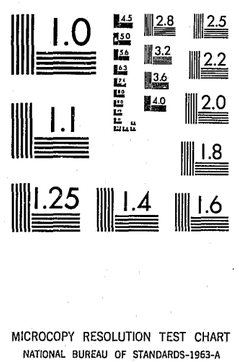
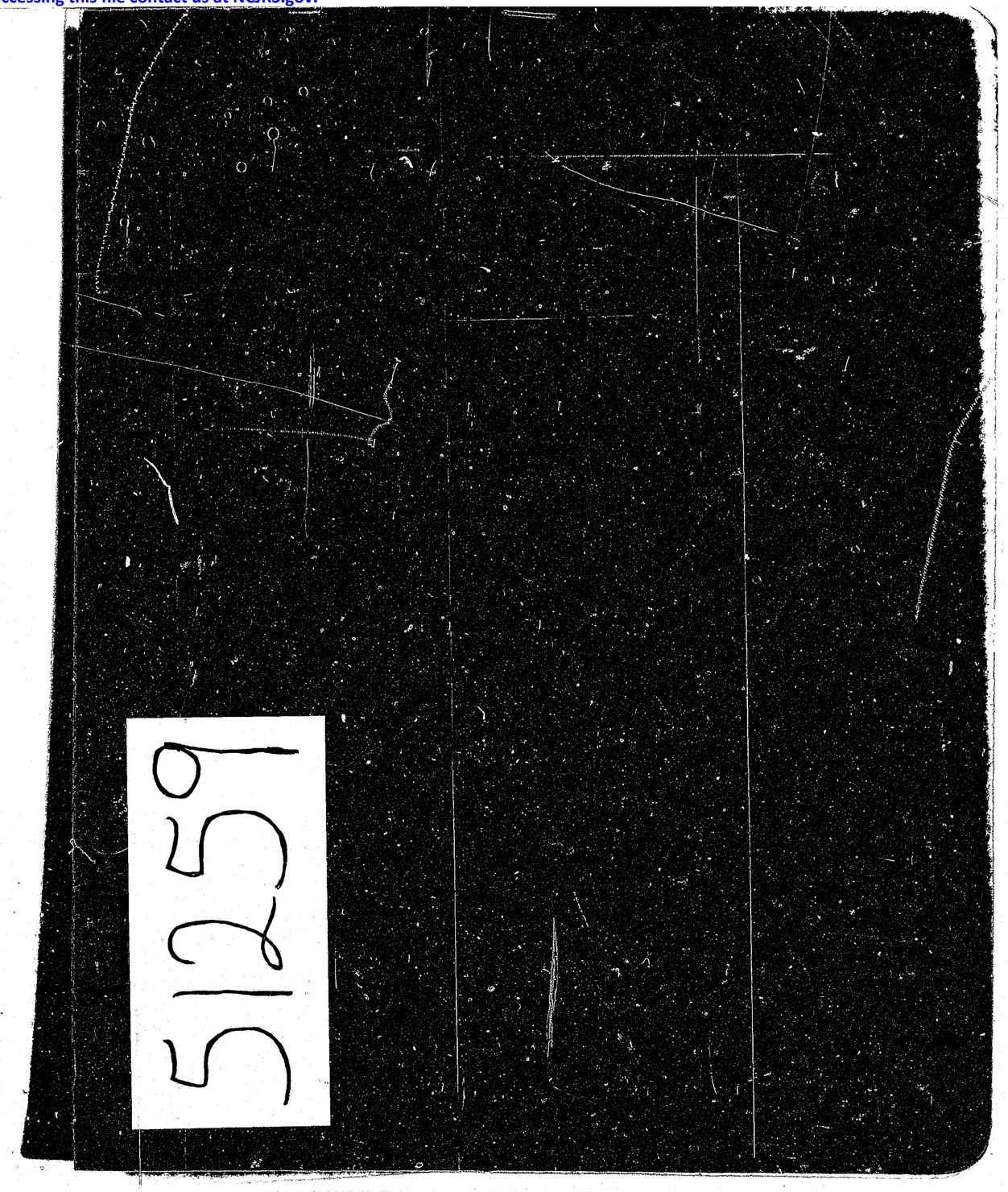


MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

DATE FILMED

6/19/81



1974

QUEENSLAND

LEGISLATIVE ASSEMBLY

REPORT

OF THE

SELECT COMMITTEE ON PUNISHMENT OF CRIMES OF VIOLENCE IN QUEENSLAND

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

APPENDICES

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED AUGUST, 1974

BRISBANE:
BY AUTHORITY:
S. G. REID, Government Printer

A. 6—1974-75

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

SECOND SESSION OF THE FORTIETH PARLIAMENT

VOTES AND PROCEEDINGS No. 74—FRIDAY, 5TH APRIL, 1974

"47. SELECT COMMITTEE ON PUNISHMENT FOR CRIMES OF VIOLENCE

MR. PORTER moved, pursuant to notice,—

(1) That a Select Committee be appointed to inquire and to report and to make recommendations in relation to the punishment of crimes of violence in Queensland and in particular—

(i) whether the punishment for crimes of violence is adequate, effective and a sufficient deterrent; and

(ii) what measures are considered necessary or desirable to ensure that punishment for crimes of violence is adequate, effective and a sufficient deterrent.

(2) That the Committee consist of Messrs. M. J. AHERN, R. J. HINZE, K. B. TOMKINS, W. D. HEWITT, H. F. NEWTON, K. W. WRIGHT, B. J. DAVIS, T. AIKENS and the mover.

(3) That the Committee have power to send for persons, papers and records, provided the Committee ensures that a witness attending before the Committee is not obliged to supply information, oral or written, which the Honourable the Minister for Justice and Attorney-General, after consideration, determines to be confidential or privileged or otherwise against the public interest to disclose.

(4) That the Committee have leave to sit during any adjournment of the House exceeding seven days.

(5) That the Committee have power to continue its inquiry during the ensuing recess and to bring up its report in the next Session of Parliament.

(6) That the Committee report to the House within one (1) week of the commencement of the Third Session of the Fortieth Parliament.

(7) That the foregoing provisions of this motion, so far as they are inconsistent with the Standing Orders, shall have effect notwithstanding anything contained in the Standing Orders."

. . .

PARLIAMENTARY SELECT COMMITTEE ON PUNISHMENT OF CRIMES OF VIOLENCE IN QUEENSLAND

REPORT

The Select Committee of the Queensland Legislative Assembly on Punishment of Crimes of Violence in Queensland has agreed to the following Report:—

PART 1

SECTION 1—GENERAL

1.1 By resolution of the Parliament on 5th April, 1974, a Select Committee was appointed—

To inquire into and to report and to make recommendations in relation to the punishment of crimes of violence in Queensland and in particular—

(i) whether the punishment for crimes of violence is adequate, effective and a sufficient deterrent; and

(ii) what measures are considered necessary or desirable to ensure that punishment for crimes of violence is adequate, effective and a sufficient deterrent.

1.2 At its first meeting on 23rd April, 1974, Mr. Charles Porter was appointed Chairman of the Select Committee, which position the Honourable Member held throughout the Select Committee's operations.

1.3 In order to meet the requirement of a report to Parliament by the first week of August, it was necessary to commence public hearings on 21st May, and this meant 14th May had to be set as the final date for receiving submissions. Many persons and organisations found difficulty in conforming to this date and consequently, most major submissions came in after 14th May. The Select Committee was most fortunate in that an earlier Government Members' Committee had already amassed a considerable quantity of documentation so that a prompt commencement was possible.

1.4 It is obvious from this experience that with future Select Committees there should be ample time provided in which to canvass, obtain and process submissions after which sufficient time must be made available for proper consideration by a Select Committee.

