



Speech by

John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

Hansard Wednesday, 6 October 2010

MOTION: BYRNES, MR GV

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (5.28 pm): I move—

That this House calls upon the Attorney-General to swiftly restore confidence in Queensland's justice system by acting on behalf of families across the state and immediately appeal the manifestly inadequate sentence handed down to serial paedophile and rapist Gerard Vincent Byrnes.

I move today that the Attorney-General appeal the 10-year sentence handed down to Gerard Vincent Byrnes, who pleaded guilty to 33 counts of indecent treatment of a child under 12 and another 10 counts of rape and one of maintaining a sexual relationship with a student. I am mindful of the counsel of the Speaker this morning about reflections on the judiciary. Of course I will respect the important conventions encapsulated in *Erskine May*.

Nonetheless, I was appalled and sickened to hear of the crimes committed. However, I was just as dismayed to hear of the paltry and clearly inadequate sentence handed down in the case of this former Toowoomba teacher. The thing that disgusted me most of all was that it has happened again—another weak sentence under Labor, another group of Queenslanders who have been failed by a legal system that has been engineered and populated by more than a generation of socialist left Labor lawyers. We are paying the price for nearly 20 years of dodgy appointments under Foley, Wells, Welford, Lavarch, Shine and now the current Attorney. They have created a legal system not a justice system. They have created a legal system where jail is a last resort, even for paedophiles and rapists, a legal system where criminals are more likely to get a slap on the wrist than time behind bars.

This despicable man in Toowoomba, Gerard Vincent Byrnes, is yet more evidence that Labor's legal system fails to deliver justice. Having served 23 months in presentence custody, this serial sexual predator will be eligible for parole in as little as six years. In calling for this sentence to be appealed, we have to ask ourselves this question: what value do we put on victims of crime and the lives of innocent children violated by monsters like this? In the case of Gerard Vincent Byrnes, if we let this sentence lie it will mean that he will serve 2½ months for each brutal crime committed against the 13 young children. That is not justice. What we have seen in these crimes committed by Byrnes and those in similar positions who commit such crimes is a gross abuse of trust of every parent who entrusts their children every day in a school environment and it harms the great work of the great majority of teachers.

When it comes to appealing matters, it would seem that the Attorney-General has made an art form of grandstanding on the issue. He was quick to appeal the matter of Gabe Watson when pressure mounted after it became apparent the DPP in that case entered into a deal that resulted in a gross miscarriage of justice which meant someone guilty of manslaughter would have served only 12 months. We again saw the Attorney appeal the sentence handed down for the Lacey manslaughter and the baby-shaking killing in the case of Riseley, and most recently he announced a high-profile appeal of the manslaughter sentence handed down to Jayant Patel. As we debate the issue of the Attorney appealing the decision of this serial child rapist, I have to note that one appeal was absent among all of those above and it goes to the largest, most high-profile case of political corruption in Australian history, that of Gordon Nuttall, whose weak sentence of seven years will see him eligible for parole in three.

Let us not forget in the case of Gerard Vincent Byrnes that he was the school child protection officer at the time of the offences between January 2007 and September 2008 and all of the victims were girls aged nine and 10 and were students in his classes. He was the designated officer to whom students were supposed to go to report abuse or if they suspected abuse. It beggars belief how a system of justice could allow for a discount in sentence in a case like this just because of his early guilty plea, his remorse and his good teaching history prior to January 2007. Quite frankly, I do not care about his good teaching record prior to January 2007. How can anyone think that the brutal rape and indecent treatment of 13 young girls could somehow be lessened in some way because of conduct prior to this series of crimes? A serial rapist who preyed on multiple victims should not be afforded the sentencing discount of a first-time, single offender.

Let me look at the Labor government's sentencing record which is a hallmark of its hopeless sentencing system. In 2007-08, 650 people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16. Of those 650 people, only one in 13 received a sentence of more than six years imprisonment. In 2008-09, 641 people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16. Of those 641 people, only one in 12 received a sentence of more than six years imprisonment. In 2009-10, as at 4 June 2010, 461 people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16. Of those 461 people, only one in 17 received a sentence of more than six years imprisonment.

In 2007-08, 178 prisoners had convictions for serious sexual offences and completed their custodial sentence, including release on parole; 93 offenders who had convictions for serious sexual offences completed their custodial sentence, including release on parole, and did not partake in sexual offender treatment programs. Over half the prisoners released in 2007-08 who had convictions for serious sexual offences did not partake in sexual offender treatment programs.

In 2008-09, 208 prisoners had convictions for serious sexual offences and completed their custodial sentence, including release on parole; 116 offenders who had convictions for serious sexual offences completed their custodial sentence, including release on parole, and did not partake in sexual offender treatment programs. Once again, in 2008-09, over half the prisoners released who had convictions for serious sexual offences did not partake in sexual offender treatment programs.

In 2009-10, up to December 2009, 126 prisoners had convictions for serious sexual offences and completed their custodial sentence, including release on parole; 68 offenders who had convictions for serious sexual offences completed their custodial sentence, including release on parole, and did not partake in sexual offender treatment programs. Again, in 2009-10, over half the prisoners released who had convictions for serious sexual offences did not partake in sexual offender treatment programs.

It is a broken record. Year after year, we see the same pattern from the legal system, not the justice system, administered by this government. Clearly, Labor is not really interested in the proper sentencing of dangerous sex offenders. We should not have to wait for prisoners to come up for release and cross our fingers that the courts will support a continuing detention order. The fact is that, if we had proper sentencing at the time the offender was sentenced which reflected the seriousness of the crime, we would not need these laws.

I am not alone when it comes to total frustration at this Labor government's legal system. It was reported yesterday that Bravehearts spokeswoman, Carol Ronken, said that judges are continually imposing inadequate sentences on child sex offenders. The report stated—

"We don't understand why the judges aren't getting this," she said.

"We need to be seeing these guys being sentenced at appropriate levels.

"We would like to see child sex offenders being given sentences that adequately reflect the seriousness of the offences that these people are committing."

She says Bravehearts would welcome an appeal against the sentence given to Byrnes.

Ms Ronken says she is concerned Byrnes could be released from jail in six years with time already served.

"That's not in line with what the community expects," she said.

"This man has committed horrific offences against 13 girls and he should be judged accordingly.

...

"Being let out early—six years—it's just inappropriate.

"It's just not what the community expects."

This is not the first time—and I am sure it will not be the last—that we have seen Labor's sentencing laws fail victims of violent sexual crimes. The only avenue left is to appeal this matter until such time that we bring in tough mandatory minimum jail terms that can guarantee such serious crimes are punished in line with community standards.

I conclude with this. Labor's legal system is miserably deficient. Labor's legal system is pathetically weak. But, worst of all, Labor's legal system has proved to be utterly inadequate for 13 little girls and their families. Queenslanders know that Labor has built a legal system not a justice system. Byrnes did not receive justice in the Toowoomba court on Monday. It is time this Attorney-General stepped in to appeal so there is some chance he will get what he deserves.