

CJC/ICJ Analysis of Parties' Responses to 2019 Pre-Election Questionnaire

This is a summary of parties' responses to the Pre-Election Questionnaire. Some parties responded selectively. Their full responses are on the CJC website.

1. Effectiveness of Imprisonment

Liberal & Nationals:

Will commit to increasing investments into diversionary social crime prevention strategies for prisoners such as the Youth on Track program. Is willing to fund pre-release services such as the Magistrates Early Referral into Treatment program.

Labor:

Will commit to protecting judicial discretion in sentencing, increasing investment into diversionary social crime prevention strategies and supporting the provision of quality rehabilitative and re-integration programs. Is opposed to the principle of mandatory sentencing. Will commit to both prisons and prisoner education run by the government.

Greens:

Will put an end to the private prison experiment and return privatised prisons to the public sector. An independent NSW Justice Reinvestment body and a Justice Reinvestment Grants Fund of \$50 million will be established over 5 years.

Socialist Alliance:

Strongly opposed the moves by major parties towards mandatory sentencing, the shifting of focus from rehabilitation to 'deterrence' and prison privatisation. Will commit to reversing all reactionary changes.

Alex Greenwich:

Will consistently defend judicial discretion and will continue to do so if re-elected. Will focus on prevention, early intervention, diversion, rehabilitation and integration.

Animal Justice Party:

Would like to commit to proper mental health care and early intervention is provided to those who abuse animals, as there is a strong link between animal and human abuse.

Joe McGirr:

Will commit to protecting judicial discretion in sentencing, increasing investment into diversionary social crime prevention strategies, ensuring the funding and implementation of key pre-release services for prisoners and providing rehabilitative programs for prisoners.

2. Bail Act & Remand Issues

Liberal & Nationals:

Has reformed bail legislation including the recommendations made by two reviews of the legislation. A more holistic review of the 2013 Act will be conducted no later than 6 December 2020.

Labor:

Has no plans to amend bail legislation.

Greens:

Introducing reforms on the State's bail laws to halve the number of people held in jail awaiting trial and not convicted of an offence.

Socialist Alliance:

Supports the principle of presumption of innocence. Bail should be allowed unless the prosecution can show there are serious risks posed to the community.

Alex Greenwich:

Opposes recent changes to bail provisions as they contradict the fundamental human right that people are innocent until proven guilty. Supports a bail system where bail is refused based on their 'unacceptable risk' to the community.

Joe McGirr:

Will reform s 18 of the Bail Act 2013 to reduce its restriction on judicial discretion and reintroduce s 32(1)(b)(i) of the Bail Act 1978 to allow consideration of the conditions under which the person in custody would be held.

3. Indigenous Issues

Liberal & Nationals:

Will commit to reducing over-representation of Aboriginal people in prison through implementing reforms and targeting reoffending. Committed to promoting judicial awareness of Aboriginal culture through educating judicial officers, and supports the inclusion of an offender's background of social deprivation in sentencing.

Labor:

Will commit to reducing issues of overrepresentation of Aboriginal people in prison. Will also commit to funding effective justice reinvestment programs that are culturally respectful and appropriate.

Greens:

Ensuring the release of all First Nations people currently jailed for non-violent offences through a one-in-230-year amnesty, overseen by a First Nations-led De-Incarceration Commission, subject to the determination that the release will not pose an unacceptable risk to the community or an individual.

Socialist Alliance:

Actively participates in campaigns against Aboriginal deaths and supports the full implementation of the recommendations of the Royal Commission into Aboriginal Deaths in custody.

Alex Greenwich:

Believes that reducing incarceration rates is an essential step in closing the gap and achieving full reconciliation, and that culturally sensitive legal services will help break the cycle of incarceration of particularly young Aboriginals. Supports the Koori Court pilot in the Surry Hills children's court.

4. Women

Liberal & Nationals:

Will commit to providing programs for female offenders that meet their needs, and the ability of courts to tailor sentences to offender's individual circumstances. Has established High Intensity Program Units, where some of these focus exclusively on the needs of female offenders.

Labor:

Will commit to developing policy platforms and policies that are culturally sensitive and appropriate. Will commit to consultation with key stakeholders prior to the implementation of suitable policies and services.

Greens:

To break the cycle of trauma by ensuring that all women in prison have access to trauma informed counselling and programs that facilitate contact with their children.

