



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-18-0360

TASKFORCE FLAXTON
HEARING NO: 18/0003

20 DAY 3 – WEDNESDAY 16 MAY 2018
(DURATION: 1 HR 25 MINS)

Copies of this transcript must not be made or distributed except in accordance with any order made by the presiding officer concerning publication of these proceedings.

LEGEND

30 PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
INST Instructing – AMANDA BRIDGEMAN
HRO Hearing Room Orderly – ISABELLA PATTON
W Witness – DEBORAH MAY KILROY
EW Legal Representative – ELIZABETH WILSON QC, i/b Kilroy & Callaghan
Lawyers
CM CHRISTOPHER MURDOCH, Crown Law (QCS)
AS A J SMITH, GEO Group Legal (GEO Group)

PO Mr RICE?

CA Commissioner, I call Deborah KILROY.

PO Do you prefer an oath or an affirmation?

W Affirmation, please.

10 HRO Repeat after me, please.

W I solemnly affirm and declare that the evidence given by me in these proceedings shall be the truth, the whole truth and nothing but the truth.

PO Thank you. Ms WILSON?

EW Thank you. I don't know whether I should be seeking leave to appear or announce my appearance. My name is WILSON QC, initials E S. I appear for Ms KILROY, instructed by Kilroy & Callaghan
20 Lawyers. I am not too sure of the process.

PO I think you need leave to appear, but you have that.

EW Thank you.

PO Mr RICE.

CA Just take a seat, Ms KILROY. Is your name Deborah May KILROY?

30 W Yes.

CA Ms KILROY, you are the Chief Executive Officer, are you not, of Sisters Inside Inc?

W Correct.

CA Have you been given a notice to appear in today's proceedings?

W Yes.

40 CA Can I show you a copy of that notice.

W Sure.

CA You also, I think, provided a submission to the inquiry.

W Yes.

CA Can I show you this document.

50 PO I will just admit the attendance notice as exhibit 33.

ADMITTED AND MARKED EXHIBIT 33

CA Is that a copy of your submission, Ms KILROY?

W Yes.

CA I tender that.

PO Exhibit 34.

ADMITTED AND MARKED EXHIBIT 34

10 CA Ms KILROY, you were the establishing person of Sisters Inside way back in 1992; is that right?

W Yes. There were five of us that established Sisters Inside in 1992, correct.

CA You hold some awards, I think. You were awarded the Order of Australia Medal for services to community working with females in prison. Was that in 2003?

20 W Yes, correct.

CA And the National Human Rights Medal you were awarded in 2004, is that so?

W Correct.

CA You are an admitted practitioner. I think you are a solicitor of the Supreme Court; is that so?

30 W Yes.

CA You also hold degrees in social work and law?

W Yes.

CA Could you begin by just explaining to us historically what the work of Sisters Inside has been?

40 W Sure. I've prepared a statement, a brief introduction to Sisters Inside, just so that I cover everything. Is that okay?

CA Sure.

W I am the Chief Executive of Sisters Inside, and, as you said, I am a qualified legal practitioner and social worker. I also have qualifications in forensic mental health. I also have lived experience of imprisonment.

50 Sisters Inside was established in 1992 after I left Boggo Road Prison. Sisters Inside is an independent community organisation that advocates for the collective human rights and interests of women and girls in prison and works alongside women and girls to address their immediate individual needs. We currently have officers in Brisbane and in Townsville providing services to women across the state.

There are four pillars of Sisters Inside's work. One is service delivery to provide direct support to criminalised and imprisoned women and

girls and their children. The second is policy and advocacy to address systemic issues and injustices. The third is community education about abolition and our unique model of support for criminalised and imprisoned women and girls. And the fourth is a law firm that is connected to Sisters Inside to provide legal representation for criminalised women and girls and, of course, others in the community.

10

Sisters Inside first received government funding in 1994 to provide domestic violence support to women in Boggo Road after a woman was released, who told corrective services that she had nowhere to go, she was being released to homelessness, or she would have to go back to her violent partner. She had nowhere to go, went back to the violent partner and was murdered that night.

20

Also in 1994, we provided sexual assault counselling service for women in prison. This service and this need was identified by the women in Boggo Road at that time due to the high numbers of them being sexually abused prior to their entry into Boggo Road Prison at that time.

30

In 2018, in addition to the sexual assault counselling service that we still provide, we also provide other support services to address gaps in specialised service delivery for criminalised and imprisoned women. They include: programs to support mothers in prison and also out in the free world to retain and build strong connections with their children; a Supreme Court bail program to assist eligible women to be released from prison on bail; post-release health support programs to address the social determinants of health, including a specific program to support women with complex mental health needs; housing support for women exiting prison; programs for children who are criminalised or whose mother is in prison, including a bail support program for girls that are either in the youth prison or within the community on bail; education employment support for young women.

40

Our work is guided by our values and vision, which were developed with women in prison back in 1999. We have a unique model of service delivery, called inclusive support, that is directly informed by women with lived prison experience.

We are not an Aboriginal and Torres Strait Islander organisation. However, Aboriginal and Torres Strait Islander women have always been involved in our management committee in prison and also out in the free world, and we employ Aboriginal and Torres Strait Islander staff as a priority. This is significant in light of the extreme over-imprisonment of Aboriginal and Torres Strait Islander women and people in this country in the prison system. We currently employ 11 Aboriginal and Torres Strait Islander staff.

50

Since Sisters Inside commenced, the number of women in prison has exploded. In 1992 to 1993, there were around 80 women in prison in Queensland, and that is according to the report on government services. But as at 1 May this year, 2018, there were 863 women in prison. Between 35 to 40 per cent of those women in prison are Aboriginal and Torres Strait Islander women.

