



Speech by

**GEOFF WILSON**

**MEMBER FOR FERNY GROVE**

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Hansard 19 August 2003

### **CORRECTIVE SERVICES AMENDMENT BILL**

**Mr WILSON** (Ferry Grove—ALP) (9.20 p.m.): It is my pleasure to speak in support of the Corrective Services Amendment Bill 2003. I want to focus in particular on a number of amendments that will affect community corrections boards and enhance community safety. The Queensland Community Corrections Board deals with applications from prisoners serving eight years or more, and six regional community corrections boards deal with prisoners serving less than eight years.

A fundamental principle that boards adhere to when determining whether a prisoner should be released is community safety. This principle is made abundantly clear in the guidelines issued by the minister to the Queensland board which state that when considering whether a prisoner should be released from custody on a post-prison community based release order the highest priority for the Queensland Community Corrections Board should always be the safety of the community. The guidelines are equally relevant to the regional boards. At present, even when there is clear information that there is a significant risk that a prisoner is about to breach a release order, it is not possible to suspend the order and return the prisoner to custody and consequently avoid unnecessary risk to the community. The proposed amendments will allow a board to amend, suspend or cancel a post-prison community based release order if the board reasonably believes that the prisoner poses an unacceptable risk of committing an offence or is preparing to leave Queensland without permission.

To set the context for those new changes, I want to set out the figures regarding detention and post-prison community release order personnel as at 30 April 2003. There were 1,107 persons on parole, 64 on home detention and 114 on release to work orders. That is 1,283 who were the beneficiaries of post-prison community based release orders. At the same time, there were 4,760 prisoners serving time in Queensland jails. So we are dealing with a significant number of people—1,283—in respect of whom the capacity will be henceforth available to suspend and otherwise act on in relation to their orders when there is a breach.

If a board receives reliable information that a prisoner on a release order poses an unacceptable risk of committing an offence or leaving the state without permission, the board must be able to protect the community by suspending the order and returning the prisoner to custody. It should be remembered that a prisoner on a release order is still serving a period of imprisonment. I should make it clear that the trigger for amending or suspending a release order is a board's reasonable belief—not just a suspicion—that the prisoner may be preparing to breach the order.

There may be some who are concerned that a board may act upon malicious information. However, the board will not only consider the substance of the information but also the reliability of the information. If after further investigation the evidence is insufficient to justify cancellation of the release order, the prisoner could be released back into the community with whatever, if any, additional conditions on the prisoner's order that the board considers necessary. This process will afford a prisoner sufficient protection from the risk of false complaint.

The amendment also enables the board to amend or suspend a release order if the prisoner is charged with committing an offence. Again, the minister has issued a guideline to the Queensland board which states that, where a prisoner on a post-prison community based release order has been charged with a further offence or offences, the board should consider the suspension of the order and seek the return of the prisoner to custody until such time as a court determines the charge.

Factors relevant to the exercise of any discretion may include the seriousness of the alleged offence and circumstances surrounding the commission of the alleged offence, the prisoner's personal situation, including employment status, the prisoner's response to supervision to date, and the length of time that the hearing and determination of the charge or charges concerned might take.

There is some overlap between the role of a court considering whether to grant bail for an offence that a prisoner on a release order may face and a board's role in considering whether to suspend the order after a prisoner has been charged with the offence. However, it should be remembered that the supervision of prisoners in the community is the statutory responsibility of the board and not the courts. It is therefore appropriate that a board should consider the elevated risk to the community that may be indicated by a fresh charge irrespective of a court's approach to bail on that charge.

The bottom line is that community safety outweighs the need to give a prisoner the benefit of the doubt. The proposed amendments will also ensure that, as is currently the case with a parole order, a release to work or home detention order is automatically cancelled if a prisoner on a release order is sentenced to another term of imprisonment for an offence committed in Queensland or elsewhere during the term of the order. Previously a board was required to cancel a release to work or home detention order if the prisoner was sentenced to further imprisonment.

The proposed amendments will also bring the disqualification criteria for appointment as a member of the Queensland Community Corrections Board more in line with the disqualification criteria for appointment to a regional board. This is fine legislation which is very responsive to one of the Beattie government's five key policy objectives, and that is building safer communities in Queensland. I am happy to commend the bill to the House.