Socialist Alliance:

Strongly supports these reforms as women from Aboriginal and Torres Strait Islander communities have special needs that should be recognised. Outspoken against abuse of strip searches.

Alex Greenwich:

Believes that the growth in women's imprisonment rates requires approaches to stop punishing women beyond their sentences. Opposes the control of family visits as a form of discipline.

Joe McGirr:

Policy recognising the specific needs of each individual woman will be developed, including the indigenous. Policies to reduce recidivism, strip searches and the over medication of incarcerated women will be formed. Funding for specialist legal services will be provided for women in prison.

5. Juveniles in Custody

Liberal & Nationals:

Believes that existing programs such as Youth on Track, in addition to the current educational and occupational training courses available to juvenile offenders are sufficient, and will review the current Youth Koori Court before considering further expansions such as a possible Walama Court.

Labor:

Will commit to the introduction and implementation of diversionary and educational programs and communities that provide training and rehabilitation programs. Youths will be located in a detention centre closest to their residence and accessible by their families.

Greens:

Aims to raise the age children leave out of home care to 21 to allow young people to receive ongoing support. The age of criminal responsibility will be raised to 16 and will provide appropriate support to children and young people at risk of serious offending. The school teaching year will be expanded in all juvenile detention centres to 50 weeks a year to overcome the negative consequences on both education outcomes and facility management for young people in detention.

Socialist Alliance:

Active in juvenile justice campaigns and have helped build a strong community response to expose any outrageous treatment of juvenile detainees.

Alex Greenwich:

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.

Joe McGirr:

Introducing a wider range of diversionary programs and community based sentencing all over. The ability to contact family will be ensured, as well as youths being located in a detention centre closest to their residence. The Walama Court for indigenous juvenile offenders will be implemented.

6. Education & Training in Custody

Liberal & Nationals:

Supports prisoners' right to education through programs such as Intensive Learning Centres, while TAFE NSW provides all other vocational training programs. Work Release/Education and Vocational Training programs are available to only minimum-security inmates near the end of their sentences.

Labor:

Will support prisoners to the right of access to an education and correctional facilities, ensuring that these programs are culturally appropriate and respectful.

Greens:

Supports the right of access by prisoners to a comprehensive and appropriate education program.

Socialist Alliance Party:

Will support the right of access by prisoners to accredited broad education programs, education for all those in correctional facilities, access to computers in cells, the development of culturally appropriate educational programs, and the right of all prisoners to have tertiary-qualified professional teachers.

Alex Greenwich:

Has advocated in Parliament for computers in prison cells to help in-mates with education, legal resources and prison programs. Strongly supports ensuring all prisoners have access to quality education and training.

Joe McGirr:

Does not support the right of prisoners to have computer access in their cell within a secure network environment. Supports the right of prisoners to an accredited broad, culturally appropriate education regardless of status. Agrees with the introduction of a specific section in both TAFE NSW and the NSW Board of Studies charters for the mandatory provision of education on a not-for-profit basis.

7. Health of Australian Prisoners

Liberal & Nationals:

Recognises that prisoners are entitled to the same standards of healthcare as other members of the community. Supports prisoners having access to Medicare.

Labor:

Supports that prisoners should have the right to access the same standard of health care as other members of the community.

Greens:

Supports the need for people in prison to be entitled to the same standard of health care as other members of the community. Will provide external interpreter services and employ indigenous health practitioners to provide services.

Social Alliance Party:

Strongly believes that prisoners should have the same health rights as any other member of the community. Supports holistic, preventative and harm-minimisation programs.

Alex Greenwich:

Has called for needle and syringe programs in prisons and supports a system of equitable standards of health care for prisoners.

Joe McGirr:

Supports the need for people in prison to be entitled to the same standard of health care as other members of the community. Will provide external interpreter services and employ indigenous health practitioners to provide services.

8. Mental Health

Liberal & Nationals:

Committed to providing mental health services to address offending behaviour. Offenders are screened as they are received into custody to identify and properly assess mental health problems.

Labor:

Will commit to assessing the current provision of psychiatric and psychological services for people in custodial care and in remand. They will assess current resourcing and staffing for mental health treatment and identification.

Greens:

Will commit to reviewing and upgrading the provision of psychiatric and psychological services for people in custodial care and will allocate additional resources to ensure that remand inmates with a mental health problem are assisted.

Social Alliance Party:

Will commit to reviewing and upgrading the provision of psychiatric and psychological services for those in special care.

