Prisoners' Legal Service

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Justice, Integrity and Community Safety Committee

Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026

Submission by Prisoners' Legal Service

6 October 2026

Overview

1. Prisoners' Legal Service (***PLS***) is an independent community legal centre in Queensland specialising in legal assistance for prisoners on issues related to their incarceration, including parole, prison conditions and administrative decision-making.

2. PLS recognises the importance of community safety and ensuring victims are appropriately informed and supported through the parole process. Those objectives are consistent with the protection of prisoners' rights and the effective rehabilitation and supervised reintegration of prisoners into the community. Rehabilitation, supervision and transparent decision-making are important mechanisms through which future offending is reduced and community safety is promoted.

3. PLS is concerned that several key proposed amendments in the *Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026* (the ***Bill***) replace individualised, evidence-based decision-making with codified requirements and rigid criteria, while reducing safeguards and the scope for discretionary considerations in parole and prison procedures that promote rehabilitation, reintegration and consequently, community safety.

4. This submission focuses on four aspects of the Bill:

    (a) clause 4, which removes the operation of section 58 of the *Human Rights Act 2019* (Qld) (***Human Rights Act***) from a broad range of corrective services decisions;
    (b) clause 33, which codifies factors that the Parole Board Queensland (***PBQ***) must consider when deciding parole applications;
    (c) clause 26, which restricts exceptional circumstances parole (***ECP***) to prisoners who satisfy a narrow medical test; and
    (d) clauses 12, 13 and 66, which expand the restricted prisoner declaration regime, introduce mandatory declaration periods and apply the new regime to existing prisoners.

5. These proposed amendments in the Bill engage a common policy concern. Community safety is best promoted through transparent decision-making that considers current risk, rehabilitation, available supports and the benefits of supervised reintegration relevant to a prisoner's individual circumstances. Mandatory rules that preclude the consideration of those matters on an individualised basis may increase the risk of less informed decisions and poorer long-term community safety outcomes.

6. It should also be recognised that many prisoners have themselves experienced significant victimisation, including childhood abuse, family violence and other forms of trauma.[1] The parole system should not approach victimisation as a binary consideration in which the interests of victims and prisoners are necessarily opposed. Rather, the PBQ should be able to take a balanced approach that recognises the experiences of victims, the rehabilitation of prisoners and the broader interests of community safety.

[1] See, e.g., Queensland Treasury, 'The overlap between offending and victimisation in Queensland', 8 January 2024, *Crime Research Report*, 16, 21, 24-25; Katherine McLachlan, 'Using Trauma Theory to Explain the Victim-Offender Overlap and Examining Its Relevance in Sentencing', (2025) *Victims & Offenders*, 20 (5-6), 1188, 1194.

Human rights safeguards should be retained

7. Clause 4 of the Bill proposes to insert a new section 5B into the *Corrective Services Act 2006* (Qld) (***Corrective Services Act***). The proposed section 5B excludes the operation of section 58 of the Human Rights Act in relation to a range of acts and decisions of the chief executive or corrective services officers under the Corrective Services Act and the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld).

8. Whereas section 58 of the Human Rights Act ordinarily requires public entities to act compatibly with human rights and to properly consider relevant human rights when making decisions, those obligations would no longer apply in relation to the acts and decisions covered by the proposed section 5B. Importantly, the amendment is not confined to dangerous prisoners or other high-risk cohorts. Rather, it applies broadly to corrective services decisions affecting prisoners in general.

9. PLS respectfully submits that there is insufficient basis for the broad exclusion of the operation of section 58 of the Human Rights Act. In the Statement of Compatibility accompanying the Bill, the Government acknowledges that section 58 is an important safeguard and that disapplying it represents a significant departure from the ordinary operation of the Human Rights Act. Yet there is no compelling basis identified in the Statement of Compatibility to justify the exclusion of section 58.

