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Dear Council members

Submissions – review of sentencing for murder and manslaughter

I appreciate the opportunity to send a submission regarding the above, and will concentrate on one main issue, namely the sentencing for murder or manslaughter under the legislation “truth in sentencing”, which results in a life sentence until the inmate dies in prison, with no hope of any parole whatsoever, irrespective of the positive life the inmate may have spent in prison over a number of years. This legislation also denies judges concerned any discretion in sentencing. In addition, of course, from the outset the offender is given no hope at all of the hope of parole, which poses a threat to the entire prison community. This lack of any incentive may well have many negative results, ie the offender suffering mental illness and extreme depression, as well as behaving in a negative way towards other prisoners and the authorities.

I am, of course, fully aware that a prisoner may constitute a threat to society if ever released but on the whole I suspect that most offenders wish to be at least given a second chance to live a life in freedom after a long period of incarceration. In the case of no parole ever being permitted, no account can be taken if the offender has throughout the sentence proved to be a model prisoner.

Quite apart from my thoughts on the subject Mr Cowdery, the Director of Public Prosecutions for many years, has stated his concerns for this draconian legislation. He has also indicated that recently similar legislation has been repealed in Canada. I have also done research into the philosophy behind prisons and rehabilitation, and countries such as Holland, and the Scandinavian countries have looked at progressive ways to lower the prison population, not continue to build more prisons. Such pro-active behaviour is surely the method New South Wales should be pursuing.

The main issue that continues to arise with the existing legislation is the fact of giving a fellow human being no hope at all, with the stark prospect of 30 or more years facing him/her under lock and key. It is something that continues to haunt me as I go about my daily life. It is saddening to note that some members of society appear to regard offenders as “not like us” who should therefore be subjected to permanent punishment in spite of the price being paid over many years in prison. It is significant to note that many inmates have not had the privileges of a secure and loving home life and in many cases suffer mental illness.

Quite apart from the above there is an economic consideration. On average the cost of maintaining someone in prison is approximately \$80,000 a year. Surely this amount could be put to more positive use.

I wish to address the above issues by referring to a case of a specific inmate. ██████ was charged with murder over 20 years ago and as it stands at present, he will die in prison. Irrespective of his guilt or innocence he has served over 22 years behind bars and no account can be taken of his model behaviour throughout this period. Late last year an offender was found guilty of brutally torturing and murdering his partner. He was given a 28 year sentence with a period of parole, and will be free in 21 years. The difference in sentencing is harsh and illogical.

At the request of a friend nearly 20 years ago I sent ██████ a card, and over the years we have developed a friendship. He is able to make calls and does so, and we visit him whenever possible. He is now in the Macquarie Correctional Centre at Wellington which is a progressive institution, but still prison.

Irrespective of his offence, ██████ has now served over 22 years, and at present has no hope at all of freedom. He has been a model prisoner in all the jails in which he has been placed, acting as an informal mentor to young offenders. In addition he has started gardens in all prisons and been praised for these in one instance by the governor himself. He is also studying horticulture. We have seen at firsthand how ██████ is treated with respect by inmates and authorities alike, and he in turn behaves in this way towards them. He and other inmates continue to be aware of the plight of others in Australia and during both the periods of drought and the fires have raised funds to assist. A personal note to be introduced here, to try to comprehend the horror of this legislation. After his transfer to Wellington I received a euphoric phone call. For the first time in 21 years he had been able to see the stars and was able to eat in company. Prior to that he was placed in his cell from 3pm till 8am the following morning. To conclude, ██████ poses no threat to society if released and would certainly return to his homeland as he has no family here and is totally reliant on visits by concerned friends.

It says a great deal for ██████ that there still exists a loyal group of friends who are working on his case, I am not involved in the research being carried out, but regard myself as part of the team to provide morale. I continue to be amazed at his demeanour and interest in the world affairs and the lives of his friends. He also reads a great deal and attempts to maintain a positive approach to life.

I have no legal training but have always taken an interest in rehabilitation for those in prisons. Perhaps part of my concern arises from the fact that I grew up in South Africa and witnessed the brutality that those in power wielded over the majority of the population. One horrific statistic will suffice. This was a country where on average one person was executed every 3 days.

I sincerely hope that these submissions will ensure a further examination of the present legislation. The "truth in sentencing" legislation needs to be repealed and discretionary sentencing given to all judges who are qualified to carry out this responsibility.

Yours sincerely,

Jane Harris.