

## **DRAFT SECOND READING SPEECH**

**HON. ELISE ARCHER MP**

### ***Sentencing Amendment (Sentences of Imprisonment) Bill 2017***

*\*check Hansard for delivery\**

Mr Speaker, as the Government has said repeatedly, incorrect prison releases are absolutely unacceptable.

Unlike the previous Government, the Hodgman Liberal Government has been open and transparent about the extent of these challenges and taken action to investigate and fix what is clearly a long-standing systematic issue.

In May 2016 the Hon Dr Vanessa Goodwin MLC directed that an audit be undertaken in relation to the incorrect release dates of prisoners. This audit was undertaken by KPMG.

The objective of the audit was to understand the inadequacies in the existing system and improve compliance with the processes for obtaining, entering and validating sentence and remand orders, and calculating release dates.

The audit report produced by KPMG was released by the Government on 8 March 2017.

The report includes a suite of recommendations for reforms to address the factors that contributed to the incorrect releases and to improve the accuracy and efficiency of the process for the future.

The KPMG review recommended that the Government review the Sentencing Act 1997 with a view to amending it to provide for a requirement that sentencing orders be made in simple and consistent terms.

The Sentencing Amendment (Sentences of Imprisonment) Bill 2017 is the Government's response to this recommendation.

The Government is also progressing other KPMG recommendations as a matter of urgency.

For many years there has been a heavy reliance on paper based forms used in Court operations and confirming warrants for custody and the calculation of earliest and latest release dates is a manual based process.

Issues have arisen when the Tasmania Prison Service (TPS) has not been aware of court warrants, where warrants have not been entered into the TPS database correctly or through errors calculating release dates.

The calculation of sentences can be incredibly complex. They can involve multiple sentences, suspended or partly suspended sentences, they may be concurrent or consecutive, and with or without eligibility for parole.

Varying legal interpretations of the remission regulations over the past 10 years have also resulted in the need to manually recalculate remission eligibility dates.

Remission of prison sentences has remained a long-standing practice in Tasmania despite being phased out in other states and territories of Australia in recent decades. Tasmania is more than 20 years behind other states in recognising that the importance of 'Truth in Sentencing', which means that simply letting an offender out three months early is not appropriate.

As members know, the Government has taken decisive action to deliver truth in sentencing to the Tasmanian community.

At the Government's direction, and in line with the recommendations of the KPMG review, the Tasmanian Prison Service has also now formed a centralised Sentence Administration Unit, which will be responsible for the oversight of sentence calculations, the section 42 leave program and the administration of prisoner classifications.

The creation of the Sentence Administration Unit means there will now be staff specifically dedicated to the task of calculating sentences, as well as managing court orders and the remission processes.

This Unit commenced operating on 15 August 2016, with additional staff being recruited to further bolster its operation.

So as you can see, the Government is taking decisive actions to fix this longstanding systematic issue.

The Sentencing Amendment (Sentences of Imprisonment) Bill 2017 does not confer a power to sentence or provide grounds for invalidating a sentence. Rather, it sets out a range of details that need to be contained in a sentencing order.

These include specifying any non-parole period that the offender must serve and specifying whether multiple sentences are to be served concurrently or cumulatively.

This Bill is not intended as a reflection on the excellent work done by the State's judiciary. Rather, it is aimed at setting down a checklist of information to be provided through the sentencing order to ensure orders are clear and consistent.

This will enable orders to be better understood by the offender and others involved in the proceeding, as well as allowing the information contained in the order to be more efficiently processed into the relevant database.

As can be seen from the action being taken by the Government, the issue of incorrect releases is viewed extremely seriously and positive actions have been taken to minimise the risk of incorrect releases occurring again.

I commend the Bill to the House.