

STANDING COMMITTEE ON LEGISLATION

Thirty-fourth Report — “Sentence Administration Amendment Bill 2017” — Tabling

HON Dr SALLY TALBOT (South West) [2.24 pm]: I am directed to present the thirty-fourth report of the Standing Committee on Legislation titled “Sentence Administration Amendment Bill 2017”.

[See paper 902.]

Hon Dr SALLY TALBOT: The report I have just tabled advises the house of the committee’s findings and recommendations regarding the Sentence Administration Bill 2017, currently before us. The purpose of the bill is to make amendments to the Sentence Administration Act 2003 by inserting provisions regarding the granting of early release from prison of prisoners who have been convicted of certain homicide and homicide-related offences in circumstances in which the body or remains of the victim have never been recovered. Provisions such as these have become known in common parlance as “no body, no parole” provisions. However, the purpose of the bill is not to prohibit early release in the absence of a body; it is to provide encouragement to relevant prisoners to cooperate with the police to reveal the location of the body. This would be done by making possible early release contingent upon satisfactory cooperation.

The committee believes that insofar as the policy of the bill is to provide an incentive to prisoners to reveal the whereabouts, or last known whereabouts, of the body or remains of a victim of a homicide or homicide-related offence, the bill will achieve that. The committee also found that, from the point of view of friends and family of homicide victims, as well as the police officers investigating, the bill’s provisions would be welcomed. Importantly, in the committee’s view, it is ultimately desirable that relevant prisoners in the future will be aware that their cooperation in locating the remains of their victim will be a statutory prerequisite to parole.

The report contains 17 findings and makes two recommendations. The first of these recommendations is that the offence of manslaughter be included within the definition of “homicide offence” in the bill. By broadening that definition, the committee believes that the provisions would provide the opportunity for closure to the greatest number of friends and family members. The proposed provisions would apply to some 13 or 14 prisoners in Western Australian prisons. Two more prisoners have been convicted of manslaughter in circumstances in which no body has been found.

The second recommendation relates to a prisoner’s ability to cooperate with the police. It is possible that, during the course of serving a long prison sentence, a prisoner may fall victim to a measure of mental incapacity that renders him or her incapable of satisfactorily cooperating. The committee is of the view that any such genuine incapacity should not necessarily disbar a prisoner from being considered for parole when it renders him or her incapable of assisting police in this way. This should be specifically taken into account by the Prisoners Review Board in deciding whether to grant or recommend parole.

Subject to those two amendments, the committee’s view is that the bill can be passed. I commend the report to the house.