




Speech by
Ian Berry

MEMBER FOR IPSWICH

Hansard Tuesday, 27 November 2012

WEAPONS AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERRY** (Ipswich—LNP) (5.02 pm): I listened with interest to the member for Rockhampton. It is always judicious in a debate to pick on examples here and there as supporting a proposition. There was a time in the past when I had a certain view about mandatory sentencing, but I do not think I have ever had a view that mandatory sentencing ought not occur at all. Circumstances change. I think it was 28 April 1996 when Martin Bryant committed the Port Arthur massacre. An intellectually disabled man had semiautomatic weapons and was able to destroy an entire state by that one act. There clearly needs to be circumstances in which mandatory sentencing needs to be invoked. I cannot sit here and think of every possible example as to why you ought not. It is so easy to pick out of the mix an example here or there as to why mandatory sentencing ought not be enacted. However, we live in circumstances and times that are changing. We now have bikies who are heavily involved in organised crime. We have myriad firearms—legal and illegal. On the other hand we have members of the community who use firearms for sport. Yet people are still dying from firearms in circumstances where the use of the firearm was unlawful. In many of those instances firearms were used to commit indictable offences. Effectively, the major part of this bill attempts to say that the LNP in March, and prior to that, came to the people and said, ‘We will implement policy that will be an effective deterrence.’

The member for Rockhampton—and I had difficulty hearing him but I think the substance of what he was saying—

Miss Barton interjected.

Mr BERRY: I take that interjection. Effectively, he was saying that the LNP has taken Labor policy. I do not remember anything being said prior to March 2012 of any policy involving law and order. In fact, I think the only law and order was putting the Premier into the CMC. I think that was the net effect of it all. So in relation to a rational debate, the position is that in a lot of the instances on pleas of guilty a judicial officer does not always necessarily have the full facts in determining sentences. It happens sometimes that people plead guilty and that there is plea bargaining. So as a result you cannot clinically say here today that it is a case where mandatory sentencing is inappropriate. You have to look at it at the time it is implemented. Clearly, the position is, coming to an election with that as a policy and with a clear mandate of that policy by the people of Queensland—they clearly have given that mandate—to be tough on crime, that is going to be implemented in many ways, of which mandatory sentencing is one.

If I might, I would like to detail that with a little more particularity. My point is this: mandatory sentencing per se is not wrong. It may perhaps be if you take a chocolate bar and you get 15 years jail. So it is balancing the rights of an individual with the community’s expectations. You have to have that balance at the time and the mandatory sentence has to be proportionate to what you want to achieve. What is the proportionality? It is about deterrence. Our criminal system works on deterrence. We say that if you do a crime then this is the penalty and for most of our criminal law we set the maximum. However, there are instances where one has a clear mandate—and this LNP does—and they are entitled to have it made law.

With respect to what my friend—I was going to say my learned friend—the member for Rockhampton said, in balancing mandatory sentencing with the rights of the individual there is lawful

excuse. It brings temper to the argument as to whether mandatory sentencing is appropriate. Sometimes the community needs to tell offenders and would-be offenders, 'We will no longer accept the use of firearms without there being an appropriate penalty.' I would respectfully submit that that is the way the Queensland people now see it.

There have been many instances. I think I can match the particular examples given by the member for Rockhampton with other examples. We have had problems at the airport. We have had firearms being used at shopping centres. There is a perception in our community that certain sections of our community are out of control in relation to firearms. It is appropriate to show the community that we need to take steps to deter those from using firearms.

The legislation is also measured in that there is the cutting down of red tape. We have had long waits for licences. The bill takes a measured approach. It is LNP policy and it is appropriate for it to be implemented. As I said, it is a measured bill that balances the rights with deterrence. I would respectfully submit that it is appropriate.

The bill deals with a number of other matters, all of which go to the sense of making sure that we cut down red tape but at the same time protect the public. I commend the minister for the bill, I commend the committee for doing fine work in presenting the report and I commend the bill to the House.