In my role as the CEO of Sisters Inside, I undertake advocacy and

community education on behalf of the organisation. At different times, I have also been responsible for the Supreme Court bail program, visiting the prison to meet directly with women to assess their eligibility for Supreme Court bail. I also coordinate our management committee meetings, which include women in prison.

10 After being locked out of prison on 17 June 2004 by the then Corrective Services Minister, Judy Spence, in 2017 Sisters Inside has now been allowed to return back to prison to hold our management committee meetings inside the prison with those women who are prisoners there. This allows us to hear directly from the women about their needs as well as issues within the prison.

CA How is your service responsive to the needs of women prisoners? Is it complaint based?

W No. Through the services and programs that we provide to women, that's where we hear the issues, from the grassroots level, from individual woman that inform our staff that are employed that actually then report back, and through our inclusive support meetings or our staff meetings, we will hear the issues that women raise. From that, I will hear the systemic issues that come about. And also through our management committee meetings with the women inside that are on the actual management, they will raise systemic issues with us on a monthly basis at our meetings.

20

CA Perhaps you might explain the workings of your support meetings?

W The inclusive support meetings?

30

CA The inclusive support meetings, yes.

W We have a staff meeting every Tuesday morning at 9.30.

CA Sisters Inside staff?

W Sisters Inside staff meeting. At the close of that, we then have an inclusive support meeting. We don't operate from a case management framework. We have developed our own Sisters Inside framework of inclusive support. That is where women have a say about what they do. They are actually directing their needs. We, as professionals, are not telling women what they need. Women inform us what they need, and we support them to meet those needs. So, individual women may be discussed at that meeting, but definitely issues around what is happening inside the prisons will be discussed at the staff meeting and, at times, at the inclusive support meeting.

40

CA With what objective?

W With the objective to, one, supporting the individual woman to get her needs met, whatever that may be. If there are issues that arise and a staff member is sort of stuck about where they should go to support Mary, for example, or it could be about - the same issue is being raised. For example, an issue that comes up time and time again for women who are about to be released is about affordable housing. That is a common issue, so we would pick up that issue and then lobby

50

government, for example, for funding or policy direction about having more affordable housing for women released from prison.

CA You have a particular view, I think, about the social utility of prisons?

W I do.

CA A negative one?

10 W I am an abolitionist. I know that prison abolition will not happen in my life, but it's what I imagine and what we at the organisation work towards. So we don't use reform strategies. We use decarceration strategies. So anything we do comes from a framework of decarceration, to work towards the abolition of.

CA To take up some of the commentary in your submission, you begin by referring to what you describe as unaccountable exercise of power within prisons. What are you referring to?

20 W Well, what we see time and time again, not only within the legislation but definitely a practice on a day-to-day basis in women's prisons - and I'll talk particularly about women's prisons because that's who we work with and for. Corrective services investigate corrective services. There's no independence as such. That is why we support the SOFRONOFF parole review and recommendation 88 to establish an independent chief inspectorate for prisons. We believe that is a must, and because of the independence that Mr SOFRONOFF at that time talked about in the review, we support that wholeheartedly.

30 CA There are mechanisms, are there not, for external oversight of prisoners presently?

W There are.

CA For example, the Official Visitor program?

W I would deem the Official Visitor program is part of corrective services machinery.

40 CA I see. Your view is interesting. We are interested also in the perspective of prisoners about that.

W Sure.

CA What could you say about that?

50 W The majority of women that I speak to would have the same perspective as me, because they will raise issues with the Official Visitor, the Official Visitor goes to the general manager, and women would say that really nothing happens after that.

CA So does the operation of that function suffer from that?

W Yes, I believe so. That's why we support absolute independence away from corrective services in any types of areas, whether it be breaches, complaints, workings of any forms of solitary confinement, et cetera,

where there is a risk of corruption or abuse of power.

CA Another mechanism of external oversight is the availability of complaint to the Ombudsman.

W Yes.

CA Do you receive any view from women prisoners about the utility of that form of complaint?

10

W Some women who can clearly articulate themselves and who are educated can access the Ombudsman, and they do it quite well at times. The women who it's predominantly the majority of, particularly Aboriginal and Torres Strait Islander women, don't necessarily use those avenues because of issues of literacy, for example. A lot of the complaint mechanism is based on writing. It is very difficult for Aboriginal and Torres Strait Islander women to do so, or other women with literacy problems, and we know that a high level of women in our prisons in this state have literacy issues.

20

CA With that in mind, there is the opportunity to make phone contact with the Ombudsman, is there not?

W Yes.

CA Would that meet the problem of literacy that you have just referred to?

W It could, but with the small amount of phones available in the prison system and the amount of lockdowns that women are in in their cells, they don't get good access. There is also an issue about whether to make a complaint or not, because of the repercussions of making such complaints.

30

CA What information comes back to you about disincentives about making complaint?

W Officers on the ground will tell women or talk them around to not make the complaint, say, "We'll sort it." Women can be threatened. There are a number of ways that prison officers can use their power so that a complaint is not raised. It's not one way. We hear of many different ways about how to silence. You could be threatened to be moved from residential back over to secure. You could be threatened to be put on a safety order. You could be threatened to be breached and then go through a process, where there is no accountability or review, that is undertaken by prison officers and end up in the DU.

40

We have women that have spent - I can think of one woman who has been in the DU on safety orders, consecutive, and has rarely been out in mainstream since 2014. And even when she was sentenced in the District Court, it was acknowledged by the District Court judge at that time of that treatment, and she still is locked down in the DU. Whenever she comes out, she is fully shackled, she is spit hooded. She has a number of medical issues that were tendered in the District Court of her sentence. None of those issues have been addressed by the prison system.