10. According to the Statement of Compatibility, the amendment is necessary to ensure Queensland Corrective Services officers can perform their functions efficiently and decisively.[2] However, neither the Statement of Compatibility nor the Explanatory Notes identify any examples, data or findings demonstrating that the current framework has compromised prison security, community safety or the effective operation of corrective services facilities. Notably, the Review of Parole Board Queensland – Final Report by Peter Hastie KC (***Hastie Review***), which the Queensland Government has confirmed it supports,[3] did not address section 58 of the Human Rights Act, or recommend the exclusion of its application.[4]

11. The existing legislation already accommodates the operational realities of prison management. Section 5A of the Corrective Services Act expressly recognises that corrective services decision-makers may take into account prison security, good management and the safe custody and welfare of prisoners without contravening section 58 merely for that reason. Section 58(2) of the Human Rights Act also provides that its obligations do not apply where a public entity could not reasonably have acted differently because of another statutory provision or legal requirement. Section 58(6) further provides that a contravention does not, of itself, invalidate a decision or expose an officer to criminal liability.

12. The Statement of Compatibility does not explain why these existing protections are inadequate, or why they should be replaced by a broad disapplication of section 58 of the Human Rights Act.

[2] Statement of Compatibility, *Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026* 4 ('*Statement of Compatibility*').
[3] Queensland Government, *Putting community safety and victims first in Queensland's parole system: The Queensland Government's response to the Review of Parole Board Queensland final report* (25 May 2026) 10.
[4] Peter Hastie KC, *Review of Parole Board Queensland* (Final Report, 22 September 2025) ('*Hastie Review*').

13. Indeed, the proposed amendment is significantly broader than the justification advanced for it. The Statement of Compatibility focuses heavily on dangerous offenders and the need to protect the community from high-risk individuals. However, proposed section 5B is not confined to decisions made in relation to dangerous offenders or specialist supervision regimes. It applies broadly to decisions affecting prisoners generally. It therefore removes section 58 safeguards from the entire prison population, rather than the limited cohort principally relied upon to justify the reform.

14. Section 58 is a legal safeguard that supports better decision-making. Better decision-making supports rehabilitation and community safety. In PLS's experience, the value of section 58 of the Human Rights Act lies in day-to-day decision-making, where it enhances prisoner rights in respect of decisions affecting their welfare, restrictive detention practices and vulnerable prisoners. Given most prisoners will ultimately return to the community, decisions that affect prisoners' physical and mental health, rehabilitation and reintegration are also community issues.[5] Reducing scrutiny of those decisions risks undermining rehabilitation and, in turn, the long-term objective of community wellbeing and safety.

15. PLS regularly engages in advocacy with corrective services, relying on section 58 of the Human Rights Act. For example, we have made submissions on behalf of women with psychosocial or intellectual disabilities who were being held in prolonged solitary confinement under safety orders, requiring decision-makers to consider the impact of those conditions on their mental health and dignity. PLS has also relied on section 58 in advocating for First Nations prisoners to be placed at correctional centres closer to their families and communities, ensuring proper consideration is given to cultural rights, family connections and the importance of maintaining community ties.

16. The Human Rights Act recognises the inherent dignity of all human beings and that all individuals in Queensland have human rights.[6] Some of the main objects of this Act are to "protect and promote human rights" and "help build a culture in the Queensland public sector that respects and promotes human rights".[7]

17. The Human Rights Act includes two specific rights that apply primarily to people in prison, and which would have limited utility if the proposed clause 4 is passed:

    - sections 17(a) and (b) protects a person's rights not to be subject to torture or treated or punished in a cruel, inhuman or degrading way; and
    - section 30(1) provides that all persons deprived of liberty must be treated with humanity and respect for the inherent dignity of the person.

18. In the absence of evidence demonstrating that the existing framework has impaired prison security, prison management or community safety, PLS submits that the Committee should recommend for the proposed section 5B to be omitted from the Bill.

[5] Only 338 adult persons were serving indefinite sentences as at 30 June 2025. See Queensland Government Statistician's Office, *Justice Report, Queensland 2024-25, Criminal Justice Statistics* (2026) 114.
[6] *Human Rights Act 2019* (Qld) s 11 and preamble.
[7] *Human Rights Act 2019* (Qld) s 3.

Codification of considerations in determining parole applications

19. Clause 33 of the Bill proposes to codify the factors the PBQ must consider when deciding parole applications under the Corrective Services Act. While this broadly implements Recommendation 11 of the Hastie Review the Bill omits three of the considerations set out in Recommendation 11:

    (a) whether the prisoner has supports or services available that may reduce their risk to the community;
    (b) whether an Aboriginal or Torres Strait Islander prisoner has a community to return to that will offer accommodation and support; and
    (c) whether the prisoner has had a reasonable opportunity to undertake rehabilitation programs in prison, and the nature, extent and outcome of those programs.

