




Speech By  
**Daniel Purdie**

**MEMBER FOR NINDERRY**

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### **COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL**

 **Mr PURDIE** (Ninderry—LNP) (4.11 pm): This afternoon I rise to speak on the Community Based Sentences (Interstate Transfer) Bill 2019. I thank the members of the Legal Affairs and Community Safety Committee for their deliberation of the bill and for the organisations and individuals who made submissions. The objective of the bill is to create a new standalone act to establish Queensland's participation in a national scheme for the formal transfer and enforcement of community based sentences between Australian jurisdictions—a concept which was forged at the national Corrective Services Ministers' Conference in 2003.

In Queensland community based sentences include probation orders, community service orders, graffiti removal orders, intensive correction orders, and drug and alcohol treatment orders. Community based sentences are an important part of the criminal justice system and must be administered carefully. The transfer of offenders either permanently or temporarily to other jurisdictions is managed via informal arrangements currently in Queensland. According to a 2019 report, on any given day an average of 69,634 offenders were serving community correction orders in Australia. These offenders may be required to travel or relocate at certain times during their sentence, the careful management of which is paramount to the safety of all concerned.

Under this bill and by Queensland's participation in the national scheme, these informal transfer arrangements will provide an ability for an offender to have their community based sentence formally transferred and registered in an interstate jurisdiction; ensure that appropriate management and supervision of the community based sentence can occur in the receiving interstate jurisdiction; and ensure that any contravention of an offender's community based sentence can be dealt with in the receiving interstate jurisdiction, whereby limiting the requirement for costly enforcement and extradition action following an offender's contravention of a community based sentence interstate.

For a registered transfer to take place, the bill requires that the offender has consented to the interstate sentence being registered in Queensland; there is a corresponding CBS that operates in Queensland so that both a penalty and condition of substantially the same nature can be imposed; the offender is capable of complying with the interstate sentence in Queensland; and the interstate sentence is capable of being safely, efficiently and effectively administered in Queensland.

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 has imposed the sentence. This includes dealing with any breach of the order. For the purpose of review or appeal of the sentence, the originating jurisdiction remains responsible. In addition, the 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 eligible criteria and conditions are met.

While all four contributors to the committee supported the passing of the bill, a number of concerns were raised. Sisters Inside raised concerns about there being no time period stipulated in the bill with respect to deciding whether to register or decline the interstate request. The Queensland Law

Society highlighted in its submission that Queensland is one of the few remaining jurisdictions that has not abolished multiple forms of community based sentence orders in favour of a single community correction order. It suggests that this may complicate the transfer of Queensland defendants to other jurisdictions due to the difficulty in confirming whether the order placed on the Queensland defendant properly corresponds to another jurisdiction's community correction order. I thank the committee for its consideration of these remarks and note that the model legislation underpinning the bill has been endorsed by all Australian corrective services ministers and the former Standing Committee on Law and Justice, now known as the Council of Attorneys-General. Why has Queensland participated informally in transfer arrangements for so long? New South Wales enacted its version of this bill in 2004, the ACT in 2005, Western Australia and Tasmania in 2009, Victoria in 2013 and South Australia in 2015.

As we heard in the public briefing on 30 August last year by Queensland Corrective Services to the Legal Affairs and Community Safety Committee, Queensland manages approximately 87 interstate community based offenders, predominantly from New South Wales. In contrast, at the time of the briefing there were 147 Queensland offenders managed in other states and territories. What this means is that Queensland is a net exporter of prisoners serving community based sentences. As already outlined in my colleagues' contributions this afternoon, we do have concerns regarding the possible outcomes of this bill in that it could potentially turn Queensland into a dumping ground for interstate prisoners. As communities right across Queensland—from Cairns to the Gold Coast—know all too well, under the Palaszczuk Labor government our police are already under-resourced, understaffed and underfunded and subsequently crime is out of control. I acknowledge the police minister's presence here. I know that he does not like listening to the facts, particularly the increasing crime stats under his watch, and I have no doubt he is not going to want to hear them again now.

**Mr RYAN:** Mr Deputy Speaker, I rise to two points of order. The first is I find the comments offensive and ask that they be withdrawn; and the other is about relevance. I note that you have already ruled on this very same point because the very same points have been raised previously.

**Mr DEPUTY SPEAKER (Mr McArdle):** I think what you might do is just raise the point of order and I will make a ruling on the point of order. Member for Ninderry, the minister finds what you said offensive. Would you please withdraw?

**Mr PURDIE:** I withdraw.

**Mr DEPUTY SPEAKER:** On the second point of order, please stay within the principles of the bill and standing order 139 in relation to your contribution.

**Mr PURDIE:** Thank you, Mr Deputy Speaker. I was just talking about police resources. We already know that across this state robberies have increased by 76 per cent, car thefts are up 66 per cent and assaults are up 33 per cent.

**Mr DEPUTY SPEAKER:** Stop the clock. Member, please take my guidance. Stay within the principles of the bill and the terms of standing order 139. You were straying outside of that.

**Mr PURDIE:** Thank you, Mr Deputy Speaker. To wrap up, unlike this government, which is softer on crime than any government in Queensland history, the LNP is committed to dealing with reality, tackling crime head-on and keeping Queenslanders safe.