



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

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CORRECTIVE SERVICES AND PENALTIES AND SENTENCES AMENDMENT BILL

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (8.59 p.m.):
To begin, let me fully endorse the points that were made by my colleague the Attorney-General, Matt Foley, several weeks ago now at the beginning of this debate. The Attorney-General touched on a number of issues that are raised by the Corrective Services and Penalties and Services Amendment Bill 1998, but its implications do not stop there.

The second-reading speech made by the shadow Attorney-General is full of the same knee-jerk and simplistic rhetoric that we have come to expect from the National Party. The former Police Minister, Russell Cooper, was a past expert at glossing over complicated problems and coming up with simplistic but ineffectual solutions. The Bill is just another example of the National Party coming up with a catch phrase disguised as legislation.

The member for Surfers Paradise launched the 100% sentencing idea during the 1998 State election campaign. It was purely and simply an overreaction to the fact that the National Party was being out-toughed by One Nation in the law and order debate during that election campaign. When it seemed apparent to everyone that One Nation was going to cause serious inroads into conservative ranks, the National Party backroom boffins came up with the 100% sentencing concept. It was clear that they manufactured the term but gave very little thought at all to how it was to be implemented.

After the election, the member for Warwick was given the thankless job of putting some substance into this election ploy. He went out strongly to sell the idea, but as it was subjected to closer scrutiny enormous cracks began to appear in this flawed policy. When it was pointed out that there would be absolutely no incentive at all for hardened criminals to rehabilitate themselves if they had to serve 100% of their sentence, the member for Warwick, the shadow Attorney-General, went into damage control. He then hastily cobbled together the bizarre idea of a mandatory six-month period of community supervision tacked onto the end of the prisoner's sentence. This supervision period brought with it a whole raft of inherent problems, which I will address later.

The idea of 100% sentencing sounds good; it is catchy. It rolls off the tongue easily, like zero tolerance. But just like zero tolerance, when one looks closely at the implications, a far different picture emerges. Even with the period of community supervision tacked onto the end of the sentences, serious offenders would still have little incentive to rehabilitate themselves. Let us be clear about who we are talking about in this Bill: these are prisoners who, if sentenced under this Bill, would be spending 10 to 15 years on the inside with no chance of parole, no chance of remission. The threat of recrimination at the end of their sentence is a long way away. They will become a new breed of intractable prisoners, inciting unrest and requiring great resources to supervise them inside prison, let alone on the outside.

Today we have been debating my Bill that in part addresses the problems that exist with the maximum security unit. We will not be able to provide enough maximum security units inside Queensland's prisons if this Bill is passed tonight. Let us have a closer look at this idea of community supervision and compare it with the parole system that currently exists. Under the Bill before us, a serious offender who is coming up towards the end of his or her sentence will go before a judge who will determine the length of his or her community supervision, which can vary from three months to five years.

The member for Warwick has spent the last seven months in Opposition loudly complaining about the lenient sentences handed down by judges, yet now he is proposing to put all of the

sentencing options in the hands of those same judges. I am not critical of the judges in the same way as he is, but that points out the massive contradiction in this flawed policy concept that he has put forward in this private member's Bill. The member for Surfers Paradise, of course, took judge bashing to new heights when he was the short-term Premier of this State. Yet he, too, is willing to give the courts more control over sentencing options. The obvious paradox has been lost on the member for Warwick, the member for Surfers Paradise and the National Party as a whole.

Under the present parole system of graduated release all serious offenders, where possible, firstly have to go through six months of work release, followed by six months of home detention, followed by six months of parole under community supervision. If at any time during that 18-month period the prisoner breaches parole conditions, he or she is sent back to prison to serve the remainder of the sentence. The whole principle behind graduated release is for prisoners to gain the necessary skills to re-enter society, and the incentive is there for them to correct their offending behaviour.

