



The Secretary  
Legal Affairs and Safety Committee  
Parliament House  
QLD 4000

lasc@parliament.qld.gov.au

Dear Sir/Madam,

### **Police Powers and Responsibilities and Other Legislation Amendment Bill 2021**

Thank you for the opportunity to make a submission in relation to this Bill.

We oppose the provisions in the Bill relating to restricted prisoners and “no body no parole”.

We have no particular comment to make on the other parts of the Bill.

We remain opposed to both these proposals as being inconsistent with the basic and fundamental purpose of parole, which is to rehabilitate prisoners and to facilitate their return to the community. Parole in fact exists to protect the community by ensuring that prisoners are not simply dumped onto the street with no support and as a result at increased risk of reoffending.

Whilst the Council accepts that the victim and their families' experiences and pain need to be acknowledged by the criminal justice system, this is a completely separate exercise from decision-making regarding parole

#### (a) Restricted Prisoners provisions

This power to block parole for decades after a person has already served 20 or 30 years or more in prison will be exercised by the President of the Queensland Parole Board sitting in secret with the process totally lacking in transparency or accountability.

The Bill provides that the test for deciding whether to prohibit parole applications is whether the person still represents an unacceptable risk to the community. In our view, that should be decided by a Supreme Court Judge sitting in open Court not by an official sitting in private.

Clause 175H (2) should be amended to add a subsection (d) in the following terms, “the public interest in ensuring that prisoners when they are released are rehabilitated and provided with the support necessary to ensure that they do not reoffend.”

In relation to propose clause 175H (5), provision should be made for the further information referred to, to be provided to the prisoner for a response prior to a decision being made.

#### (b) No Body No Parole

Under this regime, those who are wrongfully convicted of homicide offences due to miscarriages of justice will be unable to ever be released

The Bill contains no transitional provisions. In our view these laws should only apply to applications lodged after they come into effect.



For the proposed law to apply to those who have already applied for parole prior to the commencement of the Bill, is unnecessary and removes the opportunity and thereby incentive for prisoners to cooperate with authorities.

(c) Police Banning orders

The QCCL has from the beginning opposed the grant to the police of the power to ban persons from being in or around licensed venues. The move on power is entirely adequate.

These are a type of preventative measure which tend to be based on over predictions of the likelihood of further offending and on the assumption that the person in question cannot be changed and cannot be trusted to comply with the law

Somewhat reluctantly the QCCL accepts the power which has been granted to the Court to issue banning orders. That at least has the advantage that the orders are made by a Court in the context of a sentencing regime having heard argument and being presented with evidence.

Our opposition to the police issuing these banning orders, is reinforced by the frank admission by the Queensland Alcohol-related violence and Night-time Economy Monitoring report, at page 694, that these bans are intended as a form of punishment. As noted above, these types of orders are usually characterised as preventive in nature. Though it has always been our view that they are in fact punitive. The frank acknowledgement that these orders are in fact punitive, means in our view that they should under no circumstances be issued by a police officer. Under our system, the infliction of punishment is the exclusive domain of the judiciary. It should not be being inflicted by police officers.

We trust this is of assistance to you in your deliberations

Yours faithfully



Michael Cope  
President  
For and on behalf of the  
Queensland Council for Civil Liberties  
9 September 2020