20. The Bill also narrows the wording of the Hastie Review recommendation that the PBQ must consider 'any *relevant remarks* made by the court in passing sentence' to 'any *adverse statement* regarding the prisoner and the potential risk the prisoner poses to the community'.

21. PLS is concerned that these departures from Recommendation 11 of the Hastie Review, as well as the current ministerial guidelines, remove considerations that are more favourable to a prisoner's rehabilitation, making the framework for parole decision-making more punitive.

22. One of the underlying purposes of the Corrective Services Act is the humane containment, supervision and rehabilitation of offenders, alongside community safety.[8] These purposes are not in tension: successful rehabilitation and supervision is how community safety is achieved.

23. The proposed amendments remove the considerations that allow the PBQ to have regard to rehabilitation and supervised reintegration objectives, while retaining and enhancing punitive considerations. In light of this, it is important to note that punishment is not one of the stated purposes of the Corrective Services Act, nor is it the purpose of parole.[9] As noted by Mr Walter Sofronoff QC in the Queensland Parole System Review and quoted in the current ministerial guidelines:

    'the only purpose of parole is to reintegrate a prisoner into the community before the end of a prison sentence to decrease the chance that the prisoner will ever reoffend. The only rationale for parole is to keep the community safe from crime'.[10]

24. In light of this, the proposed amendment from the Hastie Review recommendation that the PBQ is to consider 'relevant remarks' made by the court to 'any adverse statement' regarding potential risk to the community is particularly concerning, as it casts this consideration in a negative framing (by requiring the PBQ to consider only negative remarks) that is contrary to the consideration of mitigating remarks that may support the grant of parole from.

25. For reasons such as an early guilty plea or other mitigating factors, a sentencing judge may intentionally mitigate a prisoner's sentence, so that a prisoner is able to be released on parole at an earlier date. These sentencing remarks may then be used to support parole applications.

[8] *Corrective Services Act 2006* (Qld) s 3(1).
[9] Ibid.
[10] Minister for Corrective Services (Qld), *Ministerial Guidelines to the Parole Board Queensland* (21 December 2024), s 1.3 (*'Ministerial Guidelines'*).

26. By way of example, PLS has acted for a young woman seeking parole and relied on sentencing remarks in which the court recognised her strong prospects of rehabilitation, including her youth and her role as the primary carer of young children. The court also observed that ongoing supervision and support in the community on parole would assist her long-term rehabilitation and reintegration. These favourable remarks were relied upon in support of her parole application, as they identified factors weighing in favour of release on supervised parole rather than continued incarceration.

27. A framework that mandates the PBQ must consider only adverse statements would exclude consideration of mitigating factors mentioned in sentencing remarks for the purposes of considering parole applications in similar circumstances to these.

28. The removal of the PBQ's ability to consider circumstances that reflect favourably on a prisoner and supports their release does not enhance community safety. It only serves to prevent the PBQ from taking relevant positive considerations into account, while retaining the ability to consider adverse aggravating factors. This will lead to parole decision-making on the basis of incomplete information.

29. The omission of access to rehabilitation programs in prison as a relevant consideration for determining parole applications is also of concern. Recommendation 11 of the Hastie Review recognised that access to rehabilitation programs is relevant to assessing a prisoner's current risk and prospects for safe reintegration into the community. However, the Bill omits this consideration.

30. Queensland has a well-documented shortage of rehabilitation programs and extensive waitlists, meaning many prisoners are unable to complete recommended programs through no fault of their own.[11] For example, the Queensland Audit Office reported that there were 1,016 prisoners on the waitlists for rehabilitation programs as at 31 March 2026, and that prisoners waited, on average, one year and four months to access those programs.[12]

31. The omission of this important consideration is difficult to reconcile with the objective of community safety. Recommendation 11 of the Hastie Review recognised that access to rehabilitation programs and community supports are relevant because they are mechanisms through which risk can be reduced. Where a prisoner has been unable to access rehabilitation because of systemic shortages and waiting lists, a decision-maker should be able to take that circumstance into account. For some prisoners, delays may mean reaching their full-time release date without commencing or completing recommended programs. For others, it may mean accessing programs only shortly before release, leaving little opportunity for supervised reintegration in the community.

