



Speech by

**Mr R. QUINN**

**MEMBER FOR MERRIMAC**

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**CORRECTIVE SERVICES AND PENALTIES AND SENTENCES AMENDMENT BILL**

**Mr QUINN** (Merrimac—LP) (Deputy Leader of the Liberal Party) (10.30 p.m.): In the lead-up to the Bill's introduction—and, indeed, since its introduction—there has been a lot of comment in the media on the perceived positives and the perceived negatives of such a Bill. I say "perceived" because most of the comment being offered to the public was made prior to the Bill's introduction. It was also made by people who did not have the faintest idea about what was contained in the proposed legislation.

Like those who unquestionably believe the excesses of wartime propaganda, the Attorney-General and certain former justices feared the worst. They feared a redneck approach that had its genesis in some far Right Wing manifesto. There were claims that criminals would walk straight from prison back into the community at the end of their sentences without having benefited from any form of community reintegration or supervision. The Attorney-General himself opted for some South American-style economic formulas to calculate that an extra six 400-bed prisons would need to be constructed. There was the claim that the removal of parole would wipe away any incentive for prisoners to behave and reform while incarcerated. And one newspaper took fright—along with some 4,000 prisoners, by the way—that the Bill would be retrospective.

The Corrective Services and Penalties and Sentences Amendment Bill is all about truthfulness in sentencing. Unlike the current system, it is not about deception in sentencing. The sentences imposed on serious violent offenders will be the sentences served. It is called doing the time for the crime. It is abundantly clear that this Bill is not retrospective. The Bill will apply only to those people who commit a crime covered by the Bill after it becomes law. Nor will the Bill apply to all crimes. It will apply only to serious violent offenders sentenced to 10 years or more. Or, at the court's discretion, it can apply to those serious violent offenders sentenced to between five and 10 years. The Bill will not change the definition of a serious violent offender. So, as members can see, the concerns expressed in some circles that this Bill will blow out the prisons budget are unfounded. The scope of the Bill and the particular sorts of criminals to which it applies are strictly limited. The Bill's provisions are limited to some of the most violent and evil criminals. The coalition makes no apologies for targeting those criminals.

There has been some concern expressed within judicial circles that a move towards truth in sentencing will in some way remove the independence of judges by taking away the ability of a judge to be able to assess cases individually. This Bill does not in any way remove judicial independence or discretion. Nor does this Bill introduce minimum sentences. A judge will retain the power to determine if a prisoner should be sentenced as a serious violent offender for 10 years or more. That has always been a judge's determination, and it will remain so. In addition, a judge will be able to decide if a serious violent offender sentenced to between five and 10 years should be declared as a serious violent offender and be subject to a 100% sentence. That is at the judge's discretion.

The independence of the judiciary is preserved in this Bill. It is as simple as that. Prior to the Bill's introduction, there was some concern expressed about the removal of parole provisions for serious violent offenders. There was concern that this could result in an offender being released and walking straight back into our society without any form of community rehabilitation. On this point, I would like to make something abundantly clear: nothing I would ever support—or, indeed, the coalition would ever support—would in any way compromise the safety of our community. The safety of law-abiding citizens

is always paramount. If there is ever the slightest conflict between the rights of law-abiding citizens and the so-called rights of criminals then, as far as I and the coalition are concerned, there is no conflict at all. Law abiders come first, without exception. That is why we will not tolerate—nor would the community tolerate—a situation in which there is no community integration and no monitoring of offenders once they have left the confines of a prison.

Under this Bill, at the completion of the sentence a prisoner will be released under a community supervision program for a period of between six months and five years. The term of the community supervision will be set towards the completion of the prisoner's sentence. This will ensure that the term and the extent of community supervision is based on an assessment of the prisoner's progress during his or her imprisonment. If the prisoner has reformed and can demonstrate an exemplary record, then this supervision period could be for as little as the minimum six-month period. And the conditions of that supervision could also be minimal. However, if we are dealing with a prisoner who has failed to reform, failed to show signs of remorse, and has also demonstrated a particularly bad record in prison, then we must be tough. That prisoner may attract the maximum five-year community supervision period, and it would most likely come with the strictest of conditions—conditions that may even include not allowing the offender to live in the same town or within a certain radius of the victim or their relatives. This could be the case, for example, where we are dealing with a rapist or a perpetrator of some other violent crime.

Equally, the conditions in the case of someone who has displayed severe behavioural problems during his or her term of imprisonment may include an abstinence from alcohol for the duration of the community supervision period, which is up to five years, or something as simple as daily reporting to the police. These conditions are all for a judge to determine. A breach of the community supervision program could, if serious enough, be an offence resulting in jail. Obviously, this would not be the case for a minor breach. Under the proposed new laws, the term of the prisoner's supervision period will be determined not less than three months and not more than six months before the completion of the sentence. This term would be set by a judge of the competent jurisdiction. In other words, if someone was sentenced by a District Court judge, then his or her community supervision period would be set by a District Court judge.

Before I hear the argument that resources are already overstretched, I will make just one point. We are talking about a situation which is at least five years away. It is an indictment on this Government if it even ventures to claim that it cannot forward plan to have adequate judicial resources in five years' time. If this Bill is passed, the Queensland Government has been given at least five years to meet these new requirements.

The community supervision scheme will ensure that maximum security is offered to our citizens and to the victims. The length and conditions of the community supervision period will largely be in the hands of the prisoner during his or her prison term. That is one incentive for a prisoner to behave and reform while in prison. In addition, I point out that this Bill does not do away with the existing prisoner classification system. So again we will retain that incentive system, also. If a prisoner chooses to be troublesome, his or her classification will be higher, and that prisoner will not receive the extra resulting privileges. This is all about taking responsibility for oneself.

This Bill puts the rights and the protection of Queensland's law-abiding citizens before all else, but it is not void of compassion. Although parole and home detention are abolished, there is provision for leave of absence on medical or compassionate grounds, but I stress that this will be under the strictest supervision.

The opposition normally levelled at truth in sentencing proposals cannot be levelled at this private member's Bill. This is not only a considered Bill, it is also a balanced Bill. It deals with the issue of sentencing in a transparent way while strengthening the most basic right of the community to be protected. Society today demands that serious violent offenders serve the whole of their sentences behind bars. Equally, society demands that, once that sentence has been served, there is adequate community supervision to ensure proper reintegration. This Bill delivers that. It delivers on the community's expectations.

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