



Speech by

Mrs E. CUNNINGHAM

MEMBER FOR GLADSTONE

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CORRECTIVE SERVICES AND PENALTIES AND SENTENCES AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (10.30 p.m.): First of all, I would like to say that I appreciated very much the comments of the member for Sandgate. I think his comments were well intentioned and very sound. A lot of the comments made in the House tonight purport to be contradictory and purport to argue one against the other. However, I am not convinced that they do. I think that everybody in the community appreciates and supports a Government that acts at the front end of crime prevention and looks at ways of intervening, particularly in young people's lives when they are forming their values and their action patterns. Everybody appreciates a Government that legislates to intervene to make sure that those people make the right choice when they are given a choice.

I think that the community appreciates the work of the Crime Prevention Task Force, which has travelled throughout Queensland. That task force visited my electorate and I was gratified to see the number of people who turned up and the discussion that was held. Everybody I know in my community—and I am sure people whom other members know in their communities—supports victims of crime and the notion of providing for those people who have been devastated by the actions of another, 99% of the time without provocation. The community does support all of those positive actions. However, I am not convinced that the community, in supporting those positive steps, does not also carry with it a wish to see some of the current provisions enhanced or changed.

A previous speaker—I think it was the member for Kurwongbah—talked about concentrating on rehabilitation and deterrence, not on retribution. Again, I believe that the community would support that. However, in relation to this Bill, to my mind we are talking about what we do after the act has been committed. Under this Bill, a serious violent offender will receive a mandatory 10-year plus sentence. If a first-time offender—and I listened to the incidents that were cited by the member for Archerfield; they were graphic incidents—comes into a member's electorate and speaks with him or her, that member feels a great deal of empathy and sadness for that person. I am talking about people who were pushed to the edge and stepped over, not because they necessarily chose to but because they felt they had no other option. We all hear of such incidents, whether they relate to Family Services, Education or Health—it does not matter—and the bulk of the guidelines cover the majority of the situations that arise. However, there are people who fall through the cracks, and that is what we are here for: we try to intervene for those people and try to make a difference for them or for their families.

The member for Sandgate said that we are not in the courts and we do not hear all the evidence, and we do not. However, we are also not the ones who sentence the offenders. It is the judge who hears all the evidence and all the mitigating circumstances who imposes the sentence subsequently. I remember the debate that we had about workers compensation and the amount of compensation paid in common law claims. It was argued that if we changed the basic structure, the judges would alter their payment structure to accommodate whatever changes we made in this House. If the judges felt that a sentence served 100% was going to be more onerous than the crime perhaps warranted, they have the flexibility to match the sentence with the crime irrespective of the class of crime. The judge who imposes that sentence is the person who hears all the evidence and who is aware of mitigating circumstances, not us.

The point that pushes me most strongly towards supporting this legislation is that, in all the time that it has been talked about—and truth in sentencing under all sorts of names has been around in the community for quite a long time; it has been discussed in all sorts of ways—and since the potential of

this piece of legislation came to light, I have had only one call from a person who was opposed to it. That person was not from my electorate; she was from Noosa. That person was the parent of an inmate—and this is her description—who was a lifer on appeal. She did not want 100% sentencing. However, at the time the details of the proposal were not clear. The lack of retrospectivity in the Bill meant that her concerns, particularly about her own child, would not apply, that is, this Bill contains no retrospectivity. However, for everybody else in the community whom I have talked to, not necessarily about this Bill but generically, this is the most common response: "If they are sentenced to 10 years, they should do 10 years. If they have killed somebody and it is premeditated, they should pay the price."

I recall the jail riot not so long ago when the prisoners burnt their mattresses. This may be an emotive statement to make, but people said to me, "Why did you go back and buy new mattresses the next day? Let them sleep on the burnt ones. Let them suffer the consequences of their actions." That is what the community was saying. Over a lot of years, people have been saying, "If they are given 10 years, particularly for serious violent offences and particularly for violent offences against defenceless people, they should do 10 years."

I supported legislation that raised the penalties to 80%. I also supported legislation that gave greater protection, because they deserved it, to people with disabilities or to people who were more defenceless, because they deserved it. This legislation may not reduce the crime rate, but I am not sure that not supporting it will reduce the crime rate either. It is intervention at the front end of crime that will reduce the crime rate. Again, we are dealing with the situation after the event. We are dealing as much with the perpetrator as we are with the victims. The feedback I have received from my community is that if someone commits a serious violent offence and is sentenced, that person should serve 100% of that sentence. I will be supporting the Bill.