50

So women are threatened not only that way, about how to be treated negatively in the system or punitively, but also can be threatened about their visits with their children, for example. Or the other one more recently is being moved to Townsville prison, women's prison, "We will wipe your breach if you agree to be transferred to Townsville."

10 CA So even without any of these actions actually being taken, the threats operate on the minds of the prisoners?

W Oh, absolutely. That's how closed institutions operate and thrive and survive.

CA With what regularity do you get that kind of feedback?

20 W Weekly. For example, personally, the last - from January to early May, I had undertaken the Supreme Court bail program. I was in prison - because the lawyer who usually undertakes the role was on maternity leave, so I took over that role on top of my already CEO role. So I was in the prison weekly, seeing all the women that were on remand and the new remandees, and so you would hear the stories over and over again, specifically the women that we would draft affidavits for, to go to the Supreme Court to apply for Supreme Court bail, stories about what was actually happening inside the prison. So I would hear those stories directly.

30 W When you have a closed institution, whether it is a prison or a mental health facility or an old-age facility, there will always be aspects of corruption and risk of corruption, because there is no accountability or transparency if there is no one from the outside world going in with the checks and balances. If you have a system that continually monitors itself, with very little independence, then we are going to see the same issues arise over and over again.

CA Would you be able to give your view on what are the risks of corruption in women's prisons? You refer to what you say is the unaccountable exercise of power.

40 W Yes, and the use of force is a big issue. There are a number of women who will talk about - that are in solitary confinement or what corrections call the Act's safety orders, or detention unit - whatever you want to call it - but being locked in an isolated cell. We know the United Nations has actually said now that 15 days in solitary confinement is actual torture, where we would say that anything over 15 days is cruel and unusual punishment.

50 W So we don't believe that any woman should be in any form of solitary confinement, because that brings a threat in itself, because prison officers are the ones that actually have the power to release you, because there is no independent oversight in those orders just being repeated, repeated, repeated. And as I explained about the woman before, who has predominantly been in solitary confinement since 2014 and is very unwell, we have the medical reports that were done for her sentence to be tendered there, and - you know, she has been in prison for a very long time and it is the only place now that actually keeps her, but keeps her in solitary confinement.

Corruption can come in many forms. We have just recently - women will tell us stories and we will report such stories if we keep hearing the same information. We take it to the general manager or we take it to corrective services head office, and then it is a matter for them whether they investigate it. We don't have the power to investigate. We only have the power to raise the issues that the women raise.

10 Sometimes women raise issues that they actually don't want to be raised anywhere, because they are too fearful. They just want to tell us so that we know. Over the years, for example, Mr WRIGHT, who was eventually convicted and sentenced to a term of imprisonment for rape and sexually abusing women at Brisbane Women's and received a term of imprisonment - everybody knew about his behaviour, including the prison, but no one actually took it upon themselves to investigate until one woman finally did get released and rang me and I said, as I said to other women, "You must go to the police and report this."

20 Some women were too scared to do that over the years, but this one woman did go to the police, reported it, and it is only because of that police officer at that particular time that it was finally investigated and then charges were brought. Obviously the criminal behaviour ceased because he was removed from the prison.

CA You would advocate against the existence of different forms of solitary confinement and segregation, I take it?

W Yes.

30 CA Accepting, though, that is a reality of prison life, there are legal mechanisms by which a person can be placed into a segregated position?

W Yes, that's correct.

CA Those mechanisms are breach proceedings, am I right, and safety orders?

W Yes.

40 CA Are there any others?

W In the legislation, no, not that I can - no.

CA You have an issue with the processes, do you, concerning the conduct of breach proceedings and also safety orders?

W Yes, because they're dealt with internally by corrections. That's my fundamental issue and that's where we need independence.

50 Before the new legislation was enacted in 2006, we advocated back then for an independent chief inspectorate of prisons, like the Western Australian model. That is what we lobbied for. What ended up happening, the *Corrective Services Act* was enacted and we got a chief inspectorate who was accountable to the then director-general. Now they are called Commissioners at corrective services. We did not

believe that that was going to be of any assistance to anyone in a prison because, once again, you've got corrections overseeing corrections.

That's when we talk about institutions, how they must be transparent and accountable through independence, not within a system of itself with its own checks and balances, because it just doesn't work.

10 CA An independent inspectorate is one thing. What role would you see for an independent inspectorate on this area of concern that you have relating to breach proceedings?

W Well, the independent inspectorate's office, for example, could have staff that are funded within that office to undertake breach proceedings, so that if a person is breached inside a prison, they are regularly in there and hear the breaches as people of independence and then make such decisions about what happens with the breaches.

20 CA Would that involve someone being embedded at a particular centre, that is to say, working out of that centre?

W That's another issue that I have in regards to the risk of corruption, and that is where people are embedded, if you like, in a particular prison, because that's where things can go wrong very quickly, too. People will build their empires, if you like. We see that happen when, for example, a general manager is in charge of a prison for a very long time, that prison operates very differently, then, to another prison. For example, Townsville women's prison could operate very differently to Brisbane Women's.

30 That's why we support the rotation of general managers in prisons. I think a general manager, for example, if they are in that position for two years and then they are rotated, so no-one is actually in that permanent position, as in whether it is the medical staff or head of the medical staff or those that come in and do the external checks and balances. We need to rotate people, so there are fresh eyes that can be seeing what is actually happening, and that will bring us the transparency and accountability within the prison system.

