

**SENTENCING LEGISLATION AMENDMENT BILL 2016**

*Third Reading*

Resumed from an earlier stage of the sitting.

**MRS L.M. HARVEY (Scarborough — Minister for Police)** [6.46 pm] — in reply: I will endeavour to proceed after those amazing valedictory speeches from four incredible people who have dedicated a lot to their communities and contributed substantially to this place.

I will not go into too much detail in the third reading debate of the Sentencing Legislation Amendment Bill, but I will address elements of the legislation and thank members for their contributions. I believe that what this legislation does is very important. It allows serious violent offenders, domestic violent offenders and serial arsonists to potentially have GPS tracking and post-sentencing supervision orders imposed upon them upon the completion of their sentences for the crimes they committed, particularly if it is the view of the Prisoners Review Board that they could present a danger to the community. For the first time it will give the government the opportunity to track and monitor the activities of offenders and to prevent them from re-offending and thereby prevent them from creating more victims and thus keep the community safe.

The legislation will also correct an injustice whereby individuals who were sentenced prior to 4 November 1996 and prior to the passage of this legislation were denied the opportunity of participating in resocialisation programs. They will, upon the proclamation of this bill, be given the opportunity to engage in resocialisation programs. That is very important, particularly for long-term prisoners, as they re-enter the community through staged re-entry and through day release. Allowing them to reintegrate and understand the changes that have occurred in the community during their period of incarceration is very important for their successful reintegration into society. The only offender category that had been denied the opportunity for resocialisation programs were those who were sentenced prior to 4 November 1996, which was an omission in a previous piece of amending legislation that had passed this place.

Resocialisation programs assist prisoners to reintegrate into society. I would like to correct the record and the assertions made by the member for Girrawheen that this legislation somehow allows the Department of Corrective Services to abrogate its responsibilities for the rehabilitation of prisoners. Corrective Services will always have responsibility for doing its utmost to rehabilitate prisoners, to engage them in programs to moderate their behaviour and to improve their responses; for example, if they respond with violence during conflicts. Those tensions and expectations of the Department of Corrective Services still exist for all offenders, and the Inspector of Custodial Services and, indeed, the Minister for Corrective Services will ensure that the corrective services department makes those opportunities available to all offenders who choose to avail themselves of them. Resocialisation programs currently exist for a range of prisoners. This legislation will enable prisoners who were sentenced pre-1996 to take advantage of those programs to assist them with reintegration.

The other aspects of this legislation that I think will be very important if we are going to make inroads into reducing the incarceration rate of Indigenous people in this state were not examined at great length. However, the opportunity for a suspended fine, for example, will allow an offender to complete a community based order. This will be a tremendous opportunity once we finish all the work and make it available across various different parts of regional Western Australia and metropolitan Perth. It will allow for an offender to participate in a conditional release order. The member for Warnbro was very generous in his praise of this aspect of the legislation. A release order could include an offender taking advantage of educational opportunities, vocational opportunities, personal development programs or unpaid voluntary work as deemed appropriate by the chief executive officer of the Department of Corrective Services. That will be a good opportunity, particularly for Indigenous offenders who are often given a fine as a court outcome, to suspend the fine and have some kind of meaningful outcome and meaningful consequence for their actions that will not result in them being inappropriately incarcerated.

The changes to minimum sentences will bring back the ability of the courts to issue a three-month rather than a six-month sentence as the minimum sentence allowed to be imposed. I think that will go some way to address the sentence creep that has occurred since that change was made. By sentence creep, I mean sentences for offences that we would ordinarily expect to have a shorter term of incarceration being pushed up to six months or more because of the removal of the ability of the court to impose a sentence of less than six months. By bringing the thresholds down to three months, I think we will see better sentencing outcomes and opportunities. We may well also see a change in the remand prison population as a result of that. There is some anecdotal evidence that the remand population has grown because the judiciary realised that for some offenders who are held in remand, by the time they get to court they have effectively served a short sentence and can then be given a penalty of time served in lieu of a six-month minimum sentence. Once again, a disproportionate number of Indigenous men in particular are affected by that aspect of the legislation, so it will be interesting to see the outcomes of allowing the option of shorter sentences.

Much was made about the gag order et cetera. I would like to put on the record the very good work and the discourse in interrogating aspects of the bill that members were passionate about, particularly the member for Warnbro who recognised the benefits of this legislation to drive down the Aboriginal incarceration rate in this state and the opportunities for justice reinvestment, which is a broad description to cover off on a range of initiatives that will be enabled by the passage of this legislation.

I thank members for their contributions to the debate and I look forward to shortly moving to the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. Much was said in debate on the sentencing administration legislation about family and domestic violence. I have no doubt that many members will passionately contribute to debate on the next order of the day.

I thank members for their contributions and I commend the bill to the house.

Question put and passed.

Bill read a third time and passed.

*Sitting suspended from 6.54 pm to 8.00 pm*