

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Community Based Sentences (Interstate Transfer) Bill 2019
Date: Friday, 30 August 2019 4:13:06 PM

To the Legal Affairs and Community Safety Committee in regards to the Community Based Sentences (Interstate Transfer) Bill 2019,

This is an important piece of legislation for the primary reason that it provides opportunity for low-risk offenders to extricate themselves from social environments that may lead to repeat offences, extend the range of opportunities available to individuals and make a fresh start for themselves.

- s24.6.b, An interstate travel permit ceases to have effect in an interstate jurisdiction to which it authorizes travel if— "the offender is arrested under a warrant issued under the corresponding law of that jurisdiction."

This seems to lack proportionality, legal justification and is arbitrary. Arrest does not seem sufficient for invalidation of a travel permit. In conjunction with Section 120, this could lead to immediate imprisonment of a community sentenced offender in the absence of any wrongdoing due to the fact that the arbitrary nature of the penalty could result in homelessness and unemployment. Arrests do not always lead to charges being pursued and an offender may be able to, for example, show cause for the failure to attend a court date or substantial evidence arises during interrogation such that an officer believes the accused is not guilty of an offence. As per the Code Napoléon, a man may only be penalized for a crime for which he is responsible. As per the Magna Carta, "Liber homo non amercietur pro parvo delicto nisi secundum modum ipsius delicti, et pro magno delicto, secundum magnitudinem delicti, salvo contenemento suo...et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum et legalium hominum de visneto." All penalties must be proportionate according to the crime while no man should be deprived of his necessities; proportionality must be judged **according to honest men under oath**. As such, invalidation should be default however retaining discretion to cancel a travel permit should be allowed, possibly with the concurrence of a senior law enforcement officer and recorded.

in order to guarantee maximum participation and mitigate against litigation, it should be positively stated in the legislation on what basis law enforcement officers may discriminate upon the suitability of candidates for interstate transfers and travel permits regarding the nature of the crime and whether or not that decision may be determined to be final or whether it may be subject to unlimited appeal as provided in the current legislation. While most community members would be happy to take in a jaywalker or a kid who got caught tagging, emotions will be hostile and volatile for aggravated and sexual offences. I would also like to recommend that an annual report be generated to reflect and monitor the success and compliance with this program in order to ensure this

legislation is in the best interests of community members.

This submission is made on my own behalf as a private individual.

Robert Heron

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]