COMMUNITY
LEGAL CENTRES
TASMANIA

20 October 2017

Office of Strategic Legislation and Policy
Department of Justice
GPO Box 825
Hobart TAS 7001
attn: Sarah McGuire
via email: *sarah.mcguire@justice.tas.gov.au*

Dear Sarah,
Re: *Corrections (Prisoner Remission) Amendment Bill 2017*

Community Legal Centres Tasmania (CLC Tas) welcomes the opportunity to provide comment on the *Corrections (Prisoner Remission) Bill 2017* (the draft Bill).[1]

CLC Tas is the peak body representing the interests of nine community legal centres (CLCs) located throughout Tasmania. We are a member-based, independent, not-for-profit and incorporated organisation that advocates for law reform on a range of public interest matters aimed at improving access to justice, reducing discrimination and protecting and promoting human rights.

We do not support the intent of the Bill to remove and narrow the eligibility for remission of sentences for offenders. In our opinion, the discretion made available to grant remissions provides a compelling incentive for good behaviour. As a result, we support the current discretion made available to the Director of Corrective Services under the *Corrections Act 1997* (Tas) to grant remissions "as an incentive, or reward for, good conduct".[2]

We were surprised to read comments made in the media that the Director of Corrective Services was imposing automatic remissions[3] but have been assured anecdotally, that in practice remissions are only ever earned as a reward for good behaviour.

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[1] CLC Tas would like to acknowledge Erin Moore who assisted in the preparation of our response.

[2] Section 90(2)(d) of the *Corrections Act 1997* (Tas).

[3] Emilie Gramenz, Tasmanian prisoners set to be denied shorter sentence option for good behavior, Australian Broadcasting Corporation, 17 August 2017. As found at http://www.abc.net.au/news/2017-08-17/prisoners-to-be-denied-shorter-sentence-option-in-tasmania/8816852 (Accessed 18 October 2017).

We would also note that more than two-thirds of the prison population will be unaffected by the proposed changes to restrict and narrow the remission provisions of the *Corrections Act 1997* (Tas), with data released by the Tasmanian Prison Service noting that only around 27 per cent of prisoners released in 2016 were granted remission.[4] In other words, most prisoners are applying for parole long before they would be eligible for release following remission of their sentence.

Finally, it should be noted that with the expansion of court mandated diversion, the introduction of deferred sentencing and the likely introduction of home detention and community correction orders the prison population in future is likely to consist of a much greater proportion of prisoners serving longer prison sentences and for whom eligibility for parole will arise much sooner than release as a result of remission.

Despite our strong objection to the removal and narrowing of eligibility for remission of sentences, we are encouraged by the Government's intention to increase the range of options available to prisoners as a reward for good behaviour and endorse the recommendation of the Probation and Community Corrections Officers Association (PACCOA) in their submission that these rewards "should be offered in addition to, rather than in place of, remissions".

Turning to the draft Bill we are opposed to those clauses that seek to remove and narrow the eligibility for remission of sentences for offenders. Whilst we believe that the discretion of the Director of Corrective Services to grant remissions "as an incentive, or reward for, good conduct" is worded broadly enough to include the prisoner's active participation in rehabilitation or educative programs, we have no objection to this being clearly provided in section 90(2)(d) of the *Corrections Act 1997* (Tas) and endorse the wording as proposed in the draft Bill:

> (d) the mitigation or remission, conditional or otherwise, of the sentence of a prisoner as an incentive to, or reward for, good conduct while the prisoner is in custody or for engaging, while the prisoner is in custody, in activities that are rehabilitative or of a kind approved by the Director; and

If this amendment were to be passed we would strongly recommend that the Government put appropriate resources in place to ensure that every prisoner has the opportunity to participate in the aforementioned rehabilitation or educative programs. The increased availability of such programs is likely to be cost neutral with an initial injection of funds likely to be offset by improved prisoner behaviour within the prison and successful completion of such programs is likely to lead to decreased rates of re-offending upon release.

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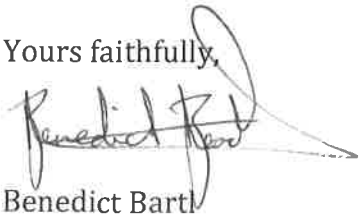
[4] Emilie Gramenz, Tasmanian prisoners set to be denied shorter sentence option for good behavior, Australian Broadcasting Corporation, 17 August 2017. As found at http://www.abc.net.au/news/2017-08-17/prisoners-to-be-denied-shorter-sentence-option-in-tasmania/8816852 (Accessed 18 October 2017).

If you have any queries or we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl
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Community Legal Centres Tasmania