32. Removing this consideration prevents the PBQ from considering whether a prisoner's risk may be better managed through access to treatment, support and parole supervision in the community rather than through continued detention followed by release without a meaningful period of supervision. This includes circumstances where continued detention may entail a denial of access to rehabilitation opportunities that parole might deliver more expeditiously. Excluding this factor from the consideration of parole applications may therefore undermine, rather than promote, community safety.

[11] *Hastie Review* (n 4) 50 [212].
[12] Queensland Audit Office, *Rehabilitating and reintegrating prisoners* (Performance Audit Report, 7 July 2026) 16.

33. A relevant factor for the PBQ to consider when assessing parole applications under the current ministerial guidelines is the likelihood of accessing rehabilitation programs in custody, as assessed against the prospect of immediate treatment and support in the community on parole.[13] Queensland courts have consistently emphasised the importance of the PBQ taking into account the availability of equivalent treatment in the community when determining parole applications and have set aside decisions of the PBQ for failing to take this relevant consideration into account.[14]

34. PLS has acted for prisoners who are unable to access or meaningfully participate in offence-specific programs in custody because of disability or other barriers. In those matters, we have arranged for our clients to engage in specialised psychological intervention in the community immediately upon release on parole. Attendance at that treatment can be monitored through parole conditions and supervision. In such cases, release on parole provides a more realistic and timely pathway to rehabilitation than continued incarceration, where equivalent treatment may not be available or accessible.

35. Relatedly, the proposed amendments also omit the established requirement for the PBQ to weigh the benefits of a period of supervised parole against the risk of releasing a prisoner unsupervised at their full-time release date. While this was not a recommendation included in the Hastie Review, it is reflected in section 1.3 of the current ministerial guidelines, which state that the PBQ should consider 'whether the risk to the community would be greater if the prisoner does not spend a period of time on parole under supervision prior to fulltime completion of their prison sentence'.[15]

36. The requirement to consider whether the risk to the community would be greater if a prisoner did not spend a period of time supervised on parole, prior to full-time release, is also well-established in Queensland case law.[16] As articulated by the Queensland Court of Appeal:

> *'…if community safety is to be achieved by supervision and rehabilitation, it is necessary to consider an applicant's likely progress over the potential parole period, rather than confining considerations to the present or the immediate future.'*[17]

37. Accordingly, it is PLS's position that Parliament should implement Recommendation 11 of the Hastie Review as drafted and should also maintain the PBQ's existing obligation to weigh the benefits of supervised parole against the risk of unsupervised release at full-time release.

Exceptional circumstances parole

38. Section 176A of the Corrective Services Act presently imposes particularly stringent eligibility criteria for ECP applications made by a 'restricted prisoner', which is defined to refer to prisoners sentenced for life imprisonment for serious offences, such as more than one murder or for the murder of a child. Clause 26 of the Bill proposes to remove the reference to 'restricted prisoners' from the provision, which in effect will extend those same stringent criteria to every prisoner who applies for ECP, regardless of the nature of their offending.

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[13] *Ministerial Guidelines* (n 10) s 1.3.
[14] See, eg, *Nijp v Parole Board Queensland* [2024] QSC 104, [102]; *Gough v Southern Queensland Regional Parole Board* [2008] QSC 222, [65] and *Cuzack v Queensland Parole Board* [2010] QSC 264, [30]–[31].
[15] *Ministerial Guidelines* (n 10) s 1.3.
[16] See, eg, *Queensland Parole Board v Moore* [2010] QCA 280; *Johnston v The Central and Northern Queensland Regional Parole Board* [2018] QSC 54 and *Rhodes v Parole Board Queensland* [2018] QSC 223.
[17] *Queensland Parole Board v Moore* [2012] 2 Qd R 294, 301 [11]–[14].

