



8 October 2021

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

By email: lasc@parliament.qld.gov.au

Dear Committee Secretary

Submission - Police Powers and Responsibilities and Other Legislation Amendment Bill 2021

Thank you for the opportunity to respond to the *Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 (the Bill)*. The Bar Association of Queensland (**the Association**) welcomes the opportunity to comment on the Bill. This submission addresses the proposed amendments to the *Corrective Services Act 2006* only.

The Association notes the operation of the Bill as it relates to a prisoners ability to make written submissions to the president of the Parole Board, with an obligation on the president to have regard to such a submission when deciding whether or not to make a restricted prisoner declaration. Whilst the Association does not oppose this process, it considers that in its present form, the Bill does not afford a prisoner the opportunity to make proper submissions.

In this regard, it is noted that a restricted prisoner declaration may continue for a period as long as 10 years. The Bill, as presently drafted, does not require that a prisoner be given written notice of the intended duration of any declaration. It is likely that the duration of the declaration will be *the* decisive factor to influence whether a prisoner makes a submission as well as the content of any submission.

In the Association's view, submissions would differ greatly from a prisoner who is responding to a declaration that they may not apply for parole for 10 years to a prisoner who is responding to a declaration that they may not apply for parole for, say, 2 years. It is necessary that the prisoner is provided this information so they may make meaningful submissions.

For that reason, the Association submits that section 175G(3) of the Bill be amended to include a requirement, amongst the matters already listed, that a prisoner must be given written notice stating the intended duration of any current or new declaration.

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The Association would be pleased to provide further feedback or answer any specific questions you may have.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Damien O'Brien', with a stylized flourish at the end.

Damien O'Brien QC
Vice President