

SERIOUS OFFENDERS, AVOIDANCE OF PRISON

570. Mr JOHNSON to the Attorney General and Minister for Justice and Legal Affairs:

I refer to the following statement made by the minister during the Estimates Committee -

We think that if somebody only warrants a sentence of six months or less, then they should not be in prison . . . That is what prisons should be for, not for the minor offenders at the lower end of the scale.

- (1) Is the minister aware that in 2000-01, 591 offenders were sentenced to imprisonment for six months or less for crimes including assault, burglary, car theft and drug trafficking?
- (2) Is the minister also aware that of those 591 offenders, 321 had previously served a prison sentence?
- (3) Does the minister still intend to allow serious offenders and re-offenders to avoid prison under Labor's new soft approach to crime?

Mr McGINTY replied:

- (1)-(3) No. I was not aware that drug traffickers who face a maximum penalty of 25 years imprisonment had been receiving sentences of six months or less. I suspect that is not correct. Drug trafficking is covered by a particular provision of the Misuse of Drugs Act. It relates to people who deal in commercial quantities of drugs, and I would be very surprised if the member's information were correct.

Mr Johnson: I had better let you know that you gave the answer in the other place that three people had been sentenced to six months or less for drug trafficking.

Mr McGINTY: I would be surprised if that were the case. I would be very surprised if anyone convicted of trafficking in commercial quantities of drugs in this State were given a sentence of that magnitude.

Mr Johnson interjected.

Mr McGINTY: I understood the member's question. I would be extremely surprised if that were the case. The intention of the policy that has been announced is to make sure that prisons are there, as is expressed in our sentencing legislation, as a punishment of last resort. They should be reserved for serious offenders; that is, people who have committed crimes where imprisonment rather than an alternative form of punishment is warranted. From my reading on this issue and from my look at their files and profiles, I believe that a lot of people who are occupying extremely expensive prison beds in this State could be more effectively, from a social as well as an economic point of view, punished in the community. That is what we will be doing.

In answer to the specifics of what the member has just raised with me, legislation will be introduced into this Parliament in the same way that a decade ago Hon Joe Berinson introduced legislation to proscribe sentences of under three months with a view to removing from justices of the peace and magistrates the ability to inflict short, sharp, shock punishment on individuals by locking them up in the State's jails. That was the policy intent a decade or so ago. We now want to beef up the community corrections section of the Department of Justice so that people who are to be punished in the community, fear that punishment and consider it a real punishment. This legislation will not sentence to prison offenders whose crimes would now attract a six-month jail term. Those offenders would be exposed to far worse types of criminals in prison and would come out worse for the experience. They would be more likely to re-offend as a result of having spent time in prison for relatively minor crimes. They might even pick up tricks of the criminal trade from more hardened, experienced criminals. We must consider the details of how the legislation will operate. When the legislation is introduced and debated next year, I hope Parliament will ensure that the final form it takes will be in the interests of the State and in the interests of the victims of crime. The ultimate test of the success of a prison is whether it prevents people from re-offending and going back into the prison system. That is the legislation's objective, and every member will have a chance to have some input into it. Anyone who deserves to be punished will be put in prison.