



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

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Christine McDonald
Inquiry Secretary
Legal and Constitutional Affairs References Committee
Parliament House
CANBERRA ACT 2600

By Email: legcon.sen@aph.gov.au

Dear Secretary

Justice Reinvestment

I write to you on behalf of the Queensland Council for Civil Liberties ("the QCCL") to make a submission to the Committee in relation to Justice Reinvestment.

The Council welcomes the Senate's reference to the Committee.

The QCCL is a voluntary organisation established in 1967 which has as its principle purpose the implementation of the Universal Declaration of Human Rights (UNDHR) in Queensland and Australia. Some of the articles of UNDHR relevant to your inquiry include :

Article5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article9

No one shall be subjected to arbitrary arrest, detention or exile.

Article11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or

international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

The particular points referred have long been a concern to the Council.

Item (d) requires particular attention and should be addressed individually in relation to various representatives of the prison population rather than as a group. The cost, effectiveness and availability of programs are likely to be significantly different for groups such as those identified in paragraph (c).

Justice Reinvestment is one of many options and alternatives to imprisonment. Others include diversion programs, decriminalisation of minor offences and more extensive use of other sentencing options. Each alternative needs to be examined and compared to both imprisonment and justice reinvestment in relation to all groups and all types of offending for a view to be formed about the effectiveness and costs of any other alternative.

The Council feels that without this full range of comparison the Committee would be unable to fully address the terms of the referral.

We trust this submission is of assistance in your deliberations.

Yours faithfully

**Andrew Sinclair
President QCCL**

**For and on behalf of the
Queensland Council for Civil Liberties
12 March 2013**