39. If enacted, every prisoner applying for ECP would be subject to the test that currently applies only to 'restricted prisoners'. That is, the PBQ would be required to refuse ECP unless the prisoner demonstrates that, because of a diagnosed disease, illness or medical condition, they are either in imminent danger of dying or so physically incapacitated that they cannot cause harm to another person; that they do not pose an unacceptable risk to the public; and that release is justified in the circumstances. The Explanatory Notes describe this as creating a consistent framework for all prisoners that better reflects community expectations.[18]

40. The amendment replaces an exceptional circumstances regime with a rigid and extreme medical condition test. PLS is concerned that the proposed amendment would fundamentally undermine the purpose of the ECP regime. ECP exists as a flexible safeguard that enables the PBQ to respond to genuinely exceptional circumstances that cannot be anticipated exhaustively in legislation. By extending to all prisoners the stringent test designed for the narrow category of 'restricted prisoners', the Bill would convert that safeguard into a confined medical-release regime available only where a prisoner is imminently dying or incapacitated due to a medical condition. It would thereby exclude other compelling and genuinely exceptional cases, irrespective of the prisoner's risk profile or whether continued detention serves any legitimate community safety purpose.

41. The proposed 'imminent danger of dying' threshold is impractical and risks defeating the purpose of the scheme. Terminal illness is rarely linear or predictable. Recent coronial findings concerning Edgar Sandow and Jay Harmer demonstrate that prisoners may die before ECP applications can be determined even under the current regime.[19] In the 2023-24 financial year, the PBQ reported that only one person was granted an exceptional circumstances parole order.[20]

42. By requiring a prisoner to establish that death is imminent before relief becomes available, the amendment risks creating a situation where the application process itself becomes incapable of operating effectively before a prisoner dies in custody. The amendment therefore narrows the time available for the PBQ to respond to serious medical deterioration rather than improving community safety outcomes.

43. The proposed amendment also assumes prisons can adequately respond to serious medical and care needs that may be better managed in the community. The new ECP framework proposed is predicated on an assumption that continued detention remains appropriate unless a prisoner is imminently dying or physically incapacitated. However, inspection reports from the Queensland Ombudsman's Inspector of Detention Services have repeatedly identified delays in medical treatment, delays in medication administration, staffing shortages and facilities that are not fit for purpose.[21] The courts have also recognised that circumstances such as severe diabetes, the inability to properly manage prescribed treatment in custody and delayed access to emergency medical care may be highly relevant to exceptional circumstances parole.[22] PLS is concerned that the proposed amendment would prevent the PBQ from responding to circumstances where a

[18] Explanatory Notes, *Protecting Queenslanders from Dangerous Prisoners and Strengthening Victims' Rights Amendment Bill 2026* 4 (*'Explanatory Notes'*).
[19] *Inquest into the death of Jay Maree Harmer* (Coroners Court of Queensland, State Coroner Terry Ryan, 10 August 2018) and *Inquest into the death of Edgar Hugh Sandow (aka Conlon)* (Coroners Court of Queensland, State Coroner Terry Ryan, 5 July 2023).
[20] Parole Board Queensland, *Annual Report 2023-24*, 13.
[21] Inspector of Detention Services, Queensland Ombudsman, *Capricornia Correctional Centre inspection report* (Report, July 2026) 5, 51, 53; Inspector of Detention Services, Queensland Ombudsman, *Brisbane Correctional Centre inspection report* (Report, April 2026) 74, 77, 79; Inspector of Detention Services, Queensland Ombudsman, *Southern Queensland Correctional Centre inspection report* (Report, March 2025) 55-56, 57.
[22] *Leggett v Queensland Parole Board* [2012] QSC 121.

prisoner's medical needs cannot be adequately met in custody, notwithstanding that the prisoner is not considered to be 'in imminent danger of dying'.

44. The proposed amendment prevents the PBQ from responding to serious circumstances that fall short of imminent death or physical incapacity. By contrast, the existing framework allows the PBQ to consider circumstances that are exceptional but do not fit a narrow medical definition. In *Leggett*, the Court held that the PBQ failed to properly consider a prisoner's severe diabetes, difficulties managing insulin in custody and concerns about access to emergency medical treatment, together with the deterioration in his wife's health, as relevant exceptional circumstances.[23] PLS has also previously assisted clients to successful apply for ECP.

