

Your Ref:

Our Ref: International Law / Relations Committee: 21000325/101

18 June 2012

Ms Sarah Moulds and Ms Catherine Emami
Policy Lawyer
Criminal Law and Human Rights Unit
Law Council of Australia
GPO Box 1989
CANBERRA ACT 2601

By Post and Email: [REDACTED]

Dear Ms Moulds and Ms Emami

LIST OF ISSUES PRIOR TO REPORTING - INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) REVIEW

Thank you for the Law Council of Australia memo dated 10 May 2012, requesting comments for inclusion in the ICCPR Review. This response has been compiled with the assistance of our International Law and Relations Committee.

1. Article 2(1) – Non-discrimination and equality and article 26 – Freedom from discrimination

The Society made successful submissions to the previous Labor Government on their proposal to introduce same-sex civil unions in Queensland. The new LNP Government has announced that it will amend this legislation. Under the proposed changes, same-sex couples would still be able to register their relationship with the government, but would no longer be able to have a state-sanctioned declaration ceremony.

2. Article 9 – Right to liberty and security of person

The *Criminal Organisation Act 2009* (Qld) allows for the commissioner to apply to the court for a control order for a person. The provisions of this legislation are also designed to outlaw criminal organisations that extend to criminalise association. The legislation has been used for the first time to bring an application against the Gold Coast chapter of the Finks motorcycle group. The court is yet to make a decision in this case. The Society made strong submissions on the Act and the Amendment Bill which are **enclosed** for your reference:

- Letter to Ms Louise Shepherd on the *Criminal Organisational Bill 2009* (Qld) dated 22 September 2009; and

- Letter to the Parliamentary Crime and Misconduct Commission on the *Criminal Organisation Amendment Bill 2009* (Qld) dated 7 November 2011.

The *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) allows for the Attorney-General to apply to the court for the continuing detention or supervision of a prisoner. Our concerns are highlighted in the **enclosed** submissions to the:

- Executive Director of Law and Justice Policy, Department of Premier and Cabinet on the review of the management of high risk sexual and violent offenders dated 2 September 2008;
- former Attorney-General on the *Dangerous Prisoner (Sexual Offenders) and other Legislation Amendment Bill 2009* (Qld) dated 2 July 2009; and
- former Attorney-General on the *Dangerous Prisoner (Sexual Offenders) Act* (Qld) dated 8 May 2008.

3. Article 10 – Treatment in detention

In Queensland 17 year old offenders are detained in adult correctional facilities and are treated as adults in the criminal justice system. They are not afforded the protections nor do not receive the benefits of the *Youth Justice Act 1992*. For a comprehensive description of the Society's position, please see the **enclosed** submission to former Attorney-General dated 30 September 2011.

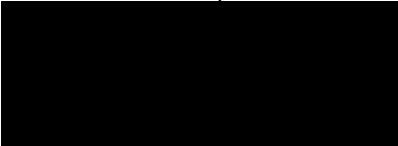
4. Article 14 – Right to a fair trial

The Society has a strong stance against mandatory sentencing. In this regard, we **enclose** our submission to the:

- Attorney-General on the Government's proposal to introduce mandatory sentencing for illegal firearms dated 12 June 2012; and
- Former Attorney-General on mandatory sentencing dated 29 June 2011.

Thank you for the opportunity to contribute to your submission.

Yours faithfully



Dr John de Groot
President