




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 21 August 2019

COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (11.37 am): I present a bill for an act to provide for the interstate transfer of community based sentences imposed in participating jurisdictions to be transferred, by registration, between participating jurisdictions. I table the bill and the explanatory notes and I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Community Based Sentences (Interstate Transfer) Bill 2019 [1299](#).

Tabled paper: Community Based Sentences (Interstate Transfer) Bill 2019, explanatory notes [1300](#).

I am pleased to introduce the Community Based Sentences (Interstate Transfer) Bill 2019. This bill creates a new standalone act in Queensland to implement a Corrective Services Ministers Conference agreement to establish a nationally consistent legislative scheme to facilitate the interstate transfer of community based sentences. This bill extends existing legislation, in place to facilitate the interstate transfer of prisoners and parolees, to community based offenders. In doing so, it facilitates Queensland's participation in the national scheme, joining Victoria, New South Wales, Western Australia, South Australia, Tasmania and the Australian Capital Territory.

Community based sentences are a vital component of the criminal justice system. They are crucial in reducing the risk of reoffending and achieving rehabilitation outcomes through supervision. They also divert offenders from a sentence of imprisonment.

According to the 2019 *Report on government services*, in 2017-18, on any given day, an average of 69,634 offenders were serving community corrections orders in Australia. As identified in the Queensland Parole System Review, it is important that community based sentences are flexible and support effective rehabilitation, reintegration and supervision opportunities for offenders.

In Queensland, community based sentences include probation orders, community service orders, graffiti removal orders, intensive correction orders, and drug and alcohol treatment orders. For the majority of these orders, there are comparable community based sentences in other jurisdictions across Australia, depending on the specific conditions imposed.

This bill supports our government's commitment to the 'keep communities safe' priority in Our Future State: Advancing Queensland's Priorities and enhances the flexibility of community based sentences by providing a formal process for offenders to have their sentence transferred, registered and managed interstate. I would like to take this opportunity to thank our stakeholders for the time and resources they generously continued to provide during consultation on this legislative reform. I acknowledge that stakeholders supported and welcomed this bill.

The passing of this bill is an essential component to ensuring Queensland's participation in the national scheme for the formal transfer and supervision of community based sentences between Australian jurisdictions. There are many reasons why offenders may wish to transfer to a new

jurisdiction. Notable reasons include proximity to improved family and community support, to escape domestic violence, or to increase employment or study opportunities. Allowing a transfer to an area where the offender has good support increases the probability of the offender fulfilling the sentence, being positively reintegrated into the community and desisting from further offending.

For Queensland and New South Wales in particular, the current management of offenders across a shared border is difficult and unsustainable, presenting a number of risks which are resolved through this legislation. Under the bill, if an offender is approved for interstate transfer, the sentence is registered in the interstate jurisdiction and the offender is then managed in the new jurisdiction as though a court in the new jurisdiction had imposed the sentence. This includes dealing with any breach of order. For the purpose of review or appeal of the sentence, the originating jurisdiction retains responsibility.

This bill provides the ability to impose certain preconditions prior to registration of the sentence or deny registration of an interstate community based sentence even if all eligibility criteria and conditions are met. Additionally, the bill provides authority for ministers to enter into arrangements to facilitate the administration of community based sentences for offenders travelling to or residing in Queensland or an interstate jurisdiction and not subject to transfer and registration under the scheme.

As a government, we are committed to the safety and security of our community. It is always a priority for our government. Importantly, this bill resolves the risks and issues identified with the current informal administrative interstate transfer arrangements, including the limited opportunities for enforcement or extradition action following an offender's contravention of their order without significant expenditure of resources by the multiple jurisdictions involved. The involvement of Queensland in this scheme highlights the contribution this state is making to support a cohesive national approach to corrective services provision and enforcement. I commend the bill to the House.

First Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (11.43 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Kelly): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Committee.