45. For example, PLS assisted a female prisoner to obtain ECP following complications associated with the premature birth of her child. Both our client and her infant were experiencing significant hardship arising from their separation and ongoing medical needs. She was serving a sentence for low-level offending and was only a few months away from her parole eligibility date. The PBQ found that her circumstances justified her release on exceptional circumstances parole.

46. The proposed amendment would prevent relief being granted in similar cases. This is particularly significant because some prisoners cannot adequately access treatment, medication or care while in custody, despite not being in imminently danger of dying or incapacitated due to a medical condition. For example, certain forms of strong pain relief may not be able to be prescribed or administered safely in prison because of the risk of diversion, misuse or pressure from other prisoners.[24]

47. PLS has also assisted clients with terminal illnesses and other serious medical conditions to obtain ECP in circumstances where they were not facing imminent death, but where their medical needs could not be adequately met in custody. In these cases, our clients were experiencing severe pain, distress or deterioration in their condition that could not be effectively managed in the correctional environment because of medication restrictions, operational limitations, or constraints on the availability of specialised clinical or palliative care. These applications were supported by independent medical evidence which confirmed both the seriousness of the client's condition and the limitations of the custodial environment in meeting their treatment and care needs.

48. The proposed amendment would remove the PBQ's ability to respond to those circumstances unless the prisoner can satisfy the narrow statutory test.

49. The Explanatory Notes to the original Corrective Services Bill 2006 (Qld) expressly contemplated ECP being available in a broader range of exceptional circumstances, including where a prisoner is the sole carer of a seriously ill spouse.[25] Under the proposed amendment, circumstances of this kind could no longer justify release, regardless of their severity, humanitarian significance or the prisoner's risk profile.

50. PLS submits that clause 26 should be omitted from the Bill. The current framework already permits the PBQ to assess ECP applications on a case-by-case basis, whereas the proposed amendment would impose a rigid and narrow medical condition test that risks excluding precisely the circumstances ECP was designed to address.

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[23] Ibid.

[24] Inspector of Detention Services, Queensland Ombudsman, *Brisbane Correctional Centre inspection report* (Report, April 2026) 21, 77.

[25] Explanatory Notes, *Corrective Services Bill 2006 (Qld)* 141.

Mandatory restricted prisoner declarations

51. Clauses 12 and 13 substantially expand the existing 'restricted prisoner' declaration regime by extending it to all prisoners serving life imprisonment, introducing mandatory 'restricted prisoner' declarations and imposing parole application bans of between five and ten years. Clause 66 applies the regime to existing prisoners, including those who have already reached their parole eligibility date and those who have already applied for parole.

52. The existing regime applies to a limited category of prisoners serving life sentences for serious offences, such as multiple murders or the murder of a child. The President of the PBQ may make a declaration where satisfied that it is in the public interest, having regard to the offending, risk to the public and impact upon victims.

53. The amendments remove this individualised threshold for the initial declaration and substantially expand the cohort subject to the regime. PLS is concerned that experienced decision-makers within the PBQ should retain the ability to assess whether a declaration is necessary in each particular case. Community safety is better served by contemporary and evidence-based assessment than by a rule that predetermines the outcome for every life-sentenced prisoner.

54. The Bill also departs from the balanced approach reflected in the Hastie Review's restricted prisoner recommendations. The explanatory materials identify the power for the Deputy Presidents to make restricted prisoner declarations as implementing Recommendation 24 of the Hastie Review.[26] However, the other recommendations relating to restricted prisoners were directed to improving the administration, transparency and timeliness of the existing regime. Recommendation 22 proposed earlier preparation of restricted prisoner reports.[27] Recommendation 23 proposed additional reporting requirements to promote accountability and monitor delay.[28] Recommendation 25 proposed strengthened victim notification requirements.[29] Together, those recommendations reflect a concern with ensuring restricted prisoner declarations are made through a transparent, accountable and efficient process that preserves individualised decision-making.

55. By contrast, the Bill's principal reform is to significantly expand the cohort of prisoners subject to the regime and introduce mandatory declaration periods. In doing so, the amendments move away from an approach based on scrutiny, accountability and case-by-case assessment and towards a more rigid framework that reduces the role of individualised decision-making.