1.5 The Select Committee quickly discovered that it had entered upon a formidable task. As the first Select Committee of Inquiry appointed by the Queensland Parliament in well over half a century, not only had it to establish procedures that might usefully serve future Select Committees, but its area of inquiry was one that aroused both strong emotional responses and also specialised conclusions from academic and professional sources. This required close study by Members of many weighty submissions in order that subsequent oral examination of the witness could be productive.

1.6 It was also apparent that it would be difficult for the Select Committee usefully to consider the adequacy, efficacy or deterrent potential of punishment for violent crime, without some consideration of the complementary factors that are involved in violent crime, and also the acceptable purpose of punishment in today's context.

1.7 Crime as a social problem is the concern of the whole community, and violent crime is that problem degenerated into a dangerous social sickness. If not effectively checked, it can so demoralise society as to contribute substantially to its breakdown. The Select Committee therefore sees the effective reduction of violent crime as an inescapable obligation on a Parliament acting for the society that elects it.

1.8 As background to its considerations, the Select Committee had to bear in mind that all Western society is experiencing a frightening upsurge in both the incidence and the degree of savagery of violent crime. In the U.S.A., violent crime (defined as murder, forcible rape, robbery with violence and aggravated assault) has risen by more than 70% in the past fifteen years. In the U.K. violent crime (defined as murder, manslaughter, infanticide, major sex assaults, woundings and assaults) rose in the two decades from 1949 to 1969 from 4,800 to 36,600. Violent crime in Queensland (defined as in the U.K.) in terms of crimes reported rose from 148 in 1949 to 459 in 1973. During the relevant periods, the population growths in the U.S.A., the U.K. and Queensland were approximately 20%, 11% and 65% respectively.

1.9 Coincidental with so awesome an increase in violent crime there has been unprecedented attention given to the offender as a subject for healing rather than as someone deserving punishment. The Select Committee necessarily had to consider whether this emphasis was not brought into serious question.

1.10 The Select Committee learned that the social and behavioural scientists play a large part in today's penological patterns, and many people believe rightly or wrongly that concepts so nurtured have influenced both legislatures and judiciaries. The hard fact that violent crime is still growing in both quantum and degree must be recognised. The Select Committee saw as part of its responsibility a requirement to

assess whether the "mixture as before" was adequate for today's situations, or whether changes in approach were now required.

1.11 The Select Committee was occupied for the equivalent of twelve full (11 a.m. to 4 p.m.) sitting days hearing submissions, and the equivalent of a further five full days were employed in considering the wealth of material provided and in arriving at the conclusions listed as "Recommendations" at the end of this Report.

1.12 From one advertising insertion in major Queensland newspapers, the Select Committee received over seventy submissions and considered some half-million words of oral and written testimony. This represented scores of well-known organisations and many tens of thousands of individual people (one petition alone relating to capital punishment contained over 15,000 signatures).

1.13 The Select Committee spent a day at Brisbane Prison (Boggo Road) and a half-day at Wacol (both prison and Security Patients Hospital) to see conditions at first hand, to discuss matters with senior Prison Officers, and to interview some men and women prisoners serving sentences for such violent crimes as murder, robbery with violence, rape and pack rape.

1.14. In addition to considering submissions from a wide variety of sources (listed in Appendices 2 and 3 to the Report) the Select Committee also had discussions in depth with those directly accountable for various spheres relating to violent crime and punishment, including the Commissioner of Police, the Comptroller-General of Prisons, the Parole Board, Director of Psychiatric Services and the Chief Probation and Parole Officers; and in the Juvenile field with the Director, Department of Children's Services and the Senior Medical Director, Division of Youth Welfare and Guidance.

1.15 The Select Committee decided after due consideration to so draft this Report as to provide a broad yet succinct commentary on each of the areas it found relevant to its task, and then list Recommendations flowing from these commentaries (under the same Section headings) in the second part of the Report.

1.16 The Select Committee early became aware that a marked difference in attitude towards punishment for violent crime existed as between "lay" people (citizens not claiming specialist experience or academic expertise in the area) and some academic, church and professional specialists. In general, the former took a sterner view than the latter regarding the tenet of "punishment to fit the crime".

