief that the relevant crimes will not be prevented or deterred simply by increasing maximum penalties. Punitive sentencing has repeatedly proven to be ineffective in preventing and deterring crime, particularly where it involves simply increasing periods of incarceration. Rather, increasing sentences of incarceration will increase the overall cost to the community of prisons and reduce available resources which may be applied towards effective, evidence-based prevention initiatives.

Rather than simply increasing sentence lengths, effective alternatives to prison should be sought with a rehabilitative focus. Examples of such alternatives include specialist courts and early intervention therapeutic programs. Examples of such alternatives can be provided on request.

Such alternatives will allow for targeted responses to the diverse and complex circumstances leading to the occurrence of these offences. In particular they will be able to target solutions to particular groups such as people with a mental illness, people with addiction issues, Aboriginal and Torres Strait Islander people, young people and women.

¹ ALRC Issues Paper 29 *Sentencing of Federal Offenders*, <http://www.alrc.gov.au/sites/default/files/pdfs/publications/IP29.pdf> page 25.

In conclusion, we urge that effective, evidence based solutions to crime prevention be explored as an alternative to increasing maximum penalties. We are concerned that promoting punitive approaches will further a law and order debate instead of providing opportunities to reduce crime.

Please do not hesitate to contact me if you require further information in relation to this submission.

Yours faithfully

Matilda Alexander
Coordinator/Solicitor
Prisoners' Legal Service Inc