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25th September 2026

Committee Secretary
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4001

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

Dear Committee Secretary,

Re: Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026

Thank you for the opportunity to provide comments on the Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026 (**Bill**) which proposes to amend legislation including the *Corrective Services Act 2006* (Qld) to, inter alia, expand the restricted prisoner framework to all prisoners serving a sentence of life imprisonment and require an initial restricted prisoner declaration for a minimum mandatory period of five years and up to 10 years for restricted prisoners, amend the No Body, No Parole framework and enhance the role of victims in the parole process. In this submission we have outlined our concerns regarding proposed amendments in this Bill, particularly, in relation to the parole framework, which will result in more people staying in prison much longer, even if they are suitable for release, at considerable expense to public funds. In our view, many of the key amendments proposed in this Bill will be counterintuitive to community safety given keeping people in prison longer does not make the community safer; it runs the risk of institutionalising the person, making it harder for them to change their behaviour, meaningfully engage in rehabilitation and prepare for eventual release, with the potential for exposing the community to greater risks when they are eventually released.

Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

Comments on Bill

Human Rights Act Override

Clause 4 of the Bill proposes to insert a statutory declaration that section 58 of the *Human Rights Act 2019* (**HR Act**), which is the "Conduct of public entities" provision, does not apply to acts and decisions of the chief executive or a corrective services officer in the administration of the CSA or the *Dangerous Prisoners (Sexual Offenders) Act 2003* (**DPSOA**) that relate to: a prisoner in a corrective services facility; the placing of a prisoner in a corrective services facility; or a supervised dangerous prisoner (sexual offender) not in a corrective services facility. The Explanatory Notes to the Bill state that such applies to decisions under the CSA, including a decision under an administrative procedure mentioned in section 265 (Administrative procedures), or under the DPSOA.

This is an incredibly broad override of the HR Act and consequently, one that we would not support.

The Statement about Exceptional Circumstances tabled with the Bill states from page 1:

> *The Government accepts that these provisions are incompatible with human rights. Therefore, in this exceptional case, the HRA is being overridden, and its application is entirely excluded from the operation of these new provisions where necessary to protect community safety and ensure the effective operation of Queensland's corrective services system.*
>
> *Queensland Corrective Services (QCS) is responsible for the safe, secure and effective operation of Queensland's corrective services system. In performing that role, QCS officers make operational decisions every day to maintain the safety, security and good order of corrective services facilities, safely manage prisoners and offenders, and protect officers and the broader community.*
>
> *Corrective services is an inherently high-risk operating environment. The Government considers that QCS officers should not be required to undertake additional human rights assessments in the interests of an individual prisoner before taking otherwise lawful action necessary to safely and effectively manage prisoners, maintain the security and good order of corrective services facilities, or protect staff and the community from harm. Officers must be able to make lawful operational decisions efficiently and decisively, without unnecessary administrative processes diverting time and resources from the safe and secure management of prisoners and corrective services facilities.*
>
> *The Government does not consider that requiring officers to undertake an additional assessment of an individual prisoner's human rights before making these operational decisions reflects community expectations about how Queensland's corrective services system should operate. The safety and security of corrective services facilities, officers, and the broader community must come first.*
>
> *This is particularly important in respect of persons supervised and managed under the Dangerous Prisoners (Sexual Offenders) Act 2003. These are offenders who have completed their sentence and cannot continue to be held in prison, but who have been found by a court to pose an ongoing risk of committing a serious sexual offence if released into the community without appropriate supervision. The Government considers that, in managing these offenders, QCS officers must be empowered to act protectively and with no tolerance for risk to*

> *community safety. The individual human rights of an offender should not prevent QCS from taking otherwise lawful action necessary to maintain the safe and effective operation of contingency accommodation precincts, enforce the conditions applying to offenders, or protect officers, other persons and the broader community from harm.*
>
> *Queenslanders rightly expect QCS to safely and securely manage prisoners and dangerous offenders and protect the community from harm. The Government considers that QCS officers should be able to get on with that task without unnecessary administrative requirements diverting resources from, delaying, or unnecessarily constraining the performance of the core community safety functions.*
>
> ***The Government considers that the circumstances outlined above constitute exceptional circumstances involving a threat to public safety.***

