

Your Ref: AD-18-0111
Our Ref: [REDACTED]

Mr AJ MacSporran QC
Chairperson
Crime and Corruption Commission
Level 2
North Tower Green Square
515 St Paul's Terrace
Fortitude Valley Qld 4006

Dear Mr MacSporran

Task Force Flaxton - Corruption Risks in Queensland Corrective Services Facilities

Thank you for the invitation to make a submission to Crime and Corruption Commission Task Force Flaxton on corruption risks in Queensland Corrective Services facilities.

Legal Aid Queensland (LAQ) has a long history of providing legal advice, information and representation to prisoner clients. In addition to our sizeable and highly regarded criminal law practice, we deliver direct legal advice and assistance services to over 2,500 prisoners each year through our Prison Advice Service. We also provide a dedicated prisoner information line which answers over 35,000 telephone enquiries from prisoners each year.

In developing our input into this review, we sought feedback from LAQ's lawyers based on their experience of working with prisoners. Our input is also informed by our commitment to a criminal justice system that protects people's rights, promotes fair treatment and provides assistance for those at risk of social exclusion.

Key question three of the Task Force Flaxton issues paper asks what factors create a corruption risk or facilitate corruption in Queensland correctional facilities. We consider that the issues paper correctly identifies that the unique environment of corrective services facilities increases the risk of inappropriate behaviour by prisoners and prison staff. We also consider that the issues paper correctly observes that the overcrowding of correctional facilities increases the risk of conflict, violence and serious assaults against prisoners and staff.

Based on their experience, LAQ's lawyers have provided the following additional perspectives on these matters:

- The overcrowded nature of correctional facilities facilitates the development of a control hierarchy among prisoners, which are dominated by the more aggressive, often longer term, prisoners who intimidate the less aggressive, often short term, prisoners.
- Prisoners may be too scared of other prisoners who perpetrate violence on them to report it. Our lawyers have advised that they are aware of prisoner clients who will not report the perpetrators of violence against them because they have several years left to serve in prison with the perpetrator.

- Prison officers may be unable to adequately supervise prisoners, or may be unaware that detrimental events are imminent.
- Withholding access to services or professional support staff is an area that is open to abuse and/or corruption.
- LAQ lawyers are concerned that prisons may lack appropriate facilities to house prisoners who fear for their safety or who have made a complaint which places them at risk of detrimental action from another prisoner or from prison staff. Further, they have concerns that prisons may lack the capacity for prisoners to make complaints in a safe and private environment without other prisoners or correctional staff being aware that, for example, they have met with a counsellor or prison visitor.

One of the most fundamental rights of prisoners, and one of the strongest safeguards against corruption within the correctional system, is the right of prisoners to confer with their lawyers. Legal Aid Queensland submits that contact by prisoners with their lawyers should be facilitated by prison authorities with as little obstruction as possible. Consideration should be given to the development of a protocol in conjunction with stakeholders and Corrective Services staff to achieve this outcome.

Key question four in the issues paper asks what legislative, policy or procedural changes could be made to address corruption risks in correctional facilities. We have already provided a suggested solution to the issue of legal representative access to prisoners. Regarding the other issues, which are more systemic in nature, we submit that there is merit in the establishment of an independent inspectorate to oversee the correctional system. Such an inspectorate would be best served by a governing body consisting of a diverse range of government and community representatives, with powers to receive, investigate and act upon complaints by prisoners.

If you have any further inquiries regarding this submission, please contact [REDACTED]

Yours sincerely [REDACTED]

Anthony Reilly
Chief Executive Officer
Legal Aid Queensland