40 CA You are well aware, and you have referred to it in your submission, of the 2009 Ombudsman's reports into the conduct of breach proceedings?

W Mmm-hmm.

CA You go on to say that, in your experience, the breach proceedings remains unfair?

W Yes.

50 CA Have you observed any improvement in process since 2009?

W No.

CA Are you aware that-

W Well, if I can clarify? I don't observe the actual, what happens. It is what women tell me.

CA Yes, I understand.

W They feel it is absolutely unfair. They could be told that they are going to be breached, and breach proceedings may not occur for weeks or even months later, and then they receive a punishment. They are not allowed to call witnesses themselves, they are not actually allowed to have a lawyer there to represent them, and they are not allowed to judicially review the decision that's made by the prison officers.

10

CA All that presently is the subject of legislation, I think, isn't it?

W Yes.

CA What changes, then, would you like to see?

W I think as I said before, if we have the independent chief inspectorate of prisons office, that's where we need to place any types of decisions that may be deemed abusive, corrupted or risk of corruption, to be placed within that independence, so breaches, safety orders, prison transfers from one prison to another, complaint mechanisms about whatever it is. It could be, "I am being sexually abused by the prison officer over here", or, you know, "Prison officer X is bringing drugs and giving drugs to the women in that unit", for example, whatever it may be - that it can be raised through an independent body, so that then the women can feel comfortable without repercussion actually informing an independent body about that.

20

CA To achieve all that would be a very substantial transference of function, wouldn't it, from corrections to some other body?

30

W Yes.

CA You advocate for that?

W Yes.

CA You refer to what you describe as a separate sanction process in relation to women who have misused drugs.

40

W Yes.

CA Could you explain what you mean by that?

W It is an internal process. They originally had another process that we raised with corrective services, how it was discriminatory, and that was actually shut down. It was using levels of bronze, silver, gold, or something, to be moved through the system, and if you behaved yourself, you could buy, for example, Tim Tams on the buy-up. If you misbehave, you couldn't buy your Tim Tams. And you had different amounts of funding that you could access out of your prisoner money that was placed in there by family members, or whoever, for you to access and purchase items when you were in prison.

50

The drug sanction is if you have been deemed to have taken drugs in prison or the presumptive test has come back as positive, you can be

actually transferred immediately across to a secure unit and then lose a number of privileges, and then you have to rebuild up.

CA By what legal mechanism?

W It is a mechanism within the prison system itself.

CA Is it an incentives program that you are referring to?

10 W Yes.

CA Not segregation by the legal means that we have discussed?

W No.

CA Breaches or safety orders, and so forth?

W That's right. It is a policy internally to the prison system, yes.

20 CA You see that in operation - when I say "see", you receive reports?

W Sure, yes.

CA About the operation of that incentives program to result in a form of segregation of a prisoner?

30 W Yes. For example, one of the women had received correspondence from outside to her. She has no control about who sends a letter to her, and it was deemed that there were drugs within the envelope, and she was actually sanctioned for that. Now, she was not responsible for sending herself correspondence, but she was actually sanctioned.

She was then removed back to residential. She then had a presumptive test. She has been moved back to secure, and she is still in secure now and it has been a number of months that she has not been able to work her way back to residential.

40 CA Under the incentives program, as you observe it to operate, at what level is a decision being made that a person should be sanctioned under that scheme, with some consequence, loss of privileges or worse?

W That I say should be made?

CA No. At what level is that kind of decision making being made that impacts on a prisoner's life by way of loss of privileges or worse?

50 W It's a bit unclear. A lot of the women talk about the accommodation management, but there is a team of management that meet in the mornings; it also can go to them. As far as I am aware, the general manager is there as well. So it is a team of management that seem to make these decisions.

CA Commissioner, is it a convenient time for a break?

PO Certainly. We will adjourn until 10 to 12.

SHORT ADJOURNMENT

PO Mr RICE.

CA Thank you, Commissioner.

Ms KILROY, you refer to separate confinement or solitary confinement and its use or potential use as being a corruption risk. In what way?

10

W As stated before, that if you're a woman - and predominantly women who will be in solitary confinement, there may be some that, due to major breaches, get seven days for such major breaches in solitary confinement. But when we talk about women who have severe mental health issues or intellectual disabilities that are left languishing in those solitary confinement cells in the bowels of the prison, where women can be threatened in regards to their behaviour, where prison officers come in - for example, if a woman doesn't give her plate back that she has received her meal on, prison officers can come into that cell, they can use force, throw them to the concrete ground, cut off their clothes, shackle them to get the plate, for example. And that happens numerous times. If they break the plate, then they will probably be charged with a criminal offence for wilful damage of prison property and end up in the criminal courts.

20

The corruption that occurs there all the time that we see with women who are charged with criminal offences, the *Corrective Services Act* says very clearly that if you are going to charge someone in prison with a criminal offence, then they must not be breached, because it's basically double punishment. But we see time and time again that women will end up before the courts charged with a criminal offence out of being locked up in those isolation cells from some type of incident that has occurred and that they also get breached and either kept there in the DU because of that breach punishment or they are put on safety orders, and they get mixed up and blurred because there is no independent oversight.

30

CA Does your service catalogue or keep some record of complaints of the kind you have just described?

40

W We do.

CA For your own purposes or for advocacy purposes?

W Yes, we do, for probably more extreme examples, yes.

CA What use do you make of that kind of information that you record?

W What do we use - how do we use it?

50

CA Yes.