Section 43 of the HR Act relates to Override by Parliament and expressly states in subsection (3) that it is the intention of Parliament that an override declaration will only be made in "exceptional circumstances". Section 43(4) of the HR Act goes on to provide a non-exhaustive list of "exceptional circumstances" as follows:

> *war, a state of emergency, an exceptional crisis situation constituting a threat to public safety, health or order.*

Administrative burden on the chief executive or corrective services officers is in our respectful submission, far from meeting the threshold, "exceptional circumstances" as contemplated under the HR Act. Further, the Statement about Exceptional Circumstances for the Bill provides no clear evidence or examples which demonstrate that the perceived administrative burden that is being spoken of constitutes "a threat to public safety" in the context of "an exceptional crisis situation".

It is also worth noting that section 58 of the HR Act merely requires a public entity to act and make decisions in a way that is compatible with human rights (as would be expected in a free and democratic society). It does not impose any administratively onerous framework on the chief executive or corrective services officers. Rather, it is a substantive legal obligation.

Additionally, the HR Act override proposed would also apply in the context of supervised dangerous prisoners who are living in the community. Relevant decisions that would conceivably be within scope could include curfew directions, monitoring

directions, conditions of supervision, decisions affecting movement, etc. These are not decisions of an urgent/crisis nature.

In our view, the proposed use of the HR Act override provision in the context of this Bill does not meet the requisite statutory threshold of "exceptional circumstances" and should be removed from the Bill.

Restricted prisoner framework

The Bill proposes to make a number of amendments to the restricted prisoner framework (**RPF**) including expansion of the cohort of prisoners to whom the RPF applies from those that have been sentenced to life imprisonment for committing multiple murders or for murdering a child to all prisoners serving a sentence of life imprisonment along with introducing an initial mandatory restricted prisoner declaration for a minimum period of 5 years, and up to 10 years, for all restricted prisoners.

We are unclear as to the utility of the proposed amendments. Mandatory life sentences apply for murder or repeat serious child sex offences. For other relevant matters resulting in the imposition of a life sentence, the sentencing court has already determined the appropriate punishment, having regard to the relevant factors and circumstances including nature and seriousness of the offence, harm to victims, the offender's capability and other relevant circumstances. For offences that have a maximum penalty of a life sentence, Queensland legislation already mandates minimum non-parole periods with the ability for courts to set a longer non-parole period where the court considers such to be appropriate. Further, under the existing framework, the Parole Board considers a person's risk to the community if they are released on parole. The subsequent imposition of a mandatory 5-to-10-year restricted prisoner period will effectively mean that, for each of the individuals affected, notwithstanding any non-parole period set for them by a court, the statute will provide that they cannot apply for parole for this additional significant period.

In our view, these proposed amendments will, in effect, de-incentivise prisoners from enrolling in and meaningfully engaging in rehabilitation programs early on. Where prisoners are cognisant of the fact that restricted prisoner status will be imposed mandatorily for a minimum of five years, with the potential for the period to extend to 10 years, participation in programs may be perceived as having little or no practical benefit to their prospects of progression or reduced restrictions. This risks undermining incentives for positive behaviour, rehabilitation and preparation for eventual release. A corrections framework should instead ensure that meaningful

engagement in rehabilitation is recognised and can contribute to an individual's progression through custody and assessment of risk. For prisoners serving long sentences, rehabilitation is particularly important to community safety because successful rehabilitation and reduced risk are ultimately in the interests of the broader community.

Risk is dynamic, not static. A prisoner sentenced to life imprisonment is unlikely to present the same ongoing risk throughout the entirety of their sentence or, relevantly, during a further 5-to-10-year period. Prison conduct, rehabilitation and other relevant circumstances are critical factors that influence the risk that the person might pose to community, and such may change significantly over time. This is why individualised assessment of risk is critical. Two people serving life sentences might have materially different offending circumstances, culpabilities, criminal histories and prospects of rehabilitation. It is inappropriate to automatically subject both individuals to the same minimum restricted prisoner period as a "one size fits all" approach.

Additionally, we are not clear as to whether individuals within the relevant cohort that have been released on parole, that commit a minor offence and who are returned to custody with the effect of their parole being cancelled, would have the mandatory 5-year initial declaration made against them. If this is the effect, it would be a significantly disproportionate response to minor re-offending and should not be subject to such a punitive measure.

