




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 20 February 2020

COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL

 **Mr RUSSO** (Toohey—ALP) (12.20 pm): For the benefit of the member for Toowoomba North, I outline a matter at the outset. This is a new standalone act to establish Queensland's participation in a national scheme for the formal transfer and enforcement of community based orders between Australian jurisdictions. I speak in support of the Community Based Sentences (Interstate Transfer) Bill 2019. The Legal Affairs and Community Safety Committee in its report No. 51, which was tabled in this assembly on 8 October 2019, has recommended to the assembly that this bill be passed.

Mr Ryan: Was there a statement of reservation?

Mr RUSSO: There was no statement of reservation.

Mr Ryan interjected.

Mr RUSSO: I will take that interjection from the member for Morayfield. There was no statement of reservation. Currently, there are informal arrangements in place for supervising offenders on community based sentences when they travel or move interstate. However, a number of these issues have been identified with the current informal approach. Without Queensland's participation in the national scheme, there are no powers available to initiate breach action where an offender is not abiding by the conditions of their sentence. Currently, the responsibility to manage the sentence resides with the originating jurisdiction.

Queensland, under the informal arrangements, manages approximately 87 interstate community based offenders, predominantly from New South Wales. Under the informal arrangements, other states and territories manage approximately 147 Queensland offenders. The bill would ensure that appropriate management and supervision of community based sentences can occur in the receiving interstate jurisdiction. Queensland remains one of the only two jurisdictions across Australia which has not implemented the model legislation as endorsed in 2011 at the meeting of the attorneys-general from all jurisdictions. There is not expected to be any significant—I repeat, there is not expected to be any significant—increase in the number of offenders under the proposed legislation either seeking transfer into Queensland or seeking transfer out of Queensland.

Queensland Corrective Services advise the bill will allow local authorities in all cases to reserve the right to refuse a transfer to Queensland, even if a person may be otherwise eligible on all other criteria. The bill would be new legislation in Queensland for the purpose of implementing agreed legislative framework facilitating the transfer of community based sentences across Australia in accordance with model legislation. The national framework for the transfer of community based sentences requires all three parties—the offender, the local jurisdiction and the interstate jurisdiction—to agree to the transfer of a community based sentence from one jurisdiction to another. The bill proposes that the national scheme will apply only to adults on community based sentences.

Mr Ryan: Not prisoners.

Mr RUSSO: Not prisoners. The member is not here to hear it.

Honourable members interjected.

Mr RUSSO: The community based sentences in Queensland that may allow offender transfers under the scheme are probation orders, community service orders, graffiti removal orders, intensive correctional orders, and drug and alcohol treatment orders. The bill does not apply to juvenile offenders, offenders on parole, or offenders with a sentence that imposes a fine or financial penalty, or includes reparation to a particular person, for example, a victim of crime.

The bill would establish in Queensland that the local authority is the chief executive of the department that administers the scheme, that is, the Commissioner of the Queensland Corrective Services who would be enabled to delegate functions of the bill to the appropriately qualified person.

Queensland Corrective Services already has an established database in the Integrated Offender Management Scheme for registering and managing people on community based orders. The management scheme manages the current informal transfer arrangements with other jurisdictions. QCS advises there is no need to establish a new database for the implementation of the national scheme. There are no anticipated costs to government in implementing the bill as all costs involved with an offender moving interstate, including travel costs, would be incurred by the offender. I commend the bill to the House.