

28/11/23

Attention please: NSW sentencing Council.

Please find included the following:

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Regards,

Jonathan Cooper

26/11/23

To the NSW Sentencing Council,

My name is Jonathan Cooper & I am an inmate at at serving a 28 year sentence with an 18 year non parole period.

I have been advised that that You are taking submissions in relation to sentencing of people in NSW & what that could look like moving forward hence my writing today.

Please forgive me if I have been ill informed or misinterpreted the minute information I have been given.

So far I have served approximately 7 years of my sentence & believe that my insight could be a valuable contribution to the process by which future individuals are sentenced & most vitally to the outcomes of sentences on individuals & communities in the longer term.

On the following pages I will list my submissions & the reasons why they would be beneficial.

I am more than happy to speak with anyone regarding these submissions & can be contacted at at via AVL or mail, my min number is

Submission 1; ADF alternative.

Jail does not generally make people any better as they do not contain enough opportunity for people to better themselves.

People spend their time associating with an assortment of criminals for many years before being released with minimal preparation for the real world, financial security or employment. Within 2-3 years roughly 50-60% of people re offend & return to jail.

The large majority of these people do not see themselves to have any purpose in life & see themselves as 'crims' self stigmatizing & being an outcast of general society. Where appropriate for sentencing where an offender is not deemed a physical threat to society for example 'non violent drug offenders' they could be diverted to serve their custodial sentence with the Australian Defence Force.

An alternative sentence such as this can give an individual an identity to be proud of, a career & a pathway to education & training to give them further opportunities.

All of the above gives an individual purpose.

A purpose, an identity, a career & positively contributing to society will greatly reduce recidivism.

The financial benefits to our nation are amazing both instantly & long term, for example:

- Across the country there are approximately 40,000 inmates costing an average \$114,000 PA Per adult.
- Total cost for 1 year roughly \$4,560,000,000

Across these 40,000 inmates there are thousands of non violent drug offenders.

If 20% of these 40,000 individuals were suitable candidates, 8,000 individuals could be transferred directly to the ADF to serve out their sentences.

Immediately the government would save \$912,000,000 P.A.

Long term these individuals would be less dependant on welfare whilst at the same time not clogging up the legal system from re offending.

Whilst serving with the ADF they could be paid a wage with which they could contribute to their families also reducing their families welfare dependence.

Inmates earning a real wage also helps to eliminate any need for re offending.

Submission 2; Achievements.

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A sentence imposed in court generally relies on time alone.

Time alone fixes nothing. The more time an inmate does isolated from society the more backwards ostracized & stigmatized they become.

Sentences should be imposed with a clause that allows for discount on the custodial portion of a sentence with the completion of qualifications such as degree's & trades as well as general good behaviour.

If inmates are offered incentives such as remissions for good behaviour & academic achievement they are much more likely to have a positive mindset & become ambitious to achieve something with their time giving them purpose & direction.

This type of system could be reflected in sentencing where by a magistrate gives a 5 year sentence to an individual with the option to complete X Bachelor degree to be released in 3.

Or to serve 5 years in custody or to be released upon the completion of X degree or whatever comes first.

This type of system would be beneficial in 2 ways:

1. Inmates develop motivation to better themselves, work towards something positive whilst achieving they break down mental barriers building self confidence & learn new skills for real world careers.
2. The government saves money in an early release & saves society through lower recidivism.

An example of how such a model could be implemented

Can be seen in the attached Australian Financial Review article "On-the-job uni degrees to speed up training in defence sector:"

Inmates could be sentenced to a custodial trade school or similar where they stay, learn & achieve to rehabilitate/habilitate themselves & earn their release. Obviously one size doesn't fit all when it comes to education but different centres could develop different partnerships with different Universities for different degrees.

If not made a part of sentencing, achievements should be taken into consideration at a post sentencing hearing at certain intervals during an inmates sentence so that they could be rewarded for positive achievements & encouraged to continue via adjustment to their custodial sentence & their parole time.

There is currently minimal incentive for inmates to behave themselves or achieve anything hence the rampant violence & drug abuse.

The attached article is a great example of how an individual can literally be taken from zero at 16 years of age to hero at 21 years old working their way through a system.

cost of the \$41 billion scheme.
"This study provides further evidence to what is reasonably well established, which is that having a diagnosis

prevalence studies over 20 years and found the Australian growth rate for children was the highest among surveyed countries.

who is on study leave, and undertaking a PhD at the Crawford School of Public Policy looking at the impact of autism on the NDIS.

being steeper in Australia than other countries with comparable economic and health systems, it is plausible that the growth of prevalence rates above

per cent), seven- to 14-year primary diagnosis of autism. The total prevalence – not just those eligible for NDIS – will be higher."

On-the-job uni degrees to speed up training in defence sector

Julie Hare
Education editor

A trailblazing undergraduate program that pays students \$30,000 a year while they learn on the job will take its first cohort of 30 students next year.

The five-year degree apprenticeship in mechanical engineering is the first of its kind in Australia and could revolutionise university study, particularly in skill areas of high demand, such as the building of nuclear submarines under the AUKUS agreement.

Unlike traditional trade apprenticeships, students will be paid to attend work and study at university while receiving on-the-job training by skilled supervisors. They will graduate after five years with a degree from the University of South Australia, a trade certificate and an almost 100 per cent guarantee of a job.

