

7 May 2019

The Hon Mark Ryan MP
Minister for Police, Fire and Emergency Services and Minister for Corrective Services
PO Box 15195
BRISBANE QLD 4001

By email: [REDACTED]

Our ref: BDS-CrLC

Dear Minister [REDACTED]

Access to legal representation in Queensland correctional facilities

We write to raise the issue of access to legal representation in Queensland correctional facilities. This has been a long-standing issue for the Society's members practising in the area of criminal law. The Society's Criminal Law Committee continues to receive reports of significant delays in solicitors being able to obtain face-to-face appointments for legal visits with their clients in Queensland correctional facilities. While this is an issue, which occurs at many centres, the ability to secure legal visits at Arthur Gorrie Correctional Centre appears to be particularly difficult.

A recent report from a solicitor member indicated that their client has been in custody at Arthur Gorrie Correctional Centre for the past four months, awaiting trial on a serious criminal charge. The trial was then adjourned for a further five months, on application by the Crown. Consequently, the practitioner needed to meet with their client on an urgent basis to obtain instructions from him regarding a proposed application for bail. However, due to the legal visits procedures in place at Arthur Gorrie Correctional Centre, an appointment could not be obtained for two weeks. Furthermore, a teleconference appointment could also not be granted until a much later date.

Other reports received are that, due to an inability to meet with clients with short notice, matters before courts are being unnecessarily adjourned which causes significant inconvenience and cost to the State. This occurs in matters where there is last minute disclosure of material or negotiations with prosecutors.

Previously, lawyers were permitted ready access without prior appointment to their clients held in custody. Nowadays they may meet with such clients only by prior arrangement with prison

authorities and, in relatively more recent times, appointments for conferences with client inmates are regularly not available for up to a week after contact is made with the prison

We appreciate that, for reasons of administrative convenience, it is helpful for legal practitioners to make appropriate prior arrangements with prison authorities before attending at a prison to confer with their inmate clients. We encourage our members to undertake the practice when circumstances allow. However, it is our view that, inmates have a right to freely access legal advice and representation, and administrative convenience may not be used as an excuse to interfere with that right.

As you will appreciate, circumstances will often arise in which inmates require urgent access to their lawyers, and vice versa. Those who recently have been charged with criminal offences and remanded into custody without bail, and inmates facing imminent legal proceedings, are obvious examples. In our respectful submission, it is entirely inappropriate, and a denial of proper access to justice, to expect such inmates to wait up to a week before they may meet with their lawyer. In addition, this delay in obtaining legal visits may have the flow effect of delaying trials which has serious implications for the proper administration of justice and the allocation of court resources and time.

We ask that the Arthur Gorrie Correctional Centre (and all other Queensland correctional centres housing remand inmates) implement arrangements to ensure that inmates held on remand may meet with their legal representatives at short notice at any time during normal working hours and in any event within 24 hours of a request for appointment being made by their lawyers. We further request that, where urgency is demonstrated, arrangements be made to ensure same day contact when required.

We would welcome the opportunity to meet with you to discuss these issues.

If you require clarification of any of the issues raised in our letter, please contact our Legal Policy team on (07) 3842 5930 or policy@qls.com.au.

Yours faithfully



Bill Potts

President