

# Periodic Detention

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Business - Questions Without Notice

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## PERIODIC DETENTION

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**The Hon. KAYEE GRIFFIN:** My question is directed to the Attorney General, and Minister for Justice. What is the latest information regarding periodic detention in New South Wales?

**The Hon. JOHN HATZISTERGOS:** Periodic detention has been a sentencing option in New South Wales for nearly 40 years. Indeed, New South Wales is the only State jurisdiction that makes it available, enabling offenders sentenced to imprisonment to serve two days a week in detention and requiring them, for the most part, to perform community work. Work to the value of \$4 million has been performed around the State by periodic detainees annually, including participation in projects such as the annual Clean-Up Australia Campaign, work for the Upper Parramatta River Catchment Trust, maintenance of the Kokoda Track Memorial Walkway at Concord, clearing weeds from national parks—in particular, Elouera Bushland Reserve, Liverpool—maintenance and improvement of the physical environment of a wide range of schools, and cleaning and maintenance of a vast stretch of the Georges River.

While the scheme is now four decades old, it has not remained static. In fact, the Government has introduced several reforms to periodic detention over that period. These changes have, among other things, restricted those eligible for periodic detention and allowed the swift revocation of periodic detention orders if an offender has failed to turn up for detention. Most notably, offenders are now ineligible for periodic detention if they have served a sentence of imprisonment of six months or more full time. Certain sex offenders are also ineligible to perform periodic detention.

The Government has shifted the revocation of periodic detention orders from the courts to the State Parole Authority, required the courts to set a minimum and an additional term or fixed term when sentencing a person to periodic detention, required mandatory revocation if an offender does not attend periodic detention without leave on three occasions, and required in certain circumstances past failures to report for detention to be carried over to any reinstated order. Although these reforms have made the system more rigorous, a number of shortcomings still exist. The State Plan priority is to reduce reoffending, and I am concerned that periodic detention is not focused enough on rehabilitating offenders and correcting their criminal behaviour.

Furthermore, as was noted in a November 2001 report of a select committee of this House chaired by the Hon. John Ryan, there was a noticeable and progressive decline in the use of periodic detention as a sentencing option, particularly since the mid-1990s. Complicating the matter further is the markedly different and virtually ineffective procedures for revoking the orders of non-compliant Federal periodic detainees, who are largely administered under Federal law. That is why I have asked the **Sentencing Council** of New South Wales to evaluate the scheme and to assess alternatives. The council's report is due to be provided to me by October this year.

As part of the review, the **Sentencing Council** will examine the extent to which periodic detention is used as a sentencing option throughout the State and the appropriateness and consistency of such use; the nature of the offences for which periodic detention orders are most commonly made; the method of enforcement of periodic detention orders and the appropriateness of such enforcement; the advantages and disadvantages of periodic detention orders in comparison with other sentencing options; whether there are better

alternatives to periodic detention orders; any modification that may be made to periodic detention, including the combination with other community-based orders; and the different arrangements in the State and Federal legislation relating to periodic detention orders. In line with the State Plan, the Lemna Government is committed to reducing reoffending. I look forward to receiving the report of the **Sentencing Council** before determining what action the Government should take in relation to these alternatives.