

26th October 2018

Queensland Productivity Commission
PO Box 12112
George Street
Brisbane QLD 4003

Via website: <http://www.qpc.qld.gov.au/inquiries>

Dear Commissioner,

RE: INQUIRY INTO IMPRISONMENT AND RECIDIVISM 2018

A. Introduction

The Women's Legal Service Queensland (WLSQ) is a specialist community legal centre, established in 1984, that provides free legal and social work services and support to Queensland women. We assist women in the areas of family law, domestic violence, child protection and sexual violence. WLS provides State-wide assistance through our legal Domestic Violence Helpline, and have a designated Rural, Regional and Remote telephone line to increase women's access to our service in non-metropolitan regions.

We undertake outreach work at the Brisbane Women's Correctional Centre (BWCC) and at Family Relationship Centres in Brisbane. We also conduct duty lawyer services at three Courts: Holland Park, Caboolture and Ipswich. Our specialist domestic violence units in Brisbane, Southport and Caboolture (opening in October 2018) provide intensive case work and court representation for our most vulnerable clients. As part of the Caboolture office we employ a First Nation's cultural liaison support worker to assist First Nation's women's access to WLSQ. We conduct Health Justice Partnerships with a domestic violence solicitor visiting weekly the Gold Coast, Logan, Redlands, RBH hospital and being on call to the PA and QE2 hospitals and soon to be established Caboolture and Redcliffe hospitals. We thank the Parliamentary Committee for the opportunity to provide this submission.

We currently conduct visits to the BWCC on a fortnightly basis assisting women with family law, child protection, domestic violence and other legal issues. We have been visiting the prison on a continuous basis since the early 1990's or perhaps even earlier. Our response is informed by our client experience.



Some overall comments:

Significant changes are required to the criminal justice system in relation to domestic violence and sexual violence to increase reporting rates

WLSQ has publically called for the following in relation to the criminal justice system in Queensland:

- 1. Review criminal law and processes in relation to domestic and sexual violence**
An independent review of criminal laws and processes related to domestic and sexual violence to ensure greater responsiveness to victims and increased reporting rates that draws on the experience and expertise of other jurisdictions, both nationally and internationally. A range of issues could be considered by the review, for example:
 - The use of domestic violence and sexual violence experts in criminal trials
 - Separate legal representation for victims
 - The adequacy of current laws
 - The treatment of consent in sexual violence crimes
- 2. Develop a Queensland Sexual Violence Prevention Plan**
That the Queensland Government develop a Sexual Violence Prevention Plan as part of the broader Violence Against Women Plan, similar to the approach taken in New South Wales, to better understand the current system, ideas for reform to increase reporting rates, victims safety and justice and perpetrator accountability. Currently there is no Sexual Violence Prevention Plan in Queensland.
- 3. Provide increased support to victims of domestic and sexual violence in criminal matters**
Provide funded support to victims of domestic and sexual violence in the criminal process from specialised social workers and support workers.
- 4. The need for a Specialist Victim's Legal Response Program**
Establish and fund a specialist victim's legal response program to provide legal assistance, information and advocacy for victims of domestic violence and sexual violence involved in the criminal justice process. For example, information could be provided about bail hearings, interacting with Office of the Director of Public Prosecutions, parole issues, victims of crime applications.
- 5. Fully fund and provide funding certainty for specialist legal services for vulnerable women**
Fully fund all Women's Legal Service and other legal services providing specialist legal assistance and representation to vulnerable women, including ATSI Women's Legal Services so that no woman is turned away because of funding shortfalls. (At the moment we are unable to answer 40% of the calls to our domestic violence statewide legal helpline). Also, provide future funding certainty to ensure access to all women and children at risk of domestic violence obtain the legal support they deserve to achieve safety.

Without the right support for victims the legal process can be daunting, complex and overwhelming. If victims of domestic violence and sexual assault do not get the support they need when their cases are pursued through the criminal justice system, they are likely to not report at all, or may withdraw from the process, potentially resulting in long-term impacts including violence perpetrators not been held accountable for their crimes.

In relation to the specific questions asked in the Inquiry – we make the following observations:

What costs (including non-financial costs) does imprisonment impose, and who bears those costs? What evidence is available about the magnitude of the costs?

If women are imprisoned and they are the primary carers of children there is a profound financial and non-financial cost to the children and to the broader community. Children have to be placed with other family members or via the child protection system with other carers who may or may not be family members which all have flow on systemic costs. Children may have to be removed from their existing households, schools and routines. Arguably more weight should be given in sentencing to the impacts on children of the imprisonment of their mother.

Many vulnerable and disadvantaged women in the criminal justice system cannot meet the requirements for bail because they do not have access to stable accommodation. Some investment could be made in supporting these women facing imminent imprisonment with the ability to consider accommodation options or advocate on their behalf for some safe housing that satisfies court requirements.

What benefits does imprisonment provide to the community?

For some victims of domestic violence the imprisonment of the perpetrator provides a period of safety for themselves and the children. It means they do not have to live in hiding or on the run as they are safe at least for a period of time. There is no doubt a calculable cost of imprisonment. However, there is also a cost to the community in maintaining a victim's safety if the perpetrator is in the community. Eg. The victims and their children have to be removed from their current accommodation, supports and community to live in a women's refuge or other safe house, the children have to change schools, etcetera.

Are there sufficient support services available after their release?

No. Obviously being able to find accommodation and set up a stable life after imprisonment is a monumental ask for many vulnerable and disadvantaged women who are leaving prison. If women are faced with the alternative between homelessness and returning to a violent ex-partner – many women of course choose to return to domestic violence.

We would recommend that the system prioritise the relationship between the mother and children if it is safe to do so, during the term of imprisonment. If the children are living with the perpetrator the imprisonment of the mother provides opportunities for him to exert power and control and stop the children's relationship with the mother. This can have a devastating impact on women and lead to overwhelming feelings of hopelessness which upon her release means an increased likelihood to return to drug use and other criminal behaviour.

Whilst in prison we would recommend that the women be able to access domestic violence and sexual violence programs and individual trauma counselling. We would recommend that they be provided throughout their term of imprisonment the option of life skills programs eg. budgeting and finances, wellbeing, self-esteem, healthy cooking, writing a resume, job skills.

If you require any further information please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A Lynch', is centered on the page.

Angela Lynch
CEO
Women's Legal Service