Speech by

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CHILD SEX OFFENDERS, SENTENCING

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (11.31 am): I rise to lament Labor's derisible sentencing record. This morning in question time we saw the child safety minister and the education minister prove that they have not made any representation and are unwilling to confirm that they have made any representations on behalf of the children in the organisations of the department that they represent. We have even had an election about the protection of children and child safety issues in 2004. Labor has a deplorable history of failing Queenslanders. In fact, it preselects sex offenders and puts them into this House. Keith Wright and Bill D'Arcy are examples. I say to the Premier, 'Walk in the shoes of the parents of the children in Toowoomba who have to put up with the sentence handed down yesterday.'

The crimes of Gerard Vincent Byrnes make it clear that Labor's weak justice system is failing Queenslanders and failing Queensland children. It was acknowledged by the Premier today that she is considering the LNP policy of a sentencing advisory council. That shows that she and the government are unhappy with the sentencing principles exemplified in yesterday's case. We had the charming example this morning of the Deputy Premier and Minister for Health blaming the school authorities under his breath saying it was the principal who was responsible for the actions of that teacher, Gerard Vincent Byrnes.

This despicable Toowoomba teacher raped and abused 13 young girls aged between nine and 10—some 44 offences. There were 10 counts of rape and 33 counts of indecent treatment of a child. These are reprehensible crimes against 13 innocent Toowoomba children. These are the most vile of acts committed by a person who held a position of trust. In fact, he was the school's student protection officer, as we pointed out in question time this morning. He was the very person who these girls were told they could trust to report such matters.

The prosecution in this case sought a sentence of between—

Mr McArdle interjected.

Mr DEPUTY SPEAKER: Order! Member for Caloundra, your leader is on his feet. The House will come to order. The Leader of the Opposition has the call.

Mr LANGBROEK: The prosecution in this case sought a sentence of between 18 and 20 years yet the judge in question thought it appropriate to only sentence this serial paedophile to 10 years jail of which he is likely to serve only six years. He has already served two years.

This is a weak, inadequate and pathetic sentence in my view. It is a weak, inadequate and pathetic sentence in the view of the Toowoomba community. It is a weak, inadequate and pathetic sentence in the view of the people of Queensland. What do we get from the Premier and those opposite? We get platitudes about the process and that they will have to look into it and that they may do it within a month. Ask those parents whether they consider this to be a weak, inadequate and pathetic sentence.

In sentencing this serial sexual offender to 10 years jail it was alleged by his defence lawyer that the offender had no explanation for his behaviour and no expert had been able to find one and he did not think it was causing harm. Throughout all this ordeal it has to be asked—what about the 13 victims? The

sentence reflects less than one year for each child's life this sex predator has destroyed and less than three months for each offence. How could a sentencing system use a prior good teaching record to provide some level of discount in this sentence? Is this not a system that would have any right-minded person scratching their head that these are the sorts of questions that can be raised and that leniency can be given in the case of examples such as these?

This is not an isolated case under Labor's criminal sentencing system. Let us look at a few examples. The first is Matthew Charles Baxter. On Christmas Day 2008 he had only been on parole from prison for six days when he attacked and raped a 16-year-old girl in a public park. He was on parole after serving time for armed robbery. Later that day he car-jacked a woman in the same area, pretending he was armed with a gun. He was sentenced to six years jail.

On 3 September 2010 he successfully appealed against this sentence on the grounds that it was manifestly excessive and that the judge had erred in finding that six years was the bottom of the range. The Court of Appeal unanimously upheld the appeal and reduced the sentence to five years with a parole eligibility date of 14 October 2011. A man already on parole commits violent acts, including rape of a 16-year-old girl, and the courts finds that the sentence is excessive. Justice Debbie Mullins said that, when applying the totality principle in sentencing, the original sentence had been too high.

I want to look at the case of Robert John Fardon whose case is so graphic that the act had to be altered. Robert John Fardon was classified as a dangerous offender. When under stringent supervision and lifestyle controls he raped a woman at Palm Beach in April 2008. He raped while under supervision after a previous offence for which he was sentenced to 14 years. The government held him in for longer and amended the act. He raped again and he was sentenced to less time than the original offence. That is less time for a subsequent offence. He was originally charged for 14 years. He was then sentenced by the Southport District Court to 10 years for raping a woman on the Gold Coast in 2008.

This is the very man who prompted the government to change the Dangerous Prisoners (Sexual Offenders) Act. Clearly this government does not get the message that Queenslanders want a change in sentencing. It is very obviously acknowledging now that there needs to be a change.

Let us look at Luke Colless, the bikeway rapist. That is a very graphic example over the last couple of years in Brisbane. On appeal he gained a one-third reduction in his 25-year sentence handed down to him. The Court of Appeal found that 18 planned sexually related offences against 11 females had mitigating circumstances. This is a man who held Brisbane women in terror yet the courts decided that his sentence should be reduced. The Attorney-General refused to appeal against this decision. The community needs to know that if a person is found guilty of such heinous crimes they will face the full extent of the law.

Now let us look at the Aurukun nine. The victim was a 10-year-old girl. Her nine offenders were originally sentenced in August 2007 for six counts of rape which occurred in 2006. It was reported during the appeal—

Chief Justice Paul De Jersey set aside all of Judge Bradley's sentences, finding she made a number of errors leading to a miscarriage of justice.

The three oldest offenders were given six-year jail terms, and will be eligible for parole on June 13, 2010.

This was the most lenient sentence possible in the case of the rape of a 10-year-old girl, Chief Justice de Jersey said. He went on to say that while the prosecution in the District Court case must bear some responsibility for the errors made, imposing a proper sentence is ultimately the responsibility of the judge.

This is not the only time this judge has failed to adequately deal with sex offenders. In August this year a 12-year-old boy who broke into a girl's room at night and raped her was given probation. In April the boy held the 17-year-old girl down while he sexually assaulted her and despite her pleas for him to stop. This is despite pleading guilty to assault occasioning bodily harm, four charges of stealing, common assault, two charges of burglary and stealing, receiving tainted property, burglary and possessing tainted property. The same judge responsible for the Aurukun nine miscarriage of justice sentenced this violent young rapist to three years probation with no conviction recorded. He was ordered to do a youth sexual offender program.

This is also the same judge responsible for yesterday's pathetic sentence of a serial paedophile. We need to start asking ourselves this question: is it time Queensland introduced an independent judicial commission that deals with the proper education and discipline of wayward judges? Such a commission has been successfully in operation in New South Wales and, given the absolute mess that Labor and many of its appointments have left the sentencing system in, it is a very real position that we on this side of the House will consider supporting and will pursue without the support of this long-term, out-of-touch government.

Regardless of the issue—whether it relates to matters of the judiciary and sentencing or whether it relates to issues we have seen over the last few weeks such as pay disputes or cost-of-living issues or council issues or Ombudsman issues—this government is out of touch with the populace of Queensland.

Very clearly there are people working for this government who are frustrated with its inability to see what the real issues are for the people of Queensland. Ambulance workers, police workers and health workers are frustrated by bureaucracy giving them regulations and rules that are impossible to apply properly and by cost-of-living issues that are affecting all Queenslanders. When it comes to the point that we are talking about here today in terms of Labor's justice system, I just say this: Labor's justice system is flawed. Labor's justice system is weak. Labor's justice system is out of step with community standards. But, worst of all, Labor's justice system has failed 13 girls and their families, and that is the worst indictment of all!