

PRISONERS HELD AT GOVERNOR'S PLEASURE, RELEASE

429. Mr JOHNSON to the Minister for Justice:

I refer the minister to his recent statement that the community would have to accept that most of the 43 prisoners being held in prisons in Western Australia at the Governor's pleasure will be eventually released.

Given that the minister recently approved the regular day release of an offender held at the Governor's pleasure for the rape and murder of a four-year-old girl, despite the fact that the offender had a previous record of two sexual offences against young children, I ask -

- (1) Why did the minister release this offender despite the previous Government repeatedly denying regular day release?
- (2) How many of the other 43 prisoners being held at the Governor's pleasure does this Government intend to release?

Mr McGINTY replied:

- (1)-(2) In, I think, 1997 the then Minister for Justice, Peter Foss, approved the same prisoner entering the community on a work-release program. That approval was sought from the Governor under the signature of Hon Peter Foss. It was stage 1 of a prerelease program, and requests that the prisoner proceed to stage 2 of that program were not replied to by the former Minister for Justice.

Mr Barnett: He denied the ability for that prisoner to go to stage 2.

Mr McGINTY: He granted approval for the offender to be released to the community under stage 2 of the program. For five or six years now the Parole Board and the experts in the prison system have advised the Government that to minimise the chance of reoffending he should be engaged in a prerelease program. The test that should be applied to all these people is the least likelihood of their reoffending.

When the matter came forward as a recommendation to me from the Parole Board, I was aware that a number of years ago the prisoner had successfully completed stage 1 of the four stages of the prerelease program. I authorised and recommended to the Governor in Executive Council that stages 2 and 3 be undertaken. At that time stage 2, which the offender had embarked on, involved his release one day a month into the custody of Keith Larner, a Uniting Church minister. The prisoner was to be released there to undertake socialisation and programs that would address his offending behaviour.

Last week we saw a good example of the problems that can occur if that is not done. A prisoner who had served his time, but who had been held essentially in solitary confinement for a significant number of years, was released to the community without any adequate preparation because there was no capacity for the Government to retain him in the prison system. We have not agreed to release that prisoner on parole. We have done what Hon Peter Foss did a number of years ago and what I think is an appropriate move; that is, to allow -

Mr Barnett: That is not true and you know it.

Mr McGINTY: It is true.

Mr Barnett: You are wrong.

Mr McGINTY: No, I am not. Peter Foss agreed to release this prisoner to the community for work release purposes.

Mr Barnett interjected.

Mr McGINTY: The Leader of the Opposition is wrong. This is too serious a matter for him to attempt to trivialise it. He is behaving mischievously. He should turn his mind to the real issues.

I do not believe that the Minister for Justice is required to make more difficult decisions than those involving people who have offended against the community in the worst way, by committing extremely serious crimes such as rape and murder, and who are given life sentences or Governor's pleasure sentences. The Minister for Justice must exercise discretion based on the best available advice at the time.

Mr Johnson: From who?

Mr McGINTY: From the experts within the system, such as the Parole Board, psychologists, etc.

Mr Johnson: Were the wardens asked?

Mr McGINTY: Yes; they participate in the case management of these matters.

Mr Johnson: My information is different.

Mr McGINTY: The information of the member for Hillarys is wrong. He should read the answer provided to Hon Peter Foss in the upper House on that question. Prison officers participated in the case management of that prisoner. They unanimously recommended his release program.

Mr Johnson: To let him out?

Mr McGINTY: No, not to let him out, but to place him on a release program that was controlled progressively, so that his offending behaviour could be addressed, monitored and controlled, unlike the situation of last week when someone was released cold into the community. That is the type of situation we should avoid. It is obviously a situation that will be closely monitored. Before any approval is given to release that person on parole we must weigh up all his behaviour and all the experts' reports and the like.

Life sentence or Governor's pleasure prisoners, both of which require the approval of the Governor in Executive Council before being released on parole, are dealt with regularly under this Government, as they were under the previous Government. They are eased into the community on either work release or home release. I am told that about one prisoner a month is released.

Mrs Edwardes: There is a difference between life sentences and Governor's pleasure sentences. Do you understand the difference?

Mr McGINTY: Of course I do. I was making the point that each requires the approval of the Governor in Executive Council, as the member for Kingsley should know. They require that assessment. It does not happen automatically within the system. That was the problem with prisoner Lacco, who was released last week. He was on a finite sentence, but no provision was made for any intervention by the Government or the Governor in Executive Council. These are very difficult matters that require a judgment call. Only one criterion can be applied; that is, the likelihood of re-offending. If, on the best advice available to the Minister for Justice of the day, there is a likelihood of the prisoner re-offending, a different consideration must apply. It is a difficult issue and it is easy to sensationalise it. I urge members not to do that.