1.17 It must not be construed as any criticism of the valued specialist advice tendered to the Select Committee when it is mentioned that in a number of areas, the expert academic, psychiatric and ecclesiastical views tended to be contradictory, with some highly qualified witnesses expressing a conflicting opinion to that given by other equally accredited witnesses.

1.18 As was to be expected, there were wide divergences of opinion expressed to the Select Committee as to the causes of violent crime, and therefore consequent variations on suggestions as to what might be done to inhibit it, and the part in this that punishment played or could play.

1.19 The Select Committee was impressed, however, by the virtually universal agreement that the community is becoming increasingly apprehensive of escalating criminal violence (and any soothing role that statistics might seek to play is immaterial), that law-abiding citizens are entitled to feel reasonably safe in their homes or on the streets, and that it is Parliament's responsibility to so act as to alleviate that apprehension.

SECTION—2—SOME BACKGROUNDS TO CRIMINAL VIOLENCE

2.1 The Select Committee's task of determining to what extent "adequate" punishment might affect criminal violence could not be effectively studied without some consideration of major factors inducing such violent crime.

2.2 The Select Committee therefore found itself necessarily considering all the ground between two strongly opposing lines of advocacy—

- that criminals are predominately products of socio-economic factors, therefore they are more sinned against than sinning, and they should not be made scapegoats for society's failures; and
- that unless real mental illness could be established, then offenders should be held responsible for what they did, and theories of diminished responsibility because of external pressures should be viewed with caution.

2.3 It was noted in the Select Committee's limited prison interviews that only one man convicted of a violent crime (murder) explicitly advanced socio-economic deprivation (his early depression years experience) as a factor largely contributing to later escalating criminal actions.

2.4 Use of alcohol and drugs was often in evidence to the Select Committee cited not so much as an excuse for violent criminal action but more as a contributant making it easier for violence-prone people to resort to violence under suitable circumstances. It was obvious that alcohol was a greater component than drugs.

2.5 It would appear that of recent years violent crime has more and more become the province of younger offenders and the Select Committee was therefore concerned with the problems of child and adolescent personality and character deficiencies that, if not recognised early and ameliorated, might lead on to later criminality.

2.6 The Select Committee heard advocacy for educational techniques that might prevent the duller child developing anti-social attitudes because of increasing isolation through formative years from a peer group. Equal advocacy was given against the modern tendency to over-indulge children, and for educational programmes aimed at inculcating in children from an early age that duties have at least an equal importance with rights.

2.7 Emphasis was placed by many witnesses (with vastly differing views on other related aspects) on the over-exposure of the impressionable young to sex and (in particular) violence through visual and written media. It was held that this presented grave problems by conditioning young people to accept as norms steadily rising levels of aberrant behaviour.

2.8 Erosion of family and neighbourhood patterns of discipline and mutual support caused in some part by urbanisation was deplored by many witnesses, as was also the affluent society where too often busy parents over-indulge children rather than provide the essential disciplines of supervision and denial.

SECTION 3—PREVENTATIVE POSSIBILITIES

3.1 The problem of evaluating the efficacy of a punishment for its deterrent effect was compounded when the Select Committee consistently was informed that the likelihood of apprehension leading to conviction was perhaps a more effective deterrent than fear of the punishment itself (the probable extent of which often was not known to the offender at the time of committing the offence). In this context, pleas for a bigger and better Police Force and a consistent campaign to inform people of penalties attaching to various categories of wrong-doing and hence of the probability that crime would not pay, were understandable.

3.2 The indication that some violent crimes committed by mentally sick people could and should have been prevented suggested improved procedures for identifying and controlling mentally unstable people who could develop violent tendencies.

3.3 A massive publicity drive to remove the stigma of mental illness and so encourage people to report to doctors etc. early symptoms in family situations of mental disturbance, was advocated. Also proposed was a register kept at police stations of "crank" and nuisance calls which when collated and regularly submitted for expert analysis might provide early warning.

