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Paul Wilson
Bond University, Paul_Wilson@bond.edu.au

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After Hanson and Fingleton, jail terms need some correctional treatment

By Paul Wilson
Dean of Humanities
Social Sciences Bond University

The ferocity of the public debate over the severity of Pauline Hanson's prison sentence is a welcome sign.

It may be a signal that, together with the draconian punishment handed out to disgraced chief magistrate Di Fingleton, Queenslanders at last may be realising that imprisonment might be an inappropriate penalty for many criminal offences.

Increasingly, we seem to be using prison as a penalty of "first" rather than "last" resort.

Driven by politicians of all political persuasions determined to beat up law-and-order issues, including Pauline Hanson herself, imprisonment rates have dramatically increased in Queensland.

So have the sentences handed out. Successive Queensland governments have increased penalties for many crimes, and it has become harder and harder for prisoners to obtain early release through parole.

As a result, our jails are overflowing, and millions of dollars are being spent on more and more cells.

There is no doubting the strong public support for increasing incarceration of criminals. Public opinion surveys show that rather than rehabilitation, the community subscribes to the view that retribution and deterrence should be the major goals of sentencing policy.

Indeed, one commentator has gone so far as to suggest that because of our penal background, punishment is a cherished part of the Australian way of life. Certainly in Queensland we seem almost proud of the fact that we make jails tougher and spend less than almost any other state on rehabilitating offenders.

During 2000-01 the Australian Productivity Commission reported that Queensland spent the lowest amount on each prisoner a day in each category of managed prisons and community corrections. We spent $116 in secure custody, $72 in open custody and $3 in community corrections. These amounts compare with the national average costs for each prisoner a day of $149 for secure, $117 for open and $6.50 for community corrections.

These figures have increased in the 2001-02 productivity report, but Queensland is still below the national average, as we also are in the percentage of prisoners receiving education, training and employment opportunities.

So, in Queensland, the public is getting what it wants: relatively harsh prison conditions, more and more time spent in custody before parole, and few real attempts to rehabilitate prisoners or assist them when they are finally released.
I am not suggesting we should abandon imprisonment. It is clearly needed for serious violent offenders and arguably for major fraudsters and other white-collar offenders who cause misery and destitution to scores of victims.

I doubt that Hanson's electoral offence fits this category, and neither did Fingleton's transgressions. I also doubt that we need imprisonment for most fine defaulters, small-time thieves, single mothers who deliberately or accidentally defraud social security benefits, and hundreds of others who commit minor crimes.

Both Premier Peter Beattie and Attorney-General Rod Welford seem to have taken notice of the outpouring of anguish concerning Hanson's three-year sentence and are considering a review of Queensland sentencing practices. But if we are going to spend public money on a government review of sentencing practices, let us at least make it relevant and useful.

We could begin by questioning the tedious proposition that more imprisonment and longer sentences will reduce crime in the community. Then we could continue by attacking what retired Supreme Court judge Bill Carter has called the mindless assertion that a bit of prison will do him/her the world of good.

In the same vein, we might want to boost spending on community corrections and seriously support the introduction of options like home detention and drug courts, which come with treatment programs.

And if Welford is really adventurous, he might also want to use any sentencing review to educate the public about the futility of building more prisons and giving offenders longer periods in custody.

I doubt any such review will consider these questions. This is a tragedy, because the Hanson case raises fundamental issues about aims of sentencing and especially the purposes of imprisonment in a society that professes to be modern and civilised.

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