In addition to the negative implications that have been outlined above including with respect to **de-incentivising prisoners from enrolling and participating in rehabilitation programs**, we anticipate the that if the proposed amendments to the RPF are enacted, there will be the following negative flow-on effects including:

- **Additional pressure on the prison system** - people will stay in jail for much longer (some unjustifiably so noting our comments relating to risk above) and overcrowding in prisons will become worse; and
- **Increased costs to the taxpayer** – According to 2025 figures from the Productivity Commission's Report on Government Services 2025 , it costs taxpayers $159,510 to keep one prisoner in prison for one year. Many of the prisoners in the affected cohort will be aging with added healthcare needs. Keeping prisoners in prison for longer (even those that, if assessed, would have been found to be suitable for release) will significantly increase State government expenditure on prisons;

No Body, No Parole (NBNP) framework

The Bill proposes amendments to the NBNP framework such that a prisoner would be required to provide "timely and satisfactory cooperation" to be eligible for parole under the NBNP framework. However, the Bill does not define what this "timely cooperation" and/or "satisfactory cooperation" means. We are concerned as to how the proposed amendments might make it difficult, if not impossible, to comply with such a requirement where the victim's remains are irrecoverable or, for example, if the body was disposed of by a co-offender and the prisoner does not even know where the victim's remains are located.

Victim's submissions

The Bill proposes to make a number of amendments that would enhance the role of victims in the parole process.

Notably, the Bill:

- doubles the period for a registered victim to make a submission from 21 days to 42 days (with possible extension)
- removes the existing restriction on the matters about which a victim may make a submission
- prohibits victim submissions from being provided to the prisoner
- provides a registered victim, with the leave of the Board, with an opportunity to appear before the Board to make representations about a prisoner's parole application
- enables a victim to be supported by a support person or advocate, and
- expressly required to consider any conditions necessary to protect a victim
- expressly requires the Board to treat community safety as the paramount consideration in deciding whether to make a parole order.

The proposed amendments outlined above significantly compromise procedural fairness and unfairly prejudices the individual seeking parole (e.g. the ability to rebut the contents of a victim's statement).

We note that, generally, parole hearings are not mandated under the CSA. Parole decisions are generally made through a written paper-based application process. Whilst prisoners and their legal representatives can make submissions to support an application, there is no opportunity for a prisoner to appear before the board to make their case orally, nor for a lawyer or a support person to be present with them. The proposed amendments significantly expand the scope of what a victim might include

in their submissions. To the extent that victims might raise matters or allegations relating to the client, such would be untested by a court of law (i.e., could be irrelevant, impermissible or unsubstantiated), and yet be considered by the Parole Board. We are unclear as to what weight the Parole Board might attribute to these submissions, considering they are untested, and given the potential of such to be highly prejudicial in nature.

Given the substantial imbalance between the procedural fairness offered to the victim when compared with the person seeking parole, we strongly recommend that Queensland move to a model that allows for, upon application, oral hearings for parole decisions where prisoners can be represented by their lawyers or a support person. We are aware that, in the New Zealand jurisdiction, parole hearings are able to be undertaken in person by way of submissions and oral hearings. Lawyers are able to attend these hearings and represent their client. In our view, this is essential, to help guide the client through the hearing, especially in circumstances where they might have literacy challenges and/or cognitive impairment/s (literacy challenges and cognitive impairments are highly prevalent in the clients that we represent in the parole context, noting that some cannot read or write at all).

Lack of clarity on how victims in custody will be supported

As noted earlier, the Bill proposes to make a number of amendments to enhance the role of victims in the parole process. Many of our clients who are in custody are victims of crimes. It is unclear in the Bill and the supporting materials as to how victims that are in custody will be supported to, for example, be contacted by QCS to inform them of their right to be on the Victims' Register, be notified with respect to the movements of the prisoner, to be informed/supported about their ability to make submissions including oral submissions, their ability to have a support person or an advocate, etc. We expect that, subject to reasonable considerations, victims that are in custody would be treated the same as victims in community.

Thank you for the opportunity to provide feedback in relation to the Bill.

Yours faithfully,

Shane Duffy
Chief Executive Officer