W In that situation that I just explained about a prison officer - or the times that I can think of when prison officers have come in and held women down on the ground and cut their clothes off and then had them charged with criminal offences, that information is usually given to their lawyer

who is representing them in the criminal courts, so that then they can actually assess that and use that information in regards to the actual criminal offence. So it could be about taking it to trial, to ask prison officers what their part in the use of force was, or it could be about sentencing submissions in relation to what happened to Mary at that time when the alleged - or the offence, because she's pleading guilty, actually occurred.

10 CA We may have already covered this, but in that kind of scenario that you have just described, of a form of violence, power being exercised over a woman in solitary confinement, there are mechanisms for making complaint about such treatment. Are they availed of by women in that kind of scenario, that you are aware of?

20 W The women don't make the complaints in there. You have to ask the prison officer who has just thrown you to the ground and cut your clothes off for actually a form to make a complaint. This is the issue. They control everything. It's like what even happened with this independent inquiry here. Prison officers were given the forms from the CCC to hand to women, and they're the prison officers that some women allege were the bullies and corrupt officers, and women were too fearful to take the forms to make complaints or to write submissions here into this inquiry today.

30 We know that in Townsville women's prison, a different group of people went in in different uniforms, that weren't prison officers. But, I mean, that's the issue. We think that because I am a good person and I am going to go in the prison because I am employed by corrective services, I'm going to do the right thing. It's not about that. It's about the system and the corruption of the system and the abuse of power that is never overseen by an independent body.

CA Speaking about women in confinement, a moment ago you used the expression that women were left languishing within a prison.

W Yes.

40 CA In fact, there is a legal mechanism, is there not, by which women are consecutively held in separate confinement?

W Yes, that's controlled by corrective services.

CA So there must be a legal process and an order for that to be achieved; correct?

W Yes, controlled by corrective services.

CA And the mechanism is the use of a safety order; correct?

50 W Yes, controlled by corrective services.

CA A person who is the subject of a safety order has the opportunity, do they not, to apply in writing to the general manager to have the circumstances of the safety order reviewed by an Official Visitor? Do you accept that that facility exists under the legislation?

- W It does, under the legislation, yes.
- CA If we can talk about that, is that opportunity availed of by women who are subject to a safety order?
- W Yes, and women are fearful to make complaints because of the repercussions. If you are a woman who is unwell, or even a woman that is not unwell, and you are locked in solitary confinement, and the only people that literally have the key to let you out or to give you your medication or to make a complaint, to get a form, is those that are abusing you, you have to rely on your abuser to hand over what you want to make the complaint under the *Corrective Services Act*. This is the whole point that I'm trying to make.
- 10
- CA Is that by virtue of being in solitary confinement?
- W It's by virtue of being imprisoned in corrective services prisons.
- CA Well, how does the opportunity to make complaint for a person in solitary confinement compare with the opportunity available to someone in the mainstream?
- 20
- W Someone in the mainstream, you could ask somebody else. You could ask one of the peer support workers, one of the women prisoners who are appointed as peer support people. You could ask one of them to obtain the material, the forms. In solitary confinement, you are only relying on prison officers to do that. So that's the difference.
- CA In your experience is, for example, the blue letter facility for making complaint available to persons in separate confinement?
- 30
- W Yes.
- CA It is available?
- W As far as I am aware, but I have never heard of a woman getting access to a blue envelope. And what prison officers talk about regularly over the years, that women have informed me and other staff of, is that the blue envelope goes into filing cabinet X, which is the bin beside the officers' desks.
- 40
- CA Are you contending that complaints that may be made by the blue letter system are not forwarded to the general manager, as required?
- W Correct. That's what I am informed by women over the years.
- CA With what regularity have you had reports of that kind?
- W It's regular, but more so what's happening is that the women are just not writing blue envelopes, writing complaints.
- 50
- CA Is literacy a part of that?
- W Yes, it would be.
- CA Or lack of it?

- W It would be lack of literacy. It would also be the fear of the complaint, because you have actually got to hand the blue envelope to the prison officer that is in your unit to then pass it on.
- CA In what centres does that apply - Brisbane Women's?
- W And Townsville. Yes.
- 10 CA And Townsville. Both?
- W And Numinbah and Helana Jones, but, I mean, Helana Jones is a whole issue of it own.
- CA Is there not some postbox in which such letters could be placed?
- W Helana Jones has been consistently over the years blocking Sisters Inside access to the women there. There are a number of reasons that the manager of that prison gives us why we don't need to go and support women at Albion there. So it is difficult for us to get information from the women there, even though we've seen them and supported them through programs from Brisbane Women's to Numinbah and to Albion, through their progression to low security.
- 20 CA Your lack of access to prisoners is one thing, but we were speaking about the operation of the blue letter complaint system.
- W Yes. I'm not sure about the blue letter complaint system at Helana Jones. I can't comment there.
- 30 CA For example, in Brisbane Women's and in Townsville, do you maintain, from reports that you have received, that the opportunity is not available to make free and anonymous complaint?
- W Correct.
- CA And do you maintain that where at least some women complete a form of complaint, the form of complaint and blue letter is not forwarded to the general manager?
- 40 W Correct. Not always, but that's what's been said, and the prison officer will say to them that it's going into filing cabinet X.
- CA Is there any means of verifying that?
- W It's been raised over the years through a number of inquiries that have been run by corrective services, and, at the end of those inquiries, we always get the same report, that it is unsubstantiated because the women won't come forward and tell them what's happening, because there is no independent-
- 50 CA Is that, in your view, a systemic problem with exposing abuse of power, that women do not make complaint?
- W Yes. That's why I am saying that we need independence, so women - and men, for that matter - but women can make complaints

freely, without any type of fear at all of repercussion, any repercussion.

