



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

Hansard 10 March 1999

CORRECTIVE SERVICES AND PENALTIES AND SENTENCES AMENDMENT BILL

Mr FELDMAN (Caboolture—ONP) (9.50 p.m.): It is bound to be good. I thank the member very much for that. I appreciate what he said before—that I am a lecturer.

Firstly, let me commend the coalition for putting forward the Corrective Services and Penalties and Sentences Amendment Bill to address one of the major flaws within the current Corrective Services legislation, that being a toughening up on criminals and their sentencing. At this point I would like to commend the previous Minister for Police and Corrective Services, Mr Cooper, who spoke earlier. He is one of the more admired Police Ministers from the past and had a lot of support within the service.

Mr Pearce: We know that.

Mr FELDMAN: He certainly did. When prisoners decide to burn down their prisons and prisoners decide to go on hunger strikes, there is no softly, softly approach from this man. He takes direct action and says, "If they want to starve, let them."

One Nation fully supports truth in sentencing—100%. Our policy is, and always has been, that if an offender has committed the crime and is sentenced to 20 years in jail, then 20 years in jail he must serve—100%. This amendment Bill introduces some positive changes and goes part of the way towards addressing the incredible social inequity which puts the rights and the treatment of criminals above those of the victims.

My simple question is this: why does the current legislation not require criminals to serve 100% of their sentences? No matter what the crime, if a criminal is sentenced to serve 10 years in jail, then 10 years is what he should serve—not one day less.

Let us talk about something close to the bone for members on the other side of the House. A former Labor leader was found guilty of one charge of indecently dealing with a girl under the age of 14 years, four other counts of indecently dealing with a girl and one count of rape. This man was a clever and mature man of some 41 years when he started to pursue and manipulate this child who was under the age of 14 years at that time. He was also a Baptist lay preacher and a campaigner against child pornography. Let me also remind members opposite that this man was the Leader of the Labor Party, a man in a position of trust and responsibility in the community.

He was convicted and sentenced to eight years in jail but served only five years before he was released on home detention. Five years! A man convicted of child rape and five counts of indecent dealings with a young girl had to serve only five years. What happened to the other three? I might remind honourable members that he served only five years because he decided to admit what he had done and partook of a little bit of what was called rehabilitation in the jail. What happened to the other three years? It is not right. It is not fair to our society that a man in this position had to serve only a pitiful five years for the pursuit, molestation and rape of a girl 27 years his junior. Where was the justice?

Eight years should mean eight years. "If you do the crime you do the time." This means all of the time, not just some of the time because the prisoner decided to behave himself whilst in custody. These people who commit crimes play the legal dice roll. The Criminal Code says 10 years, case law says five years, remissions make it three years and good behaviour might make it one year. Soon we might owe these criminals time. The recidivists might gain credit points for crimes in the future. Criminals will soon be chalking up credit points for future crimes.

Special treatment for criminals must stop. If a person could not behave himself and do the right thing while he was in the community, why should he get special treatment when he is locked up? It just does not make sense to anyone, least of all to us over here. After all, criminals are locked up for a reason—as a punishment for breaking the law and to remove the threat they pose to society. I reiterate what has already been said: it is up to us here in this Legislature to protect society from serious violent offenders.

Let me refer to another example that absolutely sickens me. In 1997, a 19-year-old male anally raped a four-year-old girl in her own bed while her five-year-old sister witnessed the ordeal. The girl's parents were asleep in another room. Brian John Daphney pleaded guilty to his crime and was sentenced to 15 years' jail.

Dr Prenzler: How many years did he serve?

Mr FELDMAN: I will get to that. He is still there. This sentence may have given this devastated family some relief by seeing justice served when this child rapist was sent to jail, but can honourable members imagine their disgust and horror when they discovered—and I might add that they discovered it through the media—that this convicted offender was appealing against the severity of the sentence. Again we see the legal dice roll—over and over again. He might just get a bit less if he gets a good enough barrister or QC—all at Government expense. Legal Aid will pay the lot. How can this be allowed? A convicted criminal who pleaded guilty to such an horrific crime has the right to appeal against the severity of the sentence. The only people getting fat on the back of this lamb are the members of the legal fraternity. The present system is built for them, and our Labor lawyer friends on the other side of the Chamber do not want it to change. They do not want to spoil the spoils.

"If you commit the crime you do the time." There should be no appeals, no paroles for being a good boy—nothing. Enough is enough. Truth in sentencing is the right way and it is the only way. Truth in sentencing would achieve many things. It will enable victims to feel that justice has been adequately served. It will deter criminals from re-offending. It will also aid in the rehabilitation process.

In over 25 years of policing, I have only ever seen police looking after the victims. It is the police delivering the death messages. It is the police comforting the next of kin. No-one feels the victims' pain more than the police. By ensuring that criminals serve the entire length of their sentences, criminals would be forced to think about their actions. They would have plenty of time to decide whether their decision to commit the crime was really worth it. Was it worth losing 10 to 20 years of their lives? This is 10 to 20 years during which they have to sit there and think about their actions over and over again.

