Prisoners' Legal Service

Prison News

INFORMATION SHEET FOR PEOPLE IN PRISON IN QLD
PRISONERS LEGAL SERVICE INC
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Discrimination Complaints for Prisoners

There have been recent amendments to the *Corrective Services Act 2006* (Qld) which changes the pre-complaint steps a prisoner must take before being able to lodge a complaint with the Queensland Human Rights Commission (QHRC).

How to make a Discrimination Complaint to the QHRC

The QHRC can accept complaints about discrimination in Queensland. You must make the complaint within 12 months from the date you were discriminated against. If the discrimination is ongoing, you have 12 months from the first time the discrimination happened. If you are out of time you can request an extension. If you are in prison and want to make a complaint against QCS or Queensland Health, you must take the following steps before you can lodge a complaint with the QHRC:

Step 1: Write to the General Manager (GM)

You need to write a blue letter to GM explaining why you are being discriminated against. You do not need to mention in your letter, that you are considering making a complaint to the QHRC about discrimination. Keep a copy of this letter.

Step 2: Wait for a response OR wait for 4 months to pass

After you make the complaint to the GM, you must either wait for a response confirming your complaint has been dealt with, or wait for 4 months to pass. If you are not happy with the response, or 4 months have passed and you have not received a response, you can then make a complaint with the QHRC.

Step 3: Make your complaint with the QHRC

The QHRC can only accept a written complaint. You should attach the letter you sent to the GM from Step 1. If you need support to prepare the complaint, you can call the QHRC for free on the Arunta telephone system. Make sure to include any response you received from the GM in your complaint to the QHRC. You can write to the QHRC at:

Queensland Human Rights Commission
PO Box 15565
City East QLD 4002

This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.

Discrimination in Prison

You should not be treated less favourably while in prison compared with another prisoner because of your race, age, disability, sexuality, religion, or other grounds (see below). Sometimes it is reasonable for prisons to discriminate, such as to protect the health and safety of you or other prisoners.

This is the full list of grounds for discrimination in Queensland:

- race;
- impairment (disability);
- sex;
- age;
- sexuality;
- gender identity;
- lawful sexual activity as a sex worker;
- relationship status;
- parental status;
- family responsibilities;
- pregnancy;
- religious belief, non-belief or activity;
- trade union activity;
- political belief or activity;
- breastfeeding; or
- association with someone else who has one of these characteristics.

There are court decisions about discrimination against prisoners in Queensland. Two examples are:

Discrimination based on religious belief
Not having Halal meat available to a Muslim prisoner was discrimination.

Discrimination Based on impairment
Where a prisoner is denied access to work in the kitchen and participate in exercise with other prisoners because of their HIV status was discrimination.

PLS Closure

PLS is going to be closed from 24 October 2022 and will re-open on 7 November 2022. During this 2 week period we will not be taking any new enquiries or conducting work on existing matters. ***The PLS Prison Advice Line will not be answered during this period.***

This is due to our office having to relocate. While we will be in a different location all of our contact information will remain the same!

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