

11 August 2017

Our ref (BDS-CrLC)

Tom Humphreys
General Manager
Strategy and Governance
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By email: stakeholder.liaison@dcs.qld.gov.au

Dear Mr Humphreys

Standard Guidelines for Corrections in Australia

Thank you for the opportunity to provide comments on the Standard Guidelines for Corrections in Australia (**the guidelines**). The Queensland Law Society (**QLS**) appreciates being consulted on this important review.

This response has been compiled with the assistance of the Criminal Law Committee who have substantial expertise and practice in this area.

We have not been provided with information about whether particular items or issues within the guidelines have been identified for amendment as part of this review. We would be pleased to be consulted further once draft guidelines become available.

We make the following general comments in relation to specific sections of the guidelines:

Offender programs

We consider item 5.3 to be critical to the utility and overall effectiveness of offender programs and suggest that places of detention would benefit from a detailed protocol around ensuring this process of review takes place periodically.

While we support item 5.6, we note that accessing offender programs in a timely manner can be a significant hurdle and improving access to these programs should be a major focus of this review. This is particularly important given rising prisoner populations and likelihood that program availability will be an ongoing issue.

Further, the guidelines should stipulate that offender programs only be conducted by appropriately qualified individuals.

OPCAT compliance

The Australian Government has announced its intention to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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(OPCAT) by December 2017 and processes will be put in place to oversee compliance with OPCAT in places of detention. The guidelines should be amended to provide for cooperation with and inspections by National Preventive Mechanism inspection bodies.

Prenatal and postnatal treatment

Prenatal and postnatal treatment and accommodation should be made available to female prisoners in every circumstance, not only “where practicable”, as currently set out in item 2.45. Prenatal and postnatal treatment is essential to the health and wellbeing of both the female prisoner and the unborn child. The standard of treatment provided should align with that provided in the public health system.

Children in prison

We support item 2.62, which requires prisons to take reasonable steps to provide children in prison with a safe environment. In our view, children in prison should have access to any necessary health care and medical treatment, developmentally appropriate activities and toys as well as access to education or programs necessary for the development and wellbeing of the child. We note that, where possible, prisons are to provide suitable play facilities, equipment and toys for visiting children.

Searching of visitors

We support the protections currently set out in the guidelines in relation to searching of visitors. In our view, the guidelines should also set out record keeping standards in relation to searches.

Aboriginal and Torres Strait Islander Prisoners

The over-representation of Aboriginal and Torres Strait Islander peoples in prisons and the devastating impacts of this on communities around Australia is well documented. We note that the Australian Law Reform Commission is currently conducting an inquiry into incarceration rates of Aboriginal and Torres Strait Islander peoples and the final report is due December 2017.

We recommend that any amendments to the guidelines be reconciled with the recommendations of the ALRC final report.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Policy Solicitor, Natalie De Campo on 07 3842 5889 or N.DeCampo@qls.com.au or Acting Advocacy Manager, Binari De Saram on 07 3842 5895 or B.DeSaram@qls.com.au.

Yours faithfully



Christine Smyth
President