

TERMS OF REFERENCE

QUEENSLAND PRODUCTIVITY COMMISSION INQUIRY INTO IMPRISONMENT AND RECIDIVISM

Context

The growth in prisoner numbers is a serious and growing public policy concern for Queensland.

- The imprisonment rate of people in Queensland prisons increased by 40 per cent in the five years from 2012 to 2017, around five times the population growth rate for Queensland.
- The imprisonment rate of Aboriginal and Torres Strait Islanders increased by 50 per cent over the same period.
- Recidivism is high with more than 60 per cent of new prisoners having been in prison before.
- Of further concern is the real increase of imprisonment of women, especially Aboriginal and Torres Strait Islander women.

The growth of prisoner numbers has major social and economic implications for affected individuals and the wider Queensland community. It also has significant financial implications for government.

Change is necessary however, the problem is complex. Prisoner numbers reflects underlying forces including long term social and economic factors and community views about criminal justice; but they also reflect the daily activity and decisions at key points within the criminal justice system, sentencing and legislative frameworks, police resourcing and decisions, sentencing practices, court workloads and access to support services including legal aid.

A system wide approach to change is essential - considering both the underlying forces and the practical operation of Queensland's criminal justice system. Potential measures must be thoroughly worked-through and rigorously tested, including comprehensive public consultation.

The Queensland Government considers that the Queensland Productivity Commission, as the State's independent public policy review body, is an excellent mechanism to undertake such innovative and evidence-grounded research, investigation, testing and consultation.

Terms of Reference

The Queensland Productivity Commission is directed to undertake an Inquiry into Imprisonment and Recidivism.

The central question is, how can Government resources and policies be best used to reduce imprisonment and recidivism and improve outcomes for the community over the medium to longer term?

In the context of the Government's objective of ensuring a fair, safe and just Queensland, the Commission should consider:

- trends in the rate of imprisonment in Queensland in recent years, including comparison with other sentencing options;
- evidence about the causal factors underlying trends in the rate of imprisonment;
- the factors driving Aboriginal and Torres Strait Islander imprisonment and recidivism and options to improve matters;
- the factors driving the imprisonment and recidivism of women and options to improve matters;

- factors affecting youth offending and corresponding imprisonment rates and options to improve matters;
- measures of prisoner recidivism rates, trends in recidivism and causes of these trends;
- the benefits and costs of imprisonment, including its social effects, financial costs and effectiveness in reducing/preventing crime;
- the effectiveness of programs and services in Australia and overseas to reduce the number of people in and returning to prisons, including prevention and early intervention approaches, non-imprisonment sentencing options, and the rehabilitation and reintegration of prisoners;
- the efficacy of adopting an investment approach, where investments in prevention, early intervention and rehabilitation deliver benefits and savings over the longer term; and
- barriers to potential improvements and how these barriers could be lowered.

The Commission's recommendations should be consistent with the 'Queensland Government Policy on the Contracting-Out of Services', which provides that services currently delivered in-house, including publicly-operated prisons, will not be outsourced other than in certain limited circumstances.

Consultation

The Commission must undertake public consultation in relation to the Inquiry, including with peak bodies, experts, government agencies and other key stakeholders.

The Commission must consult with the Deputy Director-General Cluster Group for the 'Keep Communities Safe Priority' of 'Our Future State: Advancing Queensland's Priorities' and the Crime Statistics and Research Unit in the Queensland Government Statistician's Office.

Reporting

The Commission must publish a draft report (including interim recommendations) for consultation by 1 February 2019.

The Final Report must be provided to the Government by 1 August 2019.