After all, this is what rehabilitation should be about. It should be a matter of thinking about the crime, thinking about the sentence, and thinking about what should be done. It should be about ensuring that criminals realise the consequences of their crimes and deterring them from re-offending. Does rehabilitation not also mean removing an offender from society, correcting his antisocial attitude and then releasing him back into society when he is no longer a threat to his fellow members of society?

I often wonder whether the people who passed the current legislation really considered the outcome of their actions. What about the innocent victims who were forced into a situation that was out of their control? Were they considered? Too often the victims are ignored, and too often the criminals are let off too lightly. Society has said loudly and clearly, "This has to stop." People have supported this Bill. Everywhere I have been people have said, "This is great legislation."

We are in a position to make change. We are in a position to change the wrongs of previous Governments. In this case the coalition has the right idea but we need to be serious. We all know that crime is a very serious issue, the consequences being just as serious. We have a responsibility to the people of Queensland, so let us be responsible. The Corrective Services system is in place for a reason, and it is time for changes to be made to ensure that the system does exactly what it is supposed to do. I repeat: the system must do exactly what it is supposed to do.

Let us go to a noted criminologist, Paul Wilson. In an article which appeared in the Courier-Mail some time ago he made a statement with respect to violent sexual offenders. He said that violent sexual offenders can in no way be rehabilitated and that, if anyone thinks they can, they are living in cloud-cuckoo-land. This is not just Mr Wilson's view but the view held by many noted criminologists and psychologists not only here in Australia but around the world. Violent sexual offenders cannot be rehabilitated. What do we do with them?

As has already been said, no longer can we lock them up until Her Majesty's pleasure be known—the old catchcry at the end of the Homicide show which used to make the people in our society sleep peacefully in their beds, knowing that these people would never get back out into society. However, under the current system they do get back out into society. They cannot be locked away forever and a day as perhaps they should be in the absence of capital punishment.

Let us talk about crime—violent, horrific crime. Members have already heard the member for Burdekin talk about a crime that I had some knowledge of and that I worked on, and that was the death of Sian Kingi. I will not go over the details again, but I urge every member opposite to grab the transcript of that trial and read it through, the whole lot of it, and then come over here and debate with me whether they really think that these people should be let out.

What about another noted criminal, Mr Osborne? He was involved in the revolving door philosophy under the previous Governments. He was let out for ratting on another fellow prisoner. He ratted his way out of jail and, one day out, two other women are raped.

Mr Knuth: A disgrace!

Mr FELDMAN: An absolute disgrace! He was allowed out for ratting and two other women suffered the consequences of that. This is the sort of thing that society no longer wants. We can go back and talk about Kossaris and Thompson, the bikie bandits of the early 1980s—two strung-out druggies committing armed robberies throughout our State. What happened to those poor people in those banks who had rifles and firearms stuck in their faces? Not much! These people should be locked away for a long time. I would challenge any member opposite not to think about these things. As I said before, what happened to the old "until Her Majesty's pleasure be known"? Let these offenders rot in the cells that were made for them. As I said, those words used to be some of the most enjoyable words that I heard at the end of the old Homicide show. No matter how horrific the crime, I knew that I was safe in my bed. My brothers and sisters, my parents and my friends were safe because these offenders were locked away, never to be released.

Under Labor, I can see a Labor wonderland. I can see a Sodom and Gomorrah for the 20th century taking us into the oblivion of the next millennium. Under Labor, I can see a Bad, Bad Leroy Brown section of town where liberalised laws have made prostitution the leading growth industry providing jobs, jobs, jobs for our daughters and our sons while the burgeoning boutique brothel industry, the shooting galleries and the abortion clinics abound, taking their place proudly in society alongside the liquor shops and the gambling dens showing the non-violent erotica that drives the desires of these violent sexual offenders to commit the sadistic and animalistic crimes——

Mr Schwarten: You're sick. You need locking up.

Mr FELDMAN: This is your wonderland——

Mr Schwarten: No-one would know things like that. You're sick.

Mr FELDMAN: If the member wants to interject, can he please go to his right seat. I will accept his interjection from his right seat. This is not the type of community that I want to leave as a legacy for my children. This is why I support One Nation policy, kindly put forward by the shadow Attorney-General as an amendment Bill.

I want the sick, violent offenders of our society to pay their dues, to pay their time for the crimes they commit. This is not the type of society that I want to leave for my children. This is not my idea of a wonderland; this is Labor's idea of a wonderland. I want to leave my children with a society safe from these types of people, safe because I know that they are spending their time locked away where they should be.

We can accept some of the interjections from the Labor lawyers over there. They are hoping that the business of recidivism will give them a good living in the years to come. However, this is not what the good, honest and law-abiding citizens of our community expect from this Legislature. They expect criminals to serve their time. They expect criminals to do the time that is allocated. Ten years is 10 years. This is all the good, honest and law-abiding citizens of our community, the community-minded members of our society, want. I want to prepare for my children a world in which these people are locked away and stay locked away. This legislation is good legislation. It should be applauded and I do applaud the shadow Attorney-General for bringing the Bill into this House, and I commend this Bill to the House.