Under this Bill, if someone breaches their supervision conditions, the maximum penalty is 100 penalty units or six months' imprisonment. This means that the most dangerous and violent prisoners could only be taken before a magistrate for what is effectively a summary offence. There would no longer be the threat of having to serve the remainder of a sentence. What is to stop an offender who has completed 100% of their sentence from simply breaching their supervision conditions straight away after leaving prison? He or she would likely get a two or three-month sentence, or even a fine, and would be able to re-enter the community with no supervision and no incentive at all to stay on the straight and narrow. Under the coalition system, prisoners would have a field day in manipulating the system.

This Bill also does away with an important condition under the parole system. Under graduated release, a prisoner must maintain a residence and secure employment in accordance with directions issued by the community corrections officer. That condition will disappear if this Bill is passed. Prisoners can simply choose to go on the dole, move around from residence to residence at will and wait out their period of supervision before going back to a life of crime, if that is their intention. This will place an impossible burden on the welfare system and the cost of supervising these offenders and will make it more difficult for victims of crime to know where these offenders are once they are released.

Throughout his second-reading speech, the member for Warwick made a big song and dance about the wellbeing and rights of victims of crime. However, they know very well what the coalition thinks about them. They have only to look back at the shameful record of the member for Indooroopilly when he was Attorney-General. He regularly overruled and reduced court awarded compensation for victims of crime. However, I am willing to give the member for Warwick the benefit of the doubt on this issue as he may well have—and does appear to be showing—a genuine concern for victims of crime, unlike the previous Attorney-General.

However, this Bill in its present form shows a complete lack of concern for victims of crime. This Bill proposes to reduce the role and influence of the Queensland Community Corrections Board. At the moment the QCCB, which is made up of community representatives, including from the Victims of Crime Association, makes all the decisions regarding the reintegration of prisoners into society. The board has extraordinary powers and, in fact, has the powers of a commission and can request additional or new information regarding a prisoner's suitability for release into the community. But the overriding importance of the board is that it gives the community a direct say on who is released and how and when they are released. This can place more stringent conditions on prisoners than this Bill proposes.

Under this Bill, community input, especially from victims of crime, is removed and placed back into the hands of the courts. The only way that victims of crime will have a say on what happens to these violent offenders is through submissions to a judge. In the Government's view, this is unacceptable because victims of crime should have a direct say in how prisoners are reintegrated into the community.

The current parole system and the whole community corrections process has more checks and balances than the system proposed by this Bill. As a Government, we will putting more resources into community corrections to enhance the role and impact of community corrections. That is also an inherent part of the Bill that I currently have before this Parliament. I am happy to see that this move has received qualified support from the member for Warwick in other media comment that he has made, yet for all of his support, he persists in pushing this 100% sentencing idea, which is fundamentally flawed. He is basically attacking the law and order problem from the wrong end. Instead of trying to prevent crime from happening, the member for Warwick seems prepared to wait until the violence has occurred and the damage has been done.

One only has to look at the United States example to see how this approach is destined to fail. The United States has the greatest proportion of prisoners serving long sentences of any country in the world. It has capital punishment in many States yet, despite these draconian sentencing options, crime

continues to increase. Jails in America are overflowing, with some correctional facilities housing up to 5,000 inmates. Is the member for Warwick proposing to go down the same track as the United States of America is currently on and cannot get off?

Surely the better solution is to attack the causes of crime. This is exactly what the Beattie Government is doing through its Crime Prevention Task Force. Clearly, there needs to be a deterrent factor for any would-be criminal, but simply having longer sentencing options will not, and demonstrably has not, by itself stop crime.

Through our whole-of-Government approach to crime prevention, we hope to target individuals before they get to the stage where they will be involved in serious crime. We realise that we will not be able to totally eliminate serious crime, but through our crime prevention initiatives we will have to have a significant impact on reducing crime and reducing the fear of crime.

It is a big ask. That is why we are currently consulting with the community in a series of over 30 forums around the State to gain people's input into the programs which work and, indeed, to find new solutions to law and order problems in our community. Simply locking up violent offenders for longer periods is not going to solve the problem. Indeed, the best we can hope for with this Bill is that it will delay the problem, which is not a solution at all.

This Bill before the Parliament tonight does not solve crime problems. It is just an election slogan disguised as legislation and in fact has the potential to create more crime problems in the future than it solves, and it deserves to be rejected by this Parliament.
