

18 June 2019

The Honourable Craig Farrell  
President of the Legislative Council  
Parliament House  
Hobart TAS 7000

via email: [craig.farrell@parliament.tas.gov.au](mailto:craig.farrell@parliament.tas.gov.au)

Dear Craig,

**Re: *Corrections Amendment (Prisoner Remission) Bill 2018***

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We are writing to you to express our concern at the *Corrections Amendment (Prisoner Remission) Bill 2018* ('the Bill'). At a time when Risdon Prison is bursting at the seams, when there is a lack of rehabilitation programs and when alternative sentencing options means that prisoners sentenced to custodial sentences are likely to be imprisoned for longer, it makes no sense to remove an incentive that encourages good behaviour.

For the reasons listed below, we do not support amendments to the Bill that will remove and narrow the eligibility of offenders for remission.

- ***Increasing prison numbers but inadequate services***

Tasmania's prison population is increasing rapidly. Over the last five years our prison population has increased by 27 per cent from 451 prisoners in 2014 to 614 prisoners in 2018.<sup>1</sup> According to Custodial Inspector Richard Connock, the Tasmania Prison Service's "biggest challenge" is growing prison numbers, observing:<sup>2</sup>

almost all of the state's prisons are overcrowded in the sense that they hold many more people than they were designed to hold. This is because many cells intended for one person are now 'double-bunked' and some cells intended for two people are now 'triple-bunked'.

At the same time, there is a lack of basic services available to prisoners, with the Custodial Inspector noting:<sup>3</sup>

- most programs and services aimed at maintaining and developing family relationships are facilitated by external organisations on the basis of goodwill; and

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<sup>1</sup> Australian Bureau of Statistics, 4517.0 - Prisoners in Australia, 2018, Table 15 'Prisoners, state/territory by selected characteristics, 2008-2018'.

<sup>2</sup> Custodial Inspector Tasmania, *Custodial Inspector Annual Report 2017-18* at 11.

<sup>3</sup> Custodial Inspector Tasmania, *Custodial Inspector Annual Report 2017-18* at 12-13.

- shortcomings with the existing pharmacotherapy program; and
- mental health services not meeting the needs of the Tasmanian prison population.

- ***Most prisoners released on parole before eligible for remission***

It is also worth recognising 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.<sup>4</sup> In other words, most prisoners are applying for parole long before they would be eligible for release following remission of their sentence.

- ***Prisoners likely to be imprisoned for longer***

Finally, we would also like to draw your attention to the fact that with the introduction of deferred sentencing, home detention and community correction orders and the expansion of court mandated diversion, the prison population in future is likely to consist of a much larger proportion of prisoners serving longer prison sentences and for whom eligibility for parole will arise much sooner than release as a result of remission.

### **Encouraging Rehabilitation and Education supported**

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”<sup>5</sup> is worded broadly enough to include the prisoner’s active participation in rehabilitation or educative programs, we strongly support this being made explicit in the Government’s proposed amendment to section 90(2)(d).

If this amendment is 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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<sup>4</sup> Alexandra Humphries, Bid to stop discounting of jail terms heads to Tasmania’s Upper House, Australian Broadcasting Corporation, 18 September 2018. As found at <https://www.abc.net.au/news/2018-09-18/bid-to-stop-discounting-jail-terms-heads-to-upper-house/10264994> (Accessed 11 July 2019); 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 11 July 2019).

<sup>5</sup> Section 90(2)(d) of the *Corrections Act 1997* (Tas).

In summary, we strongly urge you to reject those aspects of the Bill that remove and narrow the eligibility of offenders for remission and support the amendment to section 90(2)(d) that will encourage participation in rehabilitation or educative programs.

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

Yours sincerely,



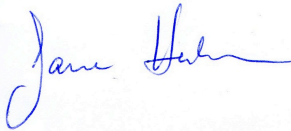
Greg Barns  
Chair  
**Prisoner Legal Service**



Kym Goodes  
Chief Executive Officer  
**Tasmanian Council of Social  
Service**



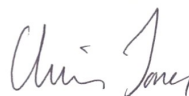
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Chief Executive Officer  
**JusTAS**



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Tasmania**



Deborah Byrne  
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**Brain Injury Association of  
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