I think if we, as a community, want prisons, then they should be open and accountable and transparent. And it's better for corrective services that that occurs as well. When the system is so closed down and it monitors itself and investigates itself, then there is always a risk of corruption in any area.

10 CA For a woman to be held in separate confinement for greater than a month, there needs to be a consecutive safety order; correct?

W Correct, yes.

CA Is it your understanding that all consecutive safety orders have to be reviewed by the Official Visitor?

W Yes.

20 CA Do you not have confidence in the quality of that review in terms of the reasoning for keeping a woman in separate confinement?

W No, I don't, because they're part of corrective services. They're employed by corrective services. They're not independent. They are doing the bidding of the master.

CA Has the opportunity ever been available to you to conduct some review of the content of safety orders, to look at the quality of reasoning that applies to the making of them?

30 W For myself to review them?

CA Yes.

40 W I don't have access to them, no. To get any women's personal information, they have to go through - well, I would have to go through RTI, which I wouldn't get access to, or the woman has to apply. But, I mean, the woman actually needs her prison ID photocopied and witnessed by a JP, which will be by a prison officer who is a JP in the system, to go along to the RTI, and it will take numerous months to get access to information.

50 Because women are too fearful, then, to get that information for us to then advocate, the majority of women, it actually doesn't occur very much. The only time that we've done that in the past is when women have raised issues where they have been assaulted by prison officers, and there may be one woman that is brave enough - and I use that - and has the courage to actually say, "I actually want the CCTV footage, so you can see it, so we can actually do something about it." But usually we get access to that footage, if it hasn't been deleted or lost, in a court of law because they are usually charged with criminal offences.

CA We spoke earlier about the Ombudsman having investigated the conduct of breach proceedings in 2009. In your long experience, are you aware of any kind of review of the quality of reasoning behind the making of safety orders?

W No.

CA Another of what you describe as routine practices with potential for abuse is strip searching?

W Yes.

CA You refer to it as a routine practice, but could you enlarge on what you understand to be the triggers for that kind of search to be conducted?

10 W My understanding of the searches - strip searching can occur prior and after a family visit. It can also occur after any type of contact with anyone that comes in, like a professional visitor, and it also can occur when there is a reasonable suspicion that a search needs to be carried out. We know that, for example, women in S4 will be strip searched - can be strip searched numerous times coming in and out if they've got to come out to see a psychologist in the interview rooms in that secure area of the prison, so if they are coming in and out. So they could be strip searched - like, they could come out for a medical appointment, for a psych appointment, they could be strip searched anything from four to eight times a day.

20 CA There is a prescribed manner in which a search of that kind is to be carried out?

W Mmm-hmm. A dignified strip search, yes.

CA Beg your pardon?

30 W A dignified strip search, it's called.

CA I was going to ask you if you receive reports about whether that procedure is observed?

W Women talk about - well, the "dignified strip search", as the women describe it, quite regularly and consistently is you have to take the top half of your clothes off, raise your breasts, maybe open your mouth, flick your hair, flick your ears - could have any form of that to be asked, required to do. Then you're given your bra back. Then you have to take the bottom half of your clothes off, and you may be asked to squat and cough at some time, and if you are menstruating, you have to remove your tampon or your pad and hand it to the prison officer. That's "dignified".

40 CA Does that occur in the presence of other prisoners?

W It's not supposed to occur in front of other prisoners, but we've had reports over the years where there's been mass strip searches occur, where that has been raised with corrective services. That was some time ago, the mass strip search that happened in the gym. That was looked into, but that was some years ago now.

50 The booths where strip searches happen after visits - they didn't, I don't know if they do now, have doors on them. They are like a cubicle. The other issue with a strip search is that it is supposed to be women strip searching women. But under CCTV cameras, men are actually

monitoring those cameras, so I would say that's a breach and a form of corruption, if you like, because men are actually watching women be strip searched.

CA In some control room?

W Yes. And when we talk about women who are in solitary confinement, for example, who are held down and their clothes are cut off, there are actually male officers there when that occurs. That is not under strip searching; that's use of force, but it is still being strip searched, as far as I'm concerned - or stripped, if you like.

CA In what way may that be potentially additionally traumatising for a woman?

W Well, it's massively traumatising when we know that 89 per cent of women in prison prior to hitting the prison gates have been sexually abused and/or raped from a very young age and through into their adult life, and then they actually experience this form of "dignified" - and I say "dignified" because I don't believe it's dignified - type of search, it actually retraumatises women and triggers previous sexual abuse.

Our sexual assault councillors actually work with women day in, day out, about those triggers and what actually occurs. We have women who refuse to have visits with their families, because they actually can't facing being strip searched. I know one lifer who did not have family visits for years and years and years and years, and she eventually transferred to South Australia, and because their system is slightly different, she has had contact where she is not strip searched after. But, I mean, there are women that are highly traumatised because of that.

Then what we see is because of that traumatising - and even when it happened as a child or a young woman or an adult woman, that's usually the reason why the women are self-medicating with illegal drugs, because they don't have the resources to go to private psychiatrists or doctors to get scripts for medication, or they are actually fobbed off, so women self-medicate with illegal drugs, hence why they are probably criminalised and put in prison in the first instance. So when they are actually strip searched by the state, which is sexual assault by the state in the prison system, either on entry or visits or for whatever reason, we know that women will be traumatised and then start looking for drugs inside the prison system.

CA You have included in your submission a figure for the number of strip searches in 2017.

W Yes.

CA Can you indicate what the source of that is?

W Yes, through an RTI. I have the material here. I can tender that, if you like. From the RTI information that we got from corrective services. I don't know if you want that.

CA We may perhaps contact you subsequently about that.

