

SENTENCE ADMINISTRATION (INTERSTATE TRANSFER OF COMMUNITY BASED SENTENCES) BILL 2009

Second Reading

Resumed from 17 March.

MR P. PAPALIA (Warnbro) [12.14 pm]: I rise to indicate the opposition's support for this legislation. The Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009 is essentially the same as legislation introduced by the previous government in 2007.

Mr R.F. Johnson: Don't you mean 2008?

Mr P. PAPALIA: I think it was 2007, but I may be wrong. It passed through the Assembly, and the other place sent it to the Standing Committee on Uniform Legislation and Statutes Review, and it subsequently lapsed at the time of the most recent election.

The legislation provides for Western Australia's cross-jurisdiction participation in the formal transfer and enforcement of community-based sentences. It also introduces nationally agreed protocols that were determined in 2006, after a long process. In 2000, the Australian Capital Territory corrective services department was tasked with drafting model legislation to trial in New South Wales and the Australian Capital Territory. The results of the subsequent trial were reported in November 2006. To date, NSW and the ACT are the only state and territory to have enacted the legislation.

The sentences covered by this legislation in Western Australia will include community-based work orders, intensive supervision orders and conditional suspended imprisonment orders. A key feature of this legislation is the provision to deal with breaches by individuals subject to orders from other jurisdictions. If an individual currently breaches an order, other than one that will result in a further custodial sentence by way of re-offending, it invariably results in the release of a warrant in the individual's home state. As a consequence of the nature of the offences that result in these types of orders, the low priority given to them and the costs associated with extradition, offenders are rarely returned to their home state for further sentencing. This legislation will enable Western Australian courts to deal with those individuals who, while in Western Australia, breach sentence orders received in another state. I understand that the legislation will apply to only a relatively small number of people. I am told that in 2007, 32 such cases came in to Western Australia and 19 left; and in 2008, the numbers were 39 coming in and 18 leaving.

As I have said, the Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009 is essentially the same as the bill introduced by the previous government. It accords with nationally agreed protocols and, therefore, the opposition will support the legislation.

MR C.C. PORTER (Bateman — Attorney General) [12.17 pm] — in reply: I thank the member for Warnbro for his lucid and helpful comments. The legislation, as he pointed out, was drafted by the former government. It is uncontroversial. It will do some good by way of ensuring that people who breach community-based orders will be brought back to court either for a new order or to be re-sentenced pursuant to the original offence. I thank the member for his contribution to the debate.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

MR C.C. PORTER (Bateman — Attorney General) [12.18 pm]: I move —
That the bill be now read a third time.

MR M. McGOWAN (Rockingham) [12.18 pm]: I want to make only a quick contribution. Although my knowledge of the Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009 is extensive, I do not want to unduly delay the house with my knowledge!

After listening intently to the member for Warnbro's extensive contribution to the second reading debate and the Attorney General's reply, I understand that this legislation may go some way to resolving the issue to which the Attorney General referred yesterday; that is, the enforceability of community-based orders. The Attorney General said yesterday in debate that he was keen to ensure that these orders were properly enforced and properly served and that he had unpacked the data and found that some 40 per cent or so had not been adhered to. If this legislation goes some way to dealing with those issues and if it is the former government's initiative,

that will show that those issues were being addressed by the Carpenter government prior to its defeat at the last election.

Another point I make is that in the course of this week I expect that we will have first read the Local Government Amendment Bill, we will have completed the First Home Owner Grant Amendment Bill —

Mr R.F. Johnson: This has nothing to do with the third reading of this bill.

Mr M. McGOWAN: Please just show a little bit of generosity. I have used one minute so far.

We will also have concluded the Sentence Administration (Interstate Transfer of Community Based Sentences) Bill, I expect we will have concluded all stages of the Prisoners (Interstate Transfer) Amendment Bill and we will have gone some way towards properly and fully debating the Royal Perth Hospital Protection Bill. Therefore, in the course of this week three pieces of legislation will have gone through this house, another one will have been first read and another one will have been more fully considered than it might otherwise have been. That is a pretty good record for the week. I just wanted to put it on record that this shows just how cooperative the opposition has been in dealing with legislation.

Several members interjected.

Mr M. McGOWAN: I want to put that on record.

Mr R.F. Johnson: You draw a long bow, my friend.

Mr M. McGOWAN: All I am using is a couple of minutes of the debate to ensure that that is properly noted, and I note from the positive noises coming from members of the government that the government understands and agrees with what I had to say: that we have been positive and agreeable in passing legislation, particularly good legislation that was prepared by the former government. We have no problem with that. All of the words that have been used by members of the government have indicated that we have held up legislation. Facts speak louder than words, and the facts are there for everyone to see that we have been very cooperative. Indeed, it is only Wednesday morning and we will be through nearly three pieces of legislation by the end of this day. So, well done opposition!

Mr M.P. Whitely: Thank you.

Mr M. McGOWAN: Good job! I am very pleased with Labor members' contributions to the debate. I am particularly pleased with the member for Mindarie, and I congratulate him on his new seat in the chamber and the attention he is paying to the debate. It is terrific to see him in his new role. I congratulate all members who have had some involvement with this legislation.

MR C.C. PORTER (Bateman — Minister for Corrective Services) [12.22 pm] — in reply: I will give a brief response to the third reading contributions. The member for Rockingham deserves enormous congratulations on the speedy application to these bills by members of his side of the house.

I think he rather mistook my point when he raised the matter of this bill in some way presenting a solution to the problem I raised yesterday. This bill will allow us to identify people who have moved into this jurisdiction from outside and who are conceivably in breach of a community-based order. The failure I was speaking about yesterday was purely administrative, if I can put it that way. There is now an extra tool to identify people who breach their orders, but there has been an administrative failure to follow up on past breaches. There is, therefore, a bit of a disconnect between that issue and this one, although it was an interesting point that the member raised.

Mr M. McGowan: You understand that I did examine the legislation closely.

Mr C.C. PORTER: I know.

Question put and passed.

Bill read a third time and transmitted to the Council.