Speech by

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## MEMBER FOR SURFERS PARADISE

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## CORRECTIVE SERVICES BILL

**Mr LANGBROEK** (Surfers Paradise—Lib) (9.36 pm): I also acknowledge the major work done in this review of the Corrective Services Act and the work of the minister and her department. I commend them for introducing truth in sentencing.

The Queensland community expects from its government legislation that ensures standards that help us improve how we interact with each other, including our correctional centres, and that appropriate laws are made to protect the innocent and punish the guilty. In return, our citizens should show respect and tolerance for the laws created which are designed to regulate our interests as individuals and states.

There is a general view within our community that the government will ensure that when a crime has been committed the offender should be punished according to the nature of the offence; that murder, sexual offences, robbery, theft and a breach of the public peace should be punished according to their criminality as defined by the law. Within this context of government control, this bill should adhere to the principles and standards of good rehabilitation programs and the reduction of recidivist rates by criminals. The punishment, management and reintegration of offenders into our communities should be our highest concern. Former US Attorney-General Ramsey Clark said in 1971—

Ninety-five percent of all the expenditures in the entire field of correction in this country goes for custody—iron bars, stone walls, guards. Five percent goes for health services, education, developing employment skills—for hope.

I reminisce about attending a Corrective Services forum that was held a few months ago here in the old function rooms A and B. I remember Keith Hamburger, the former director-general of Corrective Services; Glen Milliner, a former minister; the shadow minister, the member for Gregory; and I were there, along with many other members of parliament showing a bipartisan approach to the difficulty of balancing punishment and rehabilitation. As the member for Sandgate says, we do not want to end up with the situation where those with no hope take it out on those of us who may have somewhat more. We need to establish a balance.

The following defined outcomes should be the benchmark for this corrective services legislation: an assurance that the public and private sector control of correctional services is efficient and effective in accordance with modern management practices; that the correctional services have a significant responsibility to manage the reintegration of offenders back into society within a stable family structure and/or strong community networks so that our community can feel safe and know that they will contribute in a meaningful way to our society; that the treatment and management of incarcerated persons is consistent with best practices and methods of rehabilitation and human care; that the management of the drug problems in correctional facilities is properly dealt with; and that the community wants to be assured that the standards for security and rehabilitation in correctional centres are clearly defined in legislation.

Of particular concern to us in any corrective services legislation is the need for strict accountability by the government and particularly the managers of correctional services to ensure that these outcomes are achieved and that the government should be held accountable for any failure to deliver the defined outcomes. Often the community feels that the criminal justice system is constantly failing them because administrative reviews of crimes, sentences and punishments do not attract suitable recompense. Perhaps

this bill should consider how appropriate and suitable recompense to victims or the community can be achieved if the correctional services fail to demonstrate fully the rehabilitation and integration of offenders back into our communities.

The bill states that the primary purpose of the act is address community safety and crime prevention through the humane containment, supervision and rehabilitation of offenders. This purpose should be more substantially defined and even demonstrated in the bill. We need to know how the government intends to measure and achieve this overarching objective. Certainly current international and national criminogenic research trends do not suggest that public safety and recidivism has been reduced based on the existing rehabilitation programs within our correctional services. Certainly police commissioners and criminologists throughout Australia have been concerned about the lack of impact rehabilitation programs have had on reducing recidivist behaviour. Recent Home Office research suggests that repeat victims of crimes are the legacy of failing to address recidivist behaviour.

It is pleasing to note that the bill does encourage the application of modern correctional management practices which focus on prisoners participating in vocational education, training courses and general education programs and industries. However, these rehabilitation programs should be linked and integrated more substantially with programs externally when an offender is released into the community. That was something that also came out of the forum. The feeling was that once they were released they had nowhere to go and no support. Furthermore, performance measurements should be provided by the government on the success of these programs.

The introduction of supervised release on parole and the abolition of conditional release is certainly an improvement on past strategies. However, supervision requires resources and with an increasing population of offenders in our correctional facilities there is a need for additional resourcing, training and appropriate systems to address the needed supervision. Furthermore, accountability measures need to be put in place to address behavioural problems identified during the supervisory period rather than leaving the unguarded public with the results of increased crime and public disorder. The police should not be the vanguard to resolve inadequate and underresourced supervision programs.

The Queensland community wants an assurance that the correctional services and judicial sentencing process is vigorously reviewed prior to an offender being released on supervision. This process should be open to public scrutiny and constantly reviewed where the police, the judiciary and the community can raise appropriate concerns about the safety and possible recidivist behaviour of an offender before his or her release impacts on our community. These reviews could be further strengthened through public scrutiny by a parliamentary committee.

