



Speech by

Mrs J. SHELDON

MEMBER FOR CALOUNDRA

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CORRECTIVE SERVICES AND PENALTIES AND SENTENCES AMENDMENT BILL

Mrs SHELDON (Caloundra—LP) (8.44 p.m.): The Bill we are debating tonight is all about whether or not we support justice. It is about whether we believe that serious violent offenders—the rapists and the thugs of this world—should serve their entire sentence behind bars. It is a debate about whether we believe the rights of the victims of crime should always take precedence over the so-called rights of criminals.

When the State coalition won office in 1996, we inherited a so-called justice system that could only be described as being heavily tilted against the victims of crime. We inherited a so-called justice system that said jail should only be used as a last resort. We inherited a so-called justice system that said a serious violent offender only had to serve 50% of their time behind bars before they would be eligible for parole.

The coalition Government changed all that, and we are very proud that we did. We introduced new laws that ensured that serious violent offenders sentenced to a 10-year sentence or more would not be eligible for parole unless they had served at least 80% of their sentence behind bars. In May last year, both Rob Borbidge and I gave a commitment to the people of Queensland that we would pursue that policy further. A commitment was given to bring in new laws that ensured serious violent offenders could not be released until they had served 100% of their sentence. This Bill honours that commitment.

Every woman in Queensland is looking to see what happens to this Bill tonight. They are looking to see if the State Parliament is serious about applying just penalties to those people who commit the most vile of crimes. As members know, today I appealed to all 11 female members of the Labor Party to exercise a conscience vote on this Bill. I call on Premier Beattie to allow them to do so and I call on the women in this Parliament to ask the Premier to reverse his decision to vote against the Bill. Every member of his party should be able to exercise a conscience vote.

To the members for Barron River and Cairns I say, "If you do not vote for this Bill, then you must go back to the women of the far north and tell them why you opposed laws that would make rapists serve their entire sentence behind bars." I say the same to the members for Bundaberg and Mundingburra. I will elaborate on this. I have a cutting from the Townsville Bulletin dated 2 March 1999, headlined, "Women speak out for strangled wife". The subheading is "Sentence should be tougher: MP". I totally agree. The member of Parliament referred to is Lindy Nelson-Carr.

A Government member: A good one, too.

Mrs SHELDON: I am sure that the honourable member will agree with what she said, as it lends weight to why she should vote in support of the Bill and support what I say tonight.

The article states—

"Wife-killer Nick Giannikos deserved a tougher sentence than three years non-parole, local MP Lindy Nelson-Carr said yesterday.

The member for Mundingburra spoke out about the manslaughter of Maria Giannikos, and the jailing of her killer for eight years with a recommendation for parole after just three."

This is exactly what we are talking about. The article continues—

"In June last year, Nick Giannikos strangled the 42-year-old mother of four, who had allegedly been having an extra-marital affair. But Ms Nelson-Carr scoffed at Nick's claims in court that his actions could have been caused by mental 'fragmentation', and said there was no-one to defend the reputation of Maria. 'I believe it was incredibly unfair,' Ms Nelson-Carr said. She also joined other prominent women in putting their names to a Saturday Townsville Bulletin advertisement titled 'Remember Maria'.

The names of Townsville Deputy Mayor Ann Bunnell, Senator Margaret Reynolds and academic Diane Menghetti also appeared on the advertisement.

'Maria is just symbolic of so many women,' Senator Reynolds said.

'There will be many people who will ask what is our law about when a woman can lose her life and the judgment of the court is it's only worth a certain number of years.' "

I could not agree more. The article continued—

"Professor Menghetti said she was shocked by the attitude of locals towards the killing. 'I was picking up the notion that it was all right to kill your wife if you felt passionately about it,' Professor Menghetti said.

'It's an extremely dangerous attitude. I had never thought of it as part of the Australian attitude.' "

I ask all women members in the House to listen to this. She questioned whether Maria would have received a three-year parole recommendation if she had killed Nick. That says it all. I agree with what the member said. I cannot see how members opposite can vote against this Bill tonight.

Similar to the question I asked the member for Mundingburra, I ask the members for Mount Ommaney and Currumbin: how will they explain to the women in their electorates that they voted against new laws that would have made a rapist or any other serious sexual offender serve their entire sentence behind bars? My very clear message to the Premier tonight is this: he should not force his MPs to be shackled by Labor Party policy. Let them voice the concerns of their electorates and the views of their constituents. My very clear message to all 11 female MPs on the opposite side of the House is this: stand up for women; do not politicise such an important issue; and let us unite across political boundaries and make our voices heard. That is exactly what women in the electorate want to hear. They are not interested in party politics. They believe that we, the elected women members in this House, should be standing up for them and for laws that support and protect them. As has been pointed out in this article, after being paroled or released, these offenders often offend again against women, committing exactly the same type of crime or an even worse one. This cannot be allowed to happen. Let us face it, the women are the victims here and they are being ignored.

