

SENTENCING OPTIONS

The Hon. KAYEE GRIFFIN: I address my question to the Attorney General. Can the Attorney please update the House about sentencing options in New South Wales?

The Hon. JOHN HATZISTERGOS: Earlier this year the Sentencing Council handed down its report on the periodic detention scheme. The Sentencing Council was headed by retired Supreme Court Judge James Wood, and was comprised of the three main victim's groups, as well as representatives of the police, the Director of Public Prosecutions, and the Commissioner of Corrective Services. The Council recommended the creation of a new sentencing option: the intensive corrections order, to replace the periodic detention scheme.

The use of periodic detention as a sentencing option is falling in New South Wales and around the world in favour of electronic monitoring and intensive community supervision. The council found the periodic detention scheme had a number of weaknesses, including its lack of availability throughout the entire State, and the resulting impact on offenders who do not live near a periodic detention centre; the underutilisation of current periodic detention facilities; and the lack of case management of offenders serving periodic detention orders. The other limitation of detention is the absence of real rehabilitation programs addressing the courses of criminal behaviour. Whilst the community work that offenders do is vital, so are rehabilitation and treatment programs for anger management, drug and alcohol addiction, gambling addiction, employment skills, literacy and drink driving.

The new intensive corrections order has been identified as a means of addressing the shortcomings of the periodic detention scheme and will help to meet the State Plan's objective of reducing re-offending. Victoria, Queensland and Western Australia, as well as New Zealand, Europe and the United States currently use intensive corrections orders. Should the proposal be adopted courts would have the discretion to impose an intensive corrections order and a suspended prison term on any offender sentenced for up to two years imprisonment. The Probation and Parole Service would conduct a suitability assessment and, if assessed as suitable, the offender would be subject to strict monitoring and would be forced to comply with a range of conditions. Those conditions would include completing a minimum number of hours of community work, undertaking rehabilitation programs, supervision and drug and alcohol testing; complying with night curfews; and electronic monitoring and monitoring by the Community Compliance Group.

An intensive corrections order has the capacity to be available much more broadly than the periodic detention scheme. Specifically it can be available in country areas where periodic detention is currently not available. Furthermore, it will force offenders to make changes to their lives—changes that they would not otherwise make by themselves. The Sentencing Council made it clear in its report that the intensive corrections order is not a soft option. Offenders on these orders will be monitored closely through visits by staff of the Department of Corrective Services, electronic monitoring and drug and alcohol testing. The orders can be revoked if offenders breach the orders, and they become liable to serve the remainder of their sentence in full-time custody.

The Government is now inviting comment on a consultation paper and draft model for the proposed new order. Before it decides whether to introduce the order new order, the Government wants to hear from the judiciary, the legal profession, victim support groups, government agencies, community groups who use periodic detainees, and the wider public. I should make it clear that offenders on intensive corrections orders will continue to perform the community work that periodic detainees have been performing. That work remains an important part of the order. The Government is committed to creating the best sentencing option to encourage rehabilitation and reduce re-offending. The discussion paper is available from the Criminal Law Review Division website on LawLink at www.lawlink.nsw.gov.au. Submissions will close on 12 November 2008.

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