Alex Greenwich:

Will commit to reviewing and upgrading the provision of psychiatric and psychological services for people in custodial care and will allocate additional resources to ensure that remand inmates with mental health problems are assisted.

Joe McGirr:

Will commit to reviewing and upgrading the provision of psychiatric and psychological services for people in custodial care and will allocate additional resources in doing so. Aims to improve the transition from prison to the community for those with a mental health disorder.

9. Culturally & Linguistically Diverse Communities

Liberal & Nationals:

Corrective Services NSW currently identifies inmates that require language support through its screening process to ensure they have access to translation services. Reintegration support is offered to all inmates through funded services such as the Prison Outreach Program.

Labor:

Will commit to providing culturally sensitive programs in prisons, take action to incorporate support systems throughout the criminal justice system, and can pursue CALD initiatives to support their rehabilitation and reintegration.

Greens:

Will address the diverse needs and knowledge of rights of the CALD community by providing culturally sensitive programs and incorporating support systems.

Social Alliance Party:

Will commit to providing culturally sensitive programs in prisons, taking action to incorporate support systems throughout the criminal justice system for CALD offenders to have a better understanding of the process, law and rights. Will also pursue CALD initiatives to support their rehabilitation.

Joe McGirr:

Will address the diverse needs and knowledge of rights of the CALD community by providing culturally sensitive programs and incorporating support systems. Will support their rehabilitation and reintegration by pursuing CALD initiatives.

10. Prison Officer Conditions

Liberal & Nationals:

2000 new corrections roles have been created. Benchmarking has been applied to prisons to raise standards and improve accountability in correctional centres.

Labor:

Will commit to improving the safety of prison officers by reducing prisoner overpopulation, and providing further training to police officers.

Greens:

Will commit to improving the safety and welfare of prison officers by reducing prisoner overpopulation and providing training.

Social Alliance:

Will commit to improving the safety of prison officers through reduction of prisoner overpopulation, and providing further training to prison officers.

Joe McGirr:

Will improve the safety and welfare of prison officers by reducing prisoner overpopulation and providing training.

11. Governance & Transparency

Liberal & Nationals:

The Inspector of Custodial Services Act 2012 is due for statutory review in 2019, which will determine whether current policy objectives are still valid. The Ombudsman's powers will remain the same, being able to investigate any complaint made by prisoners.

Labor:

Supports the independence of the Inspector of Custodial Services, and a review of the Inspector's functions to determine what changes may be necessary and/or appropriate to allow them to fulfil duties and obligations. They also support the provision of adequate funding and appropriate legislation to enable the Ombudsman to effectively carry out their duties.

Greens:

Supports the independence of the Inspector of Custodial Services. Will expend the inspector's functions to review complaints from prisoners and enable the Ombudsman to re-examine the exercise of Departmental discretion.

Social Alliance:

Will support the independence of the Inspector of Custodial Services; and will commit to expanding the Inspector's functions, enabling the Ombudsman to re-examine the exercise of Departmental discretion.

Joe McGirr:

Supports the independence of the Inspector of Custodial Services. Will expend the inspector's functions to review complaints from prisoners and enable the Ombudsman to re-examine the exercise of Departmental discretion.

12. Privatisation

Liberal & Nationals:

Is committed to managing prisons in the best possible way.

Labor:

Will commit to prisons and prisoner education being run by the government – this is dependent on any contractual obligations currently in place.

Greens:

Will return all jails to public ownership and management.

Social Alliance:

Will commit to prisons and prisoner education run by the government. Oppose prison privatisation.

Alex Greenwich:

Strongly believes that a large number of risks exist if prisons and prison education are for profit. Government is best placed to run these programs.

Joe McGirr:

Disagrees to prisons being run by the government but will commit to prisoner education being government operated. They also support the provision of adequate funding and appropriate legislation to enable the Ombudsman to effectively carry out their duties.

Greens:

Supports the independence of the Inspector of Custodial Services. Will expend the inspector's functions to review complaints from prisoners and enable the Ombudsman to re-examine the exercise of Departmental discretion.

Social Alliance:

Will support the independence of the Inspector of Custodial Services; and will commit to expanding the Inspector's functions, enabling the Ombudsman to re-examine the exercise of Departmental discretion.

Joe McGirr:

Supports the independence of the Inspector of Custodial Services. Will expend the inspector's functions to review complaints from prisoners and enable the Ombudsman to re-examine the exercise of Departmental discretion.

