

# COMMUNITY LEGAL CENTRES TASMANIA

15 November 2017

The Honourable Jim Wilkinson  
President of the Legislative Council  
Parliament House  
Hobart TAS 7000

*via email: [jim.wilkinson@parliament.tas.gov.au](mailto:jim.wilkinson@parliament.tas.gov.au)*

Dear Jim,

**Re: *Sentencing Amendment (Phasing Out of Suspended Sentences) Bill 2017***

Community Legal Centres Tasmania (CLC Tas) is writing to urge members of the Legislative Council to support the Government's intention to broaden the range of sentences available under the *Sentencing Act 1997* (Tas) to include home detention and community correction orders.

However, we continue to strongly oppose the phasing out of suspended sentences, a view that we have made clear in submissions to both the Sentencing Advisory Council and the State Government.<sup>1</sup>

### **- Home Detention and Community Correction Orders**

We commend the Government for seeking to broaden the range of sentences that can be imposed under the *Sentencing Act 1997* (Tas) to include both home detention and community correction orders. Both sentencing options will ensure that offenders are linked to appropriate rehabilitation programs as well as assistance with educational and work opportunities. We strongly believe that the reforms will encourage reintegration and rehabilitation whilst at the same time allowing offenders to avoid the negative influences of prison.

Importantly, both sentencing options will allow the offender to remain in the community, ensuring that offenders retain their connections to employment, family relationships and access to housing.

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<sup>1</sup> See our submission to the Sentencing Advisory Council on the *Phasing out of Suspended Sentences* Consultation Paper (October 2015); Comment on the *Sentencing Amendment (Phasing out of Suspended Sentences) Bill 2017* (September 2017). All submissions are available at <http://www.clctas.org.au/what/reform/>

### **Todd Hutchinson**

*Todd Hutchinson lived for 8 years in a Housing Tasmania property in West Moonah. He was a good tenant, never in rental arrears, regularly mowing the lawns and keeping the house in good condition. In October 2016 Todd was sentenced to ten months imprisonment for drink driving. Whilst imprisoned, family members initially paid Todd's rent because they wanted him to be able to move back into his home upon his release. Despite the commitment made by his family to keep paying the rent until his release, Housing Tasmania applied for and was granted an Eviction Order early in 2017 on the basis that Todd was absent from his home for more than 13 weeks. After receiving three months remission for good behaviour, Todd was released in May 2017 and has been homeless ever since. Whilst accepting full responsibility for his drink driving, Todd believes that home detention would have ensured that he was not punished twice, by also losing his home.*

Anecdotally, we are aware of many offenders who lose their rental properties as a result of being sentenced to imprisonment. Following a request for information from Housing Tasmania<sup>2</sup> and applying that estimate to both community housing providers and the private rental market, it is our view that there are up to 30 offenders who lose their homes each year due to their being sentenced to a term of imprisonment and who may be eligible for home detention.<sup>3</sup>

### **Appropriate Resourcing**

Whilst we support the introduction of both home detention and community correction orders, we are concerned that insufficient funding for these programs has been allocated.<sup>4</sup> According to the *Exploring the Costs of Alternatives to Suspended Sentences in Tasmania* Report both home detention and community correction orders are projected to cost around \$11,000 per person per annum.<sup>5</sup>

We are very concerned that a failure to provide the necessary resourcing will almost certainly result in increased prison numbers, particularly if suspended sentences were removed as a sentencing option.

In summary, we strongly support the Government's intention to introduce home detention and community correction orders. In our view, these sentencing options should be in addition rather than at the expense of suspended sentences.

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<sup>2</sup> Correspondence received from Lynden Pennicott, the Director of Tenancy Services with Housing Tasmania on 11<sup>th</sup> October 2017. In his email, Mr Pennicott notes that there are "between eight to 12 tenancies per year that are ended as a result of the tenant being incarcerated...".

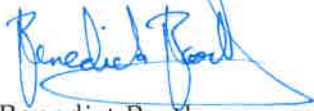
<sup>3</sup> According to the Australian Bureau of Statistics *2016 Census* there are 54,030 households renting in Tasmania. According to the Productivity Commission's *2017 Report on Government Services* 13,242 are either Housing Tasmania (7166) or community housing provider (6076) homes.

<sup>4</sup> For example, the State Government's *2017-18 Budget Paper* does not mention any additional funding for home detention. See, Parliament of Tasmania, *Government Services Budget Paper No. 2 Volume 1* at 109.

<sup>5</sup> John Walker and Lorana Bartels, *Exploring the Costs of Alternatives to Suspended Sentences in Tasmania* (Report prepared for the Sentencing Advisory Council of Tasmania in November 2015) at 47.

If you have any queries, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl

Policy Officer

**Community Legal Centres Tasmania**

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