The issue of sex offenders and supervised release is both a politically and community sensitive issue of increasing concern. Rehabilitation programs do not appear to be highly successful. The media interest in stories regarding these types of offences is increasing. We saw this in today's media. The government needs to demonstrate that the risk to the community is properly managed and that significant community resources are provided to address any community concern.

Of particular interest to the community is the ability of this legislation and this government to reintegrate offenders back into the community. Generally the early offender release process has relied on the provision of basic support, including accommodation, social security benefits, monetary assistance and other physical support programs. This approach has not been managed or coordinated well and there is often a very limited assessment of the community's capability to deliver ongoing services, employment, training and the other specific needs of the person. Certainly family is critical to the reintegration process. I note the comments of the member for Gaven in this regard that offenders and people who are incarcerated behave better when they feel they have family support.

However, offenders more often than not come from at-risk family relationships and government agency support is insufficient to provide the secure safety net to support the prisoner's reintegration. There is a definite need for a more vigorous assessment strategy to enable offenders and community networks to be managed and coordinated to address the reintegration and resettlement of offenders. This is one area that needs further consideration and particularly more open scrutiny and reporting of the outcomes provided to parliament on an annual basis.

The increased visiting arrangements with family members are supported and should be encouraged and marketed by Corrective Services. The family linkage appears to be a critical issue. A better defined strategy for the reintegration and unification of an offender into a stable family structure after release should be examined by the government. These contact visits should be expanded to increase pastoral care and religious connection. These groups are often a major part of the external network of support in our communities. Certainly research from the USA demonstrates that behaviour has changed in individuals who have acknowledged a need to improve themselves through education, family and religious involvement and have become tolerant and respectful of their fellow citizens.

The role of the chief inspector, which is dealt with at page 14 of the explanatory notes, in providing an inspectorate function for correctional services is critical in addressing risk management strategies and

identifying improvements to systems, processes and audit functions to address major issues in correctional services facilities. Perhaps there is scope for the audit and review process of the chief inspector to provide further confidence to the public with transparent information to the parliament. It is acknowledged that the issues of security and safety may need to be exempt from open scrutiny, but the context of the review and the recommendations to improve services would add public support to Corrective Services' efforts to improve their overall service delivery standards.

The introduction of an eligible persons register is supported and would address the issues of victims who have safety concerns. However, the content of the register should be accessible to other agencies in the criminal justice system since these agencies often have ongoing involvement with victims and offenders. The register should also be integrated into the criminal justice information system so that advice and any other relevant information could value-add to existing information provided by the victims of crimes.

We also support the continued substance testing of offenders involved in the use of illicit drugs and the necessity for risk management strategies and increased security to reduce the flow of illicit drugs within correctional services facilities. The issue of drug trading within prisons and external to the facilities should be appropriately addressed with improved intelligence and detection resources. Also any external benefits obtained from drug distribution or benefits received whilst incarcerated should be properly addressed under the confiscation of property legislation.

With regard to the section on submissions from victims on pages 34 and 35, the application of natural justice principles applying to a prisoner's response to a victim's submission for parole should not be a primary concern to a parole board. Should these principles be applied, then verification of the response by the prisoner should be carefully reviewed and scrutinised prior to acceptance of such material. In the case of parole of a prisoner, natural justice principles should be reviewed to determine their applicability to the parole process. Also the parole board should provide a reasoned statement to the victim and the judicial system when parole is given and considered outside the recommendations of the court process. Where the parole board departs from the court's finding, an audit process and reporting of the parole board's justification should be reviewable by interested parties and open to public scrutiny.

At page 77 of the explanatory notes support is given to the *Work Outreach Camps Community Engagement Report 2005* recommendation regarding offenders who have been convicted of a sex offence or have a history of repetitive violent offences not being eligible to be transferred to a work camp. Country communities have to be reassured that their safety and the work performed by prisoners is in accordance with best practice rehabilitation programs and will not cause anxiety or harm to that community.

The issue of a prisoner being dealt with for a breach of discipline or charged with an offence and applying the principle of double jeopardy is a vexed approach in clause 115. Neither the police nor other public sector employees are given this privilege in the workplace, yet a prisoner is given a right not accessible to the general public when applying administrative law and criminal law. Perhaps the prisoner should be treated with the same standard as the rest of the community where double jeopardy is not considered an issue in differing levels of law—namely, administrative and criminal law. However, the use of a disciplinary breach register is necessary and I promote the scrutiny of such a process by the community and specific government agencies. Also the use of technology should expand in the monitoring and supervision of offenders to support rehabilitation programs rather than as a means to address cost-efficiency measures.

Should these matters be addressed in the Corrective Services Bill, I believe the ultimate outcomes for the people of Queensland would be less controversy and frustration in areas of prison reform, a decrease in criminal recidivist rates and less of a tax burden on our community.