W Sure. Yes, 16,258 times. And contraband recorded was - 0.01 per cent of cases where contraband was found.

CA Would you accept that in addition to what may actually be found, the fact of these searches, or the prospect of these searches being carried out, serves a deterrent purpose in the prisons to the carriage of contraband?

10 W No, it doesn't serve as a deterrent. It actually serves where drugs go underground and women are looking for drugs, because they actually get sexually assaulted again through the strip search. So they are looking for the illegal drugs. In Victoria, they ran a trial in the women's prison there where they actually reduced the number of strip searches, and the same amount of contraband was found, or the dirty UTs, if you like, with less numbers.

20 So strip searching doesn't serve as a deterrent. It's actually about social control of women and sexually abusing them again by the state, because it's lawful. If I strip search a woman how a prison officer strip searches a woman out here in the free world, I will be charged with a criminal offence. It is actually lawful for them to sexually assault women on a daily basis through the strip search process under the *Corrective Services Act*. So it doesn't serve as a deterrent at all. We actually need to stop sexually assaulting women in prison through strip searching practices, and then we will actually see a reduction of women wanting to use drugs to self-medicate because of the sexual abuse that's being perpetrated against them in the prison system.

30 CA I haven't yet asked you about overcrowding, but I will do so now. You are well aware of the extent of overcrowding, for example, at Brisbane Women's prison?

W Yes.

CA I don't know the figures in Townsville, but is it likewise overcrowded?

W It's not as bad, but, yes.

40 CA Let's talk about Brisbane Women's.

W Sure.

CA What impact on the kinds of corruption risks that you have been speaking about does the overcrowded state of the prison have?

50 W I think if there's 10 people in a closed institution or 100 people or 1,000 people, there's always a risk of corruption. It's not about the numbers. It's about the independence of an overarching checks and balances function that needs to occur in a closed institution.

So what we need to address is - and I understand that corrective services are now concerned about the overcrowding, as they are again, as they were a decade ago, and a decade before that, and a decade before that. But, I mean, in this policy direction, we are just going to continue to see prisons overcrowded, whether we build more or shift men out of one prison and move women into the men's prison, so that

there's more cells and that everyone can have a cell each. That's not the issue. The issue is about what's happening in our communities around social services.

So it's not about the overcrowding, that it creates more corruption. Obviously, there's more people, so there will be more issues. But, like I said, whether you have 10 people or 1,000 people, it's about the checks and balances that are in place. And while corrective services oversees corrective services, there will always be a risk of corruption.

10

CA We have spoken about the complaints mechanisms and you have given your view about that. Independently of complaints, there are occasions on which a prisoner makes a request for some service or some action to be taken.

W Yes.

CA What's the request mechanism?

20

W It's usually a form that they fill out and give to prison officers who are in their unit, and that's then to be forwarded to the sentence management area, then, to be processed. A lot of times, women would like to be referred, for example, to our service, Sisters Inside, and we will hear week after week after week, that woman will ring us continually and say that she has made five requests to be on our list to see her, because the prison sends us a list of the names of the women who they agree for us to see and from referrals that can come from us or from corrective services at each prison. But women will continually say that they have put four, five, six requests in, and they're not on the list. So then we chase it up and try to get them on the list. So a woman could wait for a number of months to be put on a list to actually access our services, for example.

30

The other issue is around medical, like trying to access a doctor or a dentist or any of those types of health services, which is an issue.

CA How is that done? How is such a request made and processed?

40

W Through forms. It's all through forms that are then handed to prison officers that then have the power and control over what happens to those forms. They could also ask - so if the nurses come down, for example, doing the medication run, they could ask, but they will be told to put in a request form.

CA Do you have any issue, from the reports you have received, about the processing of request forms?

50

W It's the same issues that women raise as the issue with the blue envelope. Some of them just disappear; they never arrive to where they supposedly have to arrive to, for that referral or that request. So the women can make an assumption that it has been thrown into file X, the garbage bin, or it has been lost, or they tear it up, or whatever it is. If a prison officer has an issue with Mary, Mary would assume, then, that he or she, that prison officer, just hasn't passed on the referral through the appropriate processes. But they're not getting seen. That's the issue. So they will think a number of things may have occurred.

- CA Is the availability of mental health care an issue within women's prisons?
- W Yes, it is, but I don't advocate for more funding for mental health services, either, inside a prison system. When we know that the figure is around 80 per cent of women have mental health issues that are in prison, and that can range from one end of the spectrum, from anxiety to depression, to schizophrenia, psychotic events, yes, prison mental health is under the pump, there's no doubt about it.
- 10
- What we need to look at is - I think the Queensland Police, for example, in their submission, have suggested a review of the *Corrective Services Act*, which we support, and that's where we could use those reintegrational leaves of absence that's already in the Act and actually expand that, if it was reviewed with new legislation, for example, to allow women to access services in the community.
- CA I was going to ask you about that. You refer to the use of leave of absence to receive healthcare.
- 20
- W Yes.
- CA Could you explain what you are referring to?
- W Well, there's a legislative requirement under the Act that leaves of absence can be approved by corrective services, but that is a rare occasion. It may be where there is a funeral. It may be used at a lower-security prison for medical. But there's no reason why it cannot be used for other means, for people to get access to the services within the community and then be able to use Medicare and have access to Medicare funding. So it could be the local or the closest or a number of close medical centres in the area where the prison is based, so that people can get access to medical services there, where it's not actually contained in the prison, which actually also opens up the doors for accountability and transparency as well.
- 30
- CA It's leave of absence on the basis of being escorted?
- 40
- W It could be escorted or it could be unescorted, yes. It could be either.
- CA According to what criteria, as you understand it?
- W Well, I'm talking about if it was implemented. You're talking about how it is now?
- CA As it is now.
- W Yes, as it is decided by the general manager, usually. For example, at Helana Jones, leaves of absence are used there, for example, to go and have some hours with your children. Many years ago, it was very wide, from release to work, to leaves of absences to go to medical appointments, to go to university, to go to work because you had release to work, to go home on weekends to be with your family, and so it was part of the gradual release process over the years or over a period of time of someone's sentence to reintegrate back into the
- 50

community.

