

# Community Justice Coalition Questionnaire 2019

## Responses from Alex Greenwich MP, Independent Member for Sydney

(Answers highlighted in yellow)

### 1. Effectiveness of Imprisonment

1.1 Will you commit to protecting judicial discretion in sentencing, including through the removal of mandatory minimum sentencing?

q. **Yes** q. No

1.2 Will you commit to increasing investment into diversionary social crime prevention strategies? Examples of such diversionary schemes are the Drug Court, MERIT scheme, Justice reinvestment programs, section 32 and 33 applications under the Mental Health (Forensic Provisions) Act 1990 (NSW) and youth justice conferencing.

q. **Yes** q. No

1.3 Will you commit to ensuring the funding and implementation of key pre-release services for prisoners through proper case management, which includes education, training, housing and mental health services?

q. **Yes** q. No

1.4 Will you commit to the implementation of stronger accountability of private prisons operating in NSW as recommended in the Legislative Council Report of December 2018 on Parklea?

q. **Yes** q. No

1.5 Will you commit to the further provision of rehabilitative programs for prisoners, including sexual and violent offenders?

q. **Yes** q. No

#### Comments

**I have consistently defended judicial discretion and will continue to do so if re-elected. I have a long history of pushing to change the criminal justice system focus and investment more towards prevention, early intervention, diversion, rehabilitation and integration.**

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### 2. Bail Act & Remand Issues

2.1 Will you commit to amending the *Bail Act 2013* (NSW) to reintroduce a uniform presumption in favour of bail for all offences?

q **Yes** q No

2.2 Will you commit to restoring section 3 “Purpose of the Act”, which requires bail authorities to have “regard to the presumption of innocence and the general right to bail”?

Yes  No

2.3 Will you commit to repealing the ‘show cause’ provision (s16A(1)), which shifts the burden on the accused in a number of more serious offences to show cause why their detention is not justified?

Yes  No

2.4 Will you commit to expanding the scope of ‘bail conditions’ (ss 23-30) which were established to meet the bail concerns under s 17(2) and to enable bail to be granted?

Yes  No

2.5 Would you commit to reforming s18 of the Bail Act 2013 to reduce its restriction on judicial discretion?

Yes  No

2.6 Would you reintroduce into the Bail Act 2013 (NSW) Section 32 (1) (b) (i) of the Bail Act 1978: “the period that the person may be obliged to spend in custody if bail is refused and the conditions under which the person would be held in custody”, to ensure consideration of the conditions under which the person in custody would be held?

Yes  No

### Comments

**I opposed recent changes to bail provisions as they contradict the fundamental human right that people are innocent until proven guilty. I support a bail system where bail is refused based on an unacceptable risk of the accused not appearing in court, committing a serious crime, endangering the community or interfering with witnesses.**

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## 3. Indigenous Issues

3.1 Will you commit to reducing issues of overrepresentation of Aboriginal people in prison by;

- Introducing legislative reform that requires judicial officers to consider factors of Aboriginal disadvantage in sentencing,
- Increasing funds and resources to Indigenous specific diversion, rehabilitation and treatment programs and,
- Supporting community based programs to strengthen kinship?

Yes  No

3.2 Will you commit to funding effective justice reinvestment programs that are culturally sensitive, evidence-based and appropriately evaluated? Examples of such are the Bourke Justice Reinvestment program, Victorian koori courts and community facilitated programs to strengthen kinship.

q **Yes** q No

### Comments

**Reducing incarceration rates is an essential step in closing the gap and achieving full reconciliation. Culturally sensitive legal services will help break the cycle of incarceration of particularly young Aboriginals and I support the Koori Court pilot in the Surry Hills children's court – it is a great program with proven success that should be expanded across the state.**

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## 4. Women in Prison

4.1 Will you commit to developing a policy platform for women offenders that recognizes their different needs, including their family responsibilities?

q **Yes** q No

4.2 Will you commit to implementing policy and services that support Indigenous women throughout the court and prison process, and ensure that the specific social and cultural needs of Aboriginal and Torres Strait Islander women are recognized?

q **Yes** q No

4.3 Will you commit to implementing policies that reduce the recidivism rates of Indigenous and non-Indigenous female offenders by providing diversionary programs based on their specific needs and circumstances?

q **Yes** q No

4.4 Will you reduce the need for strip searches, recognizing the likelihood of reviving traumatic experiences of sexual abuse prior to imprisonment, either by developing electronic search options, or by implementing them as a last resort?

q **Yes** q No

4.5 Will you take steps to reduce the over medication of incarcerated women?

q **Yes** q No

4.6 Will you commit to funding specialist legal services for women in prison, such as NSW Women's Alliance and Legal Education and Advice in Prison?

q **Yes** q No

### Comments

**The growth in women's imprisonment rates requires approaches to stop punishing women beyond their sentences. Fewer female prisoners have access to programs than male prisoners, and most programs are not targeted at women – this must change. I oppose the control of family visits as a form of discipline. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) encourage alternatives to imprisoning women and this should be used as a basis for developing a policy platform for women offenders.**

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## 5. Juveniles in Custody

5.1 Will you commit to introducing a wider availability of diversionary programs and community based sentencing for young people, especially in regional and remote areas?

q  Yes q No

5.2 Will you consider funding and implementing youth educational, occupational training and rehabilitation programs for Indigenous juvenile offenders such as the successful Queensland Transition 2 Success program?

q  Yes q No

5.3 Will you commit to ensuring young people who must be placed in detention are held in a detention centre closest to their residence and accessible by their families?