56. PLS is concerned that the proposed amendments undermine, rather than advance, the balanced approach that underpinned the Hastie Review's recommendations concerning restricted prisoners. We are also concerned that the proposed amendments may create an increased administrative burden for the PBQ. Given that restricted prisoner matters generally take significantly longer to finalise in our experience, expanding the cohort of prisoners subject to the regime is likely to have adverse implications for the timely determination of parole applications.

[26] *Explanatory Notes* (n 25) 3.
[27] *Hastie Review* (n 4) 86 [343].
[28] *Hastie Review* (n 4) 87 [346].
[29] *Hastie Review* (n 4) 89 [352].

57. The amendments significantly expand the cohort captured by the regime without demonstrating a corresponding benefit to victims or community safety. The existing restricted prisoner framework applies to a relatively small cohort of prisoners serving life sentences for multiple murders or the murder of a child (71 prisoners).[30] The Bill expands the regime to all prisoners serving life imprisonment and imposes an additional mandatory period of at least five years before affected prisoners may seek parole (334 prisoners).[31]

58. The explanatory materials assert that the amendments will reduce uncertainty and re-traumatisation for victims and their families.[32] However, no evidence is identified demonstrating that mandatory additional exclusion periods will achieve those objectives or improve long-term community safety outcomes. In fact, research supports that homicide and life sentence prisoners have low recidivism rates.[33]

59. It should also be noted that victims do not hold uniform views about parole. PLS has acted for several clients serving sentences for homicide offences whose victims and/or communities supported their release on parole. Removing the President or Deputy President's discretion to decide whether to make a restricted prisoner declaration risks disregarding those victims' views.

60. Mandatory declaration periods undermine the proper role of parole and incentives for rehabilitation. Parole forms part of a prisoner's sentence, but serves a different function from sentencing. As the Hastie Review explains by reference to the *Penalties and Sentences Act 1992* (Qld), punishment, deterrence and denunciation are matters addressed at sentencing, whereas parole is concerned with community protection, rehabilitation and reintegration.[34]

61. The Hastie Review also emphasises that parole facilitates a prisoner's supervised transition into the community and may thereby reduce reoffending and antisocial behaviour.[35] Mandatory exclusion periods of five to ten years prevent the PBQ from assessing a prisoner's rehabilitation and current risk during that period, irrespective of their progress or circumstances. They may also remove an important incentive for rehabilitation and effectively impose an additional punitive consequence beyond the sentencing court's determination. PLS is concerned that this approach does not promote rehabilitation or evidence-based risk assessment and may ultimately undermine long-term community safety.

62. PLS recommends that the Committee recommend that the proposed expansion of the restricted prisoner declaration regime to all prisoners serving life imprisonment not proceed. Moreover, the restricted prisoner regime should remain discretionary and based on individualised assessment. If the expanded regime proceeds, it should not apply to prisoners who were sentenced, reached their parole eligibility date or applied for parole before commencement.

[30] Explanatory Speech, 15 September 2026, 2762.
[31] Ibid.
[32] *Explanatory Notes* (n 25) 2.
[33] John Anderson, 'Recidivism of paroled murderers as a factor in the utility of life imprisonment' (2019) *Current Issues in Criminal Justice* 31(2), 255.
[34] *Hastie Review* (n 4) 92 [367].
[35] *Hastie Review* (n 4) 24 [70].

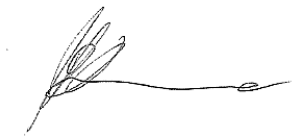
Conclusion

63. In summary, PLS submits that:

    (a) Clause 4, which removes the operation of section 58 of the *Human Rights Act* from a broad range of corrective services decisions, should be omitted from the Bill.
    (b) Parliament should implement Recommendation 11 of the Hastie Review as drafted and should also maintain the PBQ's existing obligation to weigh the benefits of supervised parole against the risk of unsupervised release at full-time release.
    (c) Clause 26, which restricts ECP to prisoners who satisfy a narrow medical test, should be omitted from the Bill.
    (d) Clauses 12, 13 and 66, which expand the restricted prisoner declaration regime, introduce mandatory declaration periods and apply the new regime to existing prisoners, should not proceed.

64. PLS welcomes the opportunity to engage further with the Committee in relation to the Bill and remains available to answer any questions arising from this submission.

Yours sincerely,



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