CA Are you suggesting unescorted leave of absence for women to receive healthcare?

10 W Yes, if they have the capacity to get there. They are obviously going to need transport, so those issues would need to be dealt with. They don't need to be escorted as in escorted with shackles, because what we see - for example, we had an Aboriginal woman recently, pregnant, and her pregnancy was high risk. She, at different times, different weeks, would need blood transfusions, so she would have to go to the hospital, and she would be taken in shackles. Even the medical staff would ask that the shackles be removed, and sometimes the officers would refuse to remove the shackles. That became a huge issue, to the point where we applied for Supreme Court bail for her, and she was released on bail so that she didn't have to face those types of mechanical restraints in a hospital any longer.

20 CA Is it realistic to wish for unescorted leave for healthcare purposes for prisoners on high security?

W Well, when you talk about high security, everyone is pretty much high security, because there's really hardly any low-security beds. What we have is all, pretty much, predominantly maximum-security prisons, and we know that people in the maximum - or "secure facilities", they call them, but in the maximum security prisons, we have people who are high, medium and low classification. It's just a tool that is quite arbitrary and discriminatory.

30 To be low secure in a maximum-security prison is a bit oxymoronic, really. But if you had low security, yes, the door should be open and you be allowed to access services in the community, and it shouldn't be stopped because you are in a maximum-security prison. But that is the argument corrective services would use: you are not in a low-security prison. Well, there's not enough cells for people to go to low security, so it actually wouldn't eventuate.

40 CA Dealing with women's prisons, rehabilitation is an objective. You may or may not agree with the reality of that, but do you have any experience by way of reports to you concerning the availability of rehabilitative programs, work, education, and the like?

W Well, there's not enough of those services inside the prison that corrections call rehabilitative.

CA Does the overcrowding impact on that?

50 W Even when there wasn't overcrowding, there weren't enough positions for work. I'm not sure what the number is now, but there used to be - the prison was commissioned December '99, and then for a number of years only 10 women, for example, could engage in higher education, when there were, like, 200 women there. And now those numbers are limited because of the resources that are available there and because of the numbers. There are never enough programs to address the issues that corrections would say are criminogenic and rehabilitative to address their offending behaviour.

10 My argument is a bit different, or my understanding is that if you're a poor woman that has been abused sexually, physically, and then turned to illegal drugs because you do not have the funds and resources in the community, you are homeless, to actually access health services for those to be addressed, and so then you collide with the police and then you are criminalised, there is no rehabilitative program to address poverty and housing, because there just isn't any. And women will be released on Newstart, and we know that that hasn't been increased for over two decades and that there is no affordable housing in this state. Anglicare has done a recent research report on the 8,000 properties that are available, affordable housing, and not one of them is available to be able to rent if you are on Newstart.

20 Corrective services can't fix up those issues, and it's not for them to fix up. We have these pretend programs that are supposed to address our issues as women in prison because of our offending behaviour, but predominantly our offending behaviour is because of our impoverished backgrounds and being victims of violence, so - do you understand what I mean?

CA Yes, I think so. That is all I had, Commissioner. Thank you.

PO Ms KILROY, I just need to raise one thing with you. In the context of the work that this inquiry is doing and has done, in using a survey of prisoners, you said that one of the problems with that was that it was distributed by correctional officers.

30 I just need to correct that. In fact, we took great care, for the reasons that you are concerned about, to ensure that every single survey given to a prisoner was distributed by staff of this Commission only.

There was a second survey that went to correctional officers quite separately for their use, and that may have been seen by prisoners with them. But certainly the prisoner surveys were deliberately only distributed, and collected, I should say, by staff of the Commission, and it was to address the concerns that you have about people feeling able to participate.

40 And, I might say, to the credit of the prison population, we had statistically a large response, of over 30 per cent, so it was really encouraging.

W Of women?

PO No, across the board. In all the prisons collectively, it was about 34 per cent or so.

50 W And do you know how many were women out of that 34 per cent?

PO We would know. I just don't have the figures with me at the moment, though. They will probably be published in the report.

W Thank you.

PO Ms WILSON, do you have any questions?

EW No.

PO Mr MURDOCH?

CM Yes, just one matter, may it please the Commission.

10 Ms KILROY, in the course of your evidence, you made reference to the Official Visitors and used the term that they were "doing the bidding of the master". Do you recall saying that?

W Yes.

CM As I understand your concern in respect of the Official Visitors, it is that such people are appointed by and remunerated by corrective services; is that the case?

W Yes.

20 CM Your issue is more that, because of those matters, there is a perception of a conflict with QCS; is that correct?

W Yes, they're employees engaged by corrective services, yes.

CM You are not suggesting, are you, that those people are in fact being directed by corrective services to perform their functions in a particular way?

30 W They're remunerated; they have a role to perform that corrective services develops and gives to them, and that's what they act on.

CM No further questions.

PO Thank you. Mr SMITH?

AS No questions.

40 PO Thank you. That is all we have for you at the time. Thank you for coming, Ms KILROY. You are excused.

END OF SESSION

50