

Sentencing Council Prison Sentences Report

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SENTENCING COUNCIL PRISON SENTENCES REPORT

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Mrs BARBARA PERRY: My question without notice is directed to the Attorney General. What is the Government response to the **Sentencing Council's** report on six-month sentences?

Mr BOB DEBUS: I thank the honourable member for her constructive question. It has been a creed of faith with many prison reformers and researchers for some time now that the abolition of prison sentences of less than six months would be a key precondition to the diversion of first-time and non-serious offenders from full-time custody. As prison numbers have continued to increase over recent years—due partly to the Government's stricter bail laws—the Government has received numerous representations to that effect. The submissions are given additional force by the fact that in 1995 the Western Australian Government had legislated to abolish prison sentences of less than three months, and subsequently, in 2003, extended that legislation to abolish sentences of less than six months.

Last year the Chairman of the **Sentencing Council**, Justice Abadee, suggested to me that the **Sentencing Council** should investigate this proposal and the question of alternatives to custodial sentences. I readily agreed. Today I welcome the publication of the first report of the **Sentencing Council** on this very question. The council has produced a well thought out and comprehensive document. The members of the council, with their diverse views, have represented a range of professional and community expertise. The House may recall that the **Sentencing Council** includes several retired judges, the Director of Public Prosecutions, the Senior Public Defender, an Assistant Commissioner for Police and three representatives of victims organisations. So it is indeed a diverse group.

The council is unanimous in its recommendation not to abolish six-month sentences. The council report suggests that any such proposal be placed in abeyance pending a review of the Western Australian scheme, which is due to be completed in about 18 months. I must say that I have been fortunate enough to visit Western Australia and speak to administrators, judges and indeed my opposite number in Western Australia about this question of abolishing short-term sentences. I think it is fair to say that I returned from that visit with reservations about the practical benefits of such a scheme, which go beyond those expressed so far by the **Sentencing Council**. I do not believe that the abolition of six-month sentences will achieve the reforms that are frequently claimed for such a radical step. Accordingly, the Government will not be proceeding with the proposal.

The **Sentencing Council** has argued that significant gains might be achieved by the wider provision of alternatives to full-time custody in rural and regional New South Wales, and indeed this is an area that is achieving substantial attention from the Government. I do not believe it has been sufficiently demonstrated, nevertheless, that these types of sentences will improve rehabilitation prospects. Nor do I believe they would reduce prison overcrowding and the costs associated with housing short-term prisoners. I have grave concerns—confirmed by the **Sentencing Council's** report—that the abolition of six-month sentences would simply lead to sentence creep; that is, that offenders who would normally be given a three-month sentence might in fact be given, say, a seven-month sentence.

This is not to say that improvement of rehabilitation for short-term offenders cannot be

achieved by other means, and I continue, along with my colleagues and indeed the **Sentencing Council** itself, to explore different and innovative ways to stop the cycle of crime for those offenders who are willing to be rehabilitated. The **Sentencing Council** has made a number of other recommendations to be considered in the interim, and my department is presently looking at those. We will be seeking the further assistance of the **Sentencing Council** in relation to all of those issues.