Over the past couple of weeks I have heard a number of members opposite claim in this Chamber what an injustice this Bill will be for those who have committed serious violent offences, but they have not once spoken about the victims of crime. They have never once mentioned whether or not a punishment should fit the crime. Equally, I have heard members opposite claim that this Bill will lead to further overcrowding in our prisons. That is arrant nonsense. This Bill will apply to approximately 5% of the prison population only, and it is not retrospective. It will apply only to people convicted of serious violent offences after the Bill becomes law. There may be some sentiment in some sections of the community that the Bill should apply also to existing prisoners. I can understand that sentiment. However, the coalition does not believe in retrospective legislation.

When the coalition drafted the Bill that is currently before the House, we were conscious of the fact that we should not in any way dilute the powers of the judiciary to assess each case on its merits. But we were also conscious that we must not dilute the sentiments of our electorates. This Bill allows the judiciary to retain its powers of discretion, because the Bill does not apply to all categories of offence, and it will apply only to serious violent offenders who have been sentenced to 10 years' or more. Alternatively, at the discretion of the court, it will apply to a serious violent offender who has been sentenced to between 5 and 10 years', but that is at the judge's discretion.

Obviously, contrary to what some members opposite have tried to claim, this Bill will not apply to all crimes. It quite deliberately will apply only to those who commit the most vile, atrocious and unforgiving of crimes. The Bill does not change the definition of serious violent offences as they are defined in the Penalties and Sentences Act. It will apply to people who rape, torture or commit acts of grievous bodily harm—and many of those acts are committed against women. I ask members opposite: what is wrong with making these people serve their entire sentences behind bars without any prospect of parole? They do not deserve it.

When the issue of truth in sentencing is canvassed, many people in the community express legitimate concerns about what appropriate safeguards are in place. They do not want a situation where a serious violent criminal serves a 10-year sentence and then walks straight out of prison and back into the community without any form of supervision and without having undertaken any reintegration program. Equally, legitimate concerns are expressed about what incentives remain in

place for prisoners. It is often argued that, if we remove any hope of parole, a prisoner has no incentive to reform, to show remorse or be well behaved. That is why our Bill deserves such widespread support. It deserves support because it has addressed all of those issues.

Once serious violent offenders have completed their term behind bars, they will not be able simply to walk straight back into the community without any supervision. Instead, at the end of prisoners' sentences, they will receive a period of community supervision which can range anywhere between six months and five years, and this will be in addition to their prison sentence. This period of community supervision, which is very similar to the parole system we have currently, will be determined at the end of prisoners' terms in jail. In that way, a period of community supervision and the conditions of that supervision will be determined using prisoners' records during incarceration. It is only fair that that be looked at seriously.

In other words, if prisoners have been well behaved, compliant, show genuine remorse and a genuine wish to be rehabilitated, their community supervision period will be for the minimum period and the conditions will also be minimal. But I think it is only fair to the victims of their crimes and the people in the street that they be supervised for this time and show that they are conditioned to go back and live within the community. However, if the criminals have been disruptive in prison, shown no sense of remorse and no sorrow for what they have done, they will receive the maximum five-year period of community supervision and a judge will be able to impose the strictest of conditions, including abstinence from alcohol and an order that prevents criminals from living within a certain radius of their victims.

As honourable members know, victims now want to know when a prisoner will be released, where that prisoner will be living and how their safety will be ensured. I personally know women who are living in fear because they are not sure when a person will be released because, after parole periods are taken into account, at the moment the length of sentences is all over the place. They are not sure whether that person will stalk them and repeat the crime. They live in fear. Why should they? They were the victims in the beginning. These women were the victims of rape and serious sexual assault. Why should they continue to be the victim while the criminal is the one that society is looking after? That is altogether wrong and it must be changed. In other words, the community supervision period and the determination of its conditions at the end of a criminal's sentence acts as an incentive to behave well in prison.

I should also make it clear that this legislation does not in any way change the prisoner classification system. If a prisoner is disruptive within the current prison system, he or she will be confined within the higher classification with reduced privileges.

The community's safety is maximised with this 100% sentencing. All it really means is that a sentence of 10 years will mean a sentence of 10 years; a sentence of 14 years will mean a sentence of 14 years. It will not mean that these fellows know they can commit these crimes and they will be out on the street in five years or less. It will mean that their victims have a period of surety in their lives and can live their lives accordingly.

Justice is honoured with 100% sentencing and the victim's rights are respected with 100% sentencing. Equally, the placing of community supervision at the conclusion of the prisoner's term, instead of allowing for early parole, ensures that the community's safety is maximised. As I said, it also ensures that an incentive remains in the system for prisoners to rehabilitate. The only difference between what exists now and what we are proposing is that they will have to serve their full term and then they can undergo rehabilitation.

Hence tonight's Bill must be passed. I ask the women of this House to consider it seriously, otherwise I believe they will be condemned in their electorates. They obviously think that way. I know that Lindy Nelson-Carr does; she has said so. I support what she said in that article. It is in total keeping with community expectations—we know that; if members speak to their constituents, that is what they will tell them—and it is in total keeping with the concept of justice. Therefore, I urge all women to support this legislation. I say to women in this House: let us stand up and be counted and let us stop letting the boys tell us what to do.