They will also graduate debt-free. South Australian Premier Peter Malinauskas said he had seen degree apprenticeships in action at defence contractor BAE Systems' submarine shipyard in the UK last year.

"This is a wonderful opportunity for young people to undertake a high-quality university education, while getting paid to work, and learn on the job, at a major defence employer," Mr Malinauskas said.

Georgette Elston, head of resourcing and early careers for BAE Systems, said

the contractor had been running degree apprenticeships with universities in the UK since 2015 and now covered 20 discipline areas, including aerospace engineering, management, nuclear engineering and enterprise architecture.

"When they graduate they have five years' work experience, a degree in a skill area that is in high demand," Ms Elston said.

"We have a 93 per cent retention rate, which is exceptional when you consider that traditional apprenticeships have a 50 per cent retention rate."

All companies involved in the University of South Australia program, including BAE Systems, Lockheed Martin, DXC Technology, ASC and the Defence Teaming Centre, have agreed to pay tuition fees so apprentices graduate debt-free.

The new model fundamentally changes the definition of apprenticeship in Australia, Ms Elston said, bringing it into line with other countries.

Tom Johnson, 30, completed a degree apprenticeship in 2013 in the UK. He signed on for mechanical engineering as a 16-year-old and gained his A-levels and degree from the University of Hull, all while working at BAE.

"It gave me a head-start because I had five years of work experience by the time I graduated. That gives you confidence, you are better at communicating and have built a network and have



Ben Johnson started his degree apprenticeship in the UK and is on secondment with BAE Systems in Adelaide. PHOTO: BEN SEARCY

We're using industry supervisors to guide the education... that's the real innovation.

Professor Tom Raimondo, UniSA

learned how the business works," he said.

Mr Johnson is in Adelaide after being seconded to work on the Hunter class frigate program. Having worked for BAE Systems for 14 years, he has been promoted to a managerial position.

"I would say the degree apprenticeship is more than just a normal day job plus the academic stuff," he said.

"I've had a lot of life-enhancing experiences. It's just the best thing."

While next year's inaugural intake in SA will have a maximum of 30 apprentices, Tom Raimondo, dean of programs for IT, mathematics and data science at UniSA, said the program had already attracted expressions of interest from 75 potential students.

"It's the ideal model in that students are tightly integrated and embedded with an employer, and we are using industry-based supervisors to guide the

educational experience and the work-integrated learning that the students are doing. That's the real innovation," Professor Raimondo said.

Megan Lilly, head of workforce development for AiGroup, has been involved with the degree apprenticeship from the outset. She said now that the first program was off the ground, she expected it to expand in the coming years.

The federal government committed \$40 million for TAFE and higher apprenticeships when it released its employment white paper in September.

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Submission 3; Trade Schools

1 of 1

Younger first time offenders if not being incarcerated for a horrific matter should be diverted away from normal jails & placed into custodial trade schools / academies.

The cross contamination that occurs from placing a younger offender into jail yards full of junkies & scumbags only makes them worse.

Give them a chance, let them learn a skill for life so that upon release they can achieve something.

Apply a 3 strikes rule so that if offending occurs within the trade school / academy the individual is kicked out to a normal jail.

Our country needs more tradespeople & with these skills individuals will never be without work.

This small initial expense would long term reduce recidivism, increase the country's productivity & lower eventual & current welfare dependance.

Submission 4; The habilitation model

1 of 2

To rehabilitate is to restore one to their former self.

To habilitate is to make one fit for life.

When an inmate comes into custody generally they will sit around for years before their court matter is finalized during which time they dwell on all things negative.

Only towards the end of an inmates custodial sentence are offenders given the opportunity to participate in offender programs essentially taking them back in time & re-traumatizing them prior to release.

Offender programs should be given to offenders when they initially come into custody to address the reason they are there in the first place.

Currently inmates are waiting so long that they are finding their own balance before again being dragged through all the negativity.

Waiting years before looking into offending behaviour & how to correct it does not make sense at all.

The last 5 years of an inmates sentence should be spent in the habilitation stage learning to function like a normal member of society.

Inmates should be fitted with an ankle bracelet for tracking & allowed to attend work at real jobs in the community as the more time they are living like a normal person the more likely they will be able to maintain a normal lifestyle upon release & be released with financial independence.

Also during this 5 year period inmates should be able to attend University to complete a degree as the average Bachelor degree is 3-4 years, at least this way an inmate can finish their sentence having

Submission 4; habilitation continued.

2 of 2

completed a degree & even commenced work in their chosen industry.

Currently the time given to inmates for work/study release is not enough for them to complete a degree hence they can still be released ill prepared & behind the 8 ball where as they should be released fully qualified & with work & financial history to allow them the best transition into society possible.

A 5 year work & study release plan gives all inmates the best chance for habilitation.

Moving offender programs to the entry point of incarceration aids in not clouding an individuals mindset pre release & allows them to put their energy into the positive part of the process making themselves fit for life.

A BBC article 5th July 2022 says 10% of inmates enter employment following release after 6 weeks with no education however with education 50% of inmates enter employment within 3 weeks.

More emphasis should be put into educating inmates & giving them education opportunity & education release opportunity.

Studies have shown that tertiary education for prisoners dramatically reduces their recidivism rates.

Obviously this whole process should start for an offender as soon as possible however the reason I have stated 5 years is because that is when an inmate can be considered for minimum security classification.

The Scandinavian implements this approach from the get go & they have the worlds smallest recidivism rates.