q  Yes q No

5.4 Will you ensure restrictions on contact with family will be removed, unless imposed by Court?

q  Yes q No

5.5 Will you implement the Walama Court for indigenous juvenile offenders, as proposed by the NSW Law Society?

q  Yes q No

### Comments

**Keeping young people out of the criminal justice system and changing the focus in youth detention centres to support and rehabilitation must be a priority to prevent a life cycle of recidivism for young people who are already disadvantaged and vulnerable.**

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## 6. Education and Training in Custody

6.1 Do you support the right of access by prisoners to an accredited broad education program, aimed at improving prospects of reintegration, rehabilitation and the development of the full potential of each prisoner?

q  Yes q No

6.2 Do you support the right to education of all those in correctional facilities regardless of status - including both prisoners on remand and those under sentence?

q  Yes q No

6.3 Do you support the right of prisoners to have access to a computer in their cell within a secure network environment?

q  Yes q No

6.4 Do you support the development of educational programs that are culturally appropriate for prisoners from marginalised groups, including indigenous people, women, LGBTQI+ groups and prisoners with disabilities?

q  Yes q No

6.5 Do you support the right of all prisoners to have tertiary-qualified, professional teachers capable of providing quality adult education to disadvantaged and complex students?  
q **Yes** q No

6.6 Do you support the principle that teachers working in correctional facilities should have access to adequately resourced, safe teaching facilities, including appropriate technology?  
q **Yes** q No

6.7 Do you support the introduction of specific section in both the TAFE NSW and NSW Board of Studies charter that requires mandatory provision of education and training to all inmates in correctional centres, especially Aboriginal inmates?  
q **Yes** q No

6.8 Do you support TAFE NSW providing educational and training services to all correctional centres inmates on a cost recovery basis and not on a profit-making basis?  
q **Yes** q No

#### **Comments**

**I have advocated in Parliament for computers in prison cells to help inmates with education, legal resources and prison programs. I strongly support ensuring all prisoners have access to quality education and training to help them gain post release employment and avoid recidivism.**

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## **7. Health of Australian Prisoners**

### **Party policies: Questions for consideration**

7.1 Will you support the principle that people in prison are entitled to the same standard of health care as other members of the community?  
q **Yes** q No

7.2 Will you support prisoners having access to Medicare?  
q **Yes** q No

7.3 Will you support the implementation of a needle and syringe program in prisons to reduce the transfer of blood borne viruses?  
q **Yes** q No

7.4 Will you provide external interpreter services and employ Indigenous health practitioners to provide services, in order to overcome communication issues?  
q **Yes** q No

#### **Comments**

**In Parliament I have called for needle and syringe programs in prisons and I support a system of equitable standards of health care for prisoners – this is a basic human right and can also help reduce problems that can lead to offending.**

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## 8. Mental Health

8.1 Will you commit to reviewing and upgrading the provision of psychiatric and psychological services for people in custodial care, including those in remand?

Yes  No

8.2 Will you commit to allocating additional resources, including adequate funding and staffing to ensure that remand inmates with a mental health problem are identified and properly assessed?

Yes  No

8.3 Will you commit to improving the transition from prison to the community for those with a mental health disorder including: support networks in the post release period; increased employment opportunities following release; support for access to appropriate and continuing health services; assistance with access to appropriate housing; funding for specific transition programs.

Yes  No

### Comments

**The link between mental illness, lack of support and services, and offending has been well established and given our tough bail laws, it is of great concern that so many people who suffer from a mental illness are not getting the psychiatric and psychological care they need because they are on remand.**

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## 9. Culturally and Linguistically Diverse (CALD) Communities

9.1 Will you commit to providing culturally sensitive programs (e.g. diet, education) in prisons in order to address the diverse needs of the CALD community?

Yes  No

9.2 Will you take action to incorporate support systems throughout the criminal justice system to assist CALD offenders' understanding of the process, of the law and their rights?

Yes  No

9.3 Given that CALD ex-offenders face additional challenges when reintegrating into the community, will you pursue CALD initiatives to support their rehabilitation and reintegration (e.g. transcultural psychiatric help)?

Yes  No

### Comments

**I am also concerned about loss of support for refugees and asylum seekers making them vulnerable and leading to homelessness and the potential this has to result in crime.**

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## 10. Prison Officer Conditions

10.1 Do you commit to improving the safety of prison officers by reducing the prisoner overpopulation?

Yes  No

10.2 Do you commit to providing further training to prison officers to improve the greater welfare of prisoners and staff alike?

Yes  No

## 11. Governance and Transparency

11.1 Will you support the independence of the Inspector of Custodial Services?

Yes  No

11.2 Will you commit to expanding the Inspector's functions to include powers to review complaints from prisoners, in line with the power previously held by the Inspector-General?

Yes  No

11.3 Will you commit to enabling the Ombudsman to re-examine the exercise of Departmental discretions on the ground of unfairness?

Yes  No

11.4 Will you commit to legislative reform requiring the Ombudsman to re-examine unfairness in department decisions beyond procedural errors?

Yes  No

### Comments

**Custodial facilities require oversight to ensure detainees are treated with dignity and that dishonesty and corruption does not occur.**

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## 12. Privatisation

12.1 Will you commit to prisons being run by the government?

Yes  No

12.2 Will you commit to prisoner education being run by the government?

Yes  No

### Comments

**A large number of risks exist if prisons and prison education are for profit and I strongly believe government is best place to run these programs.**

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