Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

Hansard 27 August 1998

CORRECTIVE SERVICES AND PENALTIES AND SENTENCES AMENDMENT BILL

Mr SPRINGBORG (Warwick—NPA) (11.48 a.m.): I move—

"That the Bill be now read a second time."

In the lead-up to the 13 June State election, the coalition promised the people of Queensland that it would introduce legislation to make mandatory 100% custodial sentences for offenders convicted of serious violent offences. Honourable members are aware that the coalition in Government significantly increased the custodial sentences of convicted offenders defined by the law and by the courts as having committed serious violent offences. The law introduced by the coalition Government required these classifications of prisoners to serve at least 80% of their sentences in custody—up from the 50% requirement previously in place.

This arrangement was felt by the coalition at the time to meet the reasonable demand of ordinary, law-abiding Queenslanders that violent criminals be held accountable for their actions and that the community be kept safe from these predators. It also met the requirement that criminals convicted of serious violent offences should not only demonstrate remorse but also genuine achievements in the direction of their rehabilitation.

The coalition's election policy platform announced by my honourable friend the member for Surfers Paradise on 1 June included a promise that the coalition would act to increase to 100% of sentence the time serious violent offenders should serve in custody. The legislation I have introduced into the House under the private member's Bill provisions delivers on that commitment.

The Corrective Services and Penalties and Sentences Amendment Bill 1998 provides for 100% custodial sentences for specified classes of violent offenders. It also provides for certain flow-on changes that are required as a consequence of this.

It is a sensible legislative proposal which deserves the support of every member of the House. It matches community expectations that punishment must fit the crime—a most basic expectation that I believe is beyond debate. It is fair to the overwhelming majority of Queenslanders—the ordinary, decent Queenslanders who do not bash or rape or murder. It is fair to the ordinary, decent Queenslanders who reasonably expect that their Governments will do all they can to protect the innocent from the perverted depredation of the evil few. It is fair to the violent law-breakers who will in the future be dealt with under the law.

This Bill provides for the new 100% rule to take effect from the date of assent to the legislation. No existing prisoner will be affected by the new law for the sentence they are currently serving. No-one convicted of an offence before the Bill is assented to will be affected. Only people who commit such crimes on or after the date of assent will be subject to the new laws. It is therefore a prime deterrent, a stronger deterrent, a deterrent whose effect is to mandate that the full term of a prison sentence will be served by a serious violent offender.

There will be no more fictional sentences of so many years comprising some period, often an extensive period, of freedom in the community under often very lax supervision. Ten years will mean 10 years. A sentence given will be the sentence served. Judges will have all the discretion they currently have in sentencing, but they will approach sentences under this legislation with the full knowledge that if they sentence someone as a serious violent offender in the 10 years plus category they will serve their

full sentence. If a sentence is in the five to 10-year category, it will be left to the judge's discretion to determine if that person should be sentenced as a serious violent offender for the purposes of this Act.

There are some consequential changes that will be made necessary by the provisions of this Bill. These will be in relation to the release back into the community of serious violent offenders at the completion of their 100 per cent sentences. The Bill provides for a mandatory six-month period of community supervision for every 100 per cent prisoner upon release. This is not a further penalty, and I do not believe the community will view it as such. It is a period of supervision designed to assist the reintegration of and convey the offender back into the community in a responsible mode of conduct after he or she has paid the full price of their crime. This provision will ensure that the community is adequately protected and that violent offenders are not cast back into the community willy-nilly or without support or sufficient acquired social skills.

The Bill provides for the hearing of matters relating to community supervision well before the offender is due for release. It requires that this hearing be by a judge of the sentencing court and happens not more than six months and not less than three months before the completion of the sentence. It requires that a prisoner may be placed under a supervision order for up to five years after release—in other words, the mandatory six months—and, if the judge so determines, up to an additional four years and six months. Assessment for community supervision will be based on a prisoner's rehabilitation progress and behaviour while in prison.

The incentive for the prisoner is the existing classification system which recognises good behaviour. Also, the potential length of the post-sentence supervision period is an incentive for good behaviour and rehabilitation.

We intend that the sensible provisions proposed in this Bill be the subject of community discussion during the period the legislation is before the House. We believe that this is both sensible, in that the widest possible community discussion of policy issues is obviously a desirable thing, and fair to all concerned. It will enable everyone with an interest in community value-based government to have a say. It will mean that anyone with a genuine grievance against the legislation will have an opportunity to raise that grievance before we debate the Bill.

This is a wholesome process. It is an exercise in participatory democracy. It is inclusive of the whole community in the business of legislation. However, it is impossible, in my view, to argue against the basic premise on which this policy is based—the premise that an offender defined by this Bill must serve the full sentence for the crime committed.

I look forward particularly to the contribution my learned opponent, the Attorney-General, will be able to make to this process if he so desires, but I hope his comments are not confined to lamenting the wellbeing of serious violent offenders before the wellbeing of the victims and the community at large.

I believe that the novel circumstances of this 49th Parliament, in which the effectively two-party system we are used to in Queensland has been set aside, provide us all with many opportunities as well as challenges. I believe that, as members of a representative Chamber, we should all welcome this. Parliament is not the incessantly combative place that some like to see it as and portray it as. At any time in a democratic community, as well as in a Westminster-style Parliament, much more binds us together than drives us apart. It is in that spirit that I bring this Bill to the House. The issue it addresses is not one that should divide us. It is about making people who have committed heinous crimes pay the full price for those crimes. Criminal justice should not be administered like a discount mart.

The Bill is forward thinking; it delivers the very essence of natural justice. The Bill does not place unbearable strain on the public resources that Queensland must outlay to manage and contain those who commit the foulest of crimes.

Serious violent offenders as defined by the existing Act—and we do not propose in this Bill to make any changes to those definitions—are a small portion of the prison population. No-one sentenced under the provisions we propose in this Bill will become a custodial problem, in the sense of creating an additional accommodation problem, for some time into the future. No-one sentenced under the provisions of this Bill will serve less than five years, giving the Government of the day, and indeed future Governments, considerable time to address the issues of adequate resources and management of additional supervision.

The general resourcing of offender programs and supervision of offenders whilst on parole is something Government must continue to address quite separate to this legislation. It is an indictment on the management ability of any Government if it cannot forward budget for between five and 10 years.

Existing rules for serious violent offenders require that these people serve at least 80% of their sentence behind bars. This Bill mandates only the additional 20%—the final and, may I say, deserved one-fifth of their penalty.

This Bill will not create chaos in the prison system tomorrow, or indeed ever, if sensible forward planning is undertaken. It is the principal task of the Government of the day to engage in sensible forward planning. Resources and funding are issues for the Government of the day. The community would be justifiably outraged if any Government chose to discount prison sentences in the interests of budget savings. That is not an option for any side of politics. The safety of our community and the rights of victims are too fundamental, just as it is the right of people to expect that a Government will deliver natural justice. I commend the Bill to the House.