




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

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COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL

 **Mrs McMAHON** (Macalister—ALP) (12.32 pm): I rise to speak in support of the bill before the House. I thank the committee chair, the committee members and the committee secretariat for their work. This bill was introduced on 21 August 2019. The committee received a public briefing on 30 August from Queensland Corrective Services. I am pretty sure the deputy chair was there for that briefing. We had a public hearing on 16 September where we had the opportunity to ask questions.

Currently, judicial officers have a range of sentencing options at their disposal, including community based sentences. For the benefit of members, and particularly the shadow minister, I point out what community based sentences include. They include: probation orders, community service orders, graffiti removal orders, intensive correction orders, and drug and alcohol treatment orders. These orders do not include terms of imprisonment.

To use the word 'prisoner' when debating this legislation is widely inaccurate and scaremongering. The bill sets out who is included. It is not prisoners who are included. If members look at the penalties and sentencing guidance in terms of who is included members will find that it is specifically for people who have not been sentenced to terms of imprisonment. To say that this bill is going to see prisoners transferred to Queensland is grossly inaccurate. There may be some reasons people subject to a community based sentence may need to travel or move interstate following the imposition of their order. The reasons may include facilitating access to family and community support or access to jobs and educational training opportunities. In many cases, this travel actually furthers the aims of rehabilitation and reduces the likelihood of further offending.

To date, the system which allows Queenslanders to have their community based sentences transferred interstate is informal and only relies upon agencies coming to certain arrangements between them. While this may work in an ad hoc manner, it does not provide applicants with certainty or formal structures that allow them to appeal decisions. The other deficit, as highlighted by the committee chair, with the current informal arrangement is that if there is a subsequent breach of the community based sentence in another state that jurisdiction has no power to initiate the breach action.

During 2003 an agreement was made to implement a nationally consistent legislative scheme to facilitate the transfer of community based sentences. In 2011 the model legislation was endorsed by the Council of Attorneys-General. This bill will see Queensland join a national approach to address consistency between jurisdictions. I can clarify for the House that the bill does not apply to juveniles, offenders on parole or offenders with sentences that impose a fine or financial penalty or reparation to victims of crime.

I can advise the House that this scheme will not incur additional expenses. Figures provided by the department indicate that Queensland currently manages only 87 offenders from interstate jurisdictions and, in turn, 147 Queenslanders are currently undertaking their community based sentences in other states. An interstate offender who wishes to apply to have their sentence served in Queensland must meet certain criteria. They include: they must have consented to the interstate sentence being registered in Queensland; there is a corresponding community based sentence under

Queensland law; 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. These criteria assist the person who has to make the decision decide whether the person who wishes to serve out the rest of their community based sentence in Queensland poses a risk to Queensland. Therein lies our ability to determine whether or not someone comes to Queensland.

Despite the applicant fitting the criteria, it allows us as the local authority the ability to consider other factors of an administrative nature outlined in proposed section 13(1)(d). At the end of the day, that allows Queensland to determine who comes into Queensland to serve their community based sentence. I again highlight that exactly who this bill applies to is in the legislation. I advise all members, before they start making wild accusations about the impact of this bill, to have a quick read of the legislation. If they cannot understand the terminology within this particular bill then perhaps they need to look at the referring legislation. I fully support this bill.