3.4 Submissions made by and on behalf of country people left the Select Committee in no doubt that people (especially women and children) living in rural isolation felt they were highly vulnerable to the worst type of criminal attack. The Select Committee also saw that prevention of crime under these circumstances posed special problems.

3.5 As regards juvenile violent crime the Select Committee was consistently advised that a secure family situation where sensible discipline was exerted, based on love and concern, provided the surest defence against juveniles lapsing into criminality. The worst situation is lack of parental concern, and some expert witnesses believed that in certain circumstances parents should be held punishable for child misbehaviour.

3.6 The Select Committee was told that some juveniles nowadays tend to extreme behaviour in seeking peer approval and do so in part because they believe they will safely "get away" with wrong-doing. It was advanced that Children's Court decisions might be made public (whilst still protecting an offender's identity) so that other young people then may see that wrong-doing does not pay.

3.7 The Select Committee was also told that continuing and worsening criminal activity by young offenders might be checked by exercising official supervision of young violent offenders through and past their adolescent years.

3.8 The substantial part played in much of today's youthful criminality (particularly in rape and pack-rape) by the motor-car, was stressed by many witnesses, and proposals for limiting this were discussed. Rape and pack-rape are dealt with in Section 9.

SECTION 4—THE PURPOSE OF PUNISHMENT

4.1 The major purpose of punishment and hence the part it played or could play in the rising violent crime rate was seen very differently through differing view-points consistently presented to the Select Committee. There were those holding with varying degrees of emphasis that offenders were largely society's victims, that punishment was primitive and counter-productive, and that imprisonment and its primary aim should be rehabilitative so that the offender can be successfully returned to society.

4.2 There were also those holding with equal variation of conviction that because of undue concern with the offender's future, the scales of justice had been excessively tilted towards the perpetrator and away from the victim. This was seen as manifestly wrong, being injurious to society and unjust to the victim. Those of this view held that punishment should be seen primarily on the basis of what the crime deserved, with any therapeutic concept relegated to a minor role.

4.3 Ecclesiastical submissions also revealed differences in attitudes as to a proper Christian approach to punishment. Churchmen did not agree as to whether punishment should be seen as unacceptable private vengeance or proper public justice.

4.4 The Brisbane Prison and Wacol visits confirmed that in Queensland prisons today, the deprivation of liberty is the punishment. No prisoner suggested there was harsh treatment in the gaol, and certainly there was no visible evidence of it.

4.5 The Select Committee recognized from submissions made that in certain categories of crimes, community welfare demanded a greater weight should be given to the general deterrent aspect of the proposed punishment.

4.6 It was also submitted (and the Select Committee so learnt from its prison visits) that effective segregation of different categories of prisoners warrants continuing consideration for providing proper punishment and rehabilitation.

SECTION 5—PROBLEMS OF SENTENCING

5.1 Having regard to the relatively short space of time made available to it by the Parliament, the Select Committee did not consider it should look in detail at the present range of sentencing in the forty-odd categories statutorily viewed as offences with violence, and comment on their individual adequacy or otherwise. Rather, the Select Committee saw its prime responsibility as establishing broad conclusions that might inform the Parliament and guide other more expert bodies in matters of detail.

5.2 The Select Committee was consistently informed of a general public attitude (perhaps based more on "feeling" that on fact) that violent crime was being encouraged by too many too lenient sentences, and it was unfortunately apparent that to some extent, public confidence in the judiciary's role in sentencing has been eroded by this general feeling.

5.3 There were many advocates of statutory minimum sentences for some categories of violent offences in order to reduce the scope for this seeming judicial leniency. However, other opinion (including legal) was strongly against any move towards sentencing inflexibility, primarily because the circumstances of every case involving violent crime were different.

5.4 There was also advocacy of a greater use of indeterminate sentencing to provide proper protection for the community against incorrigible violent criminals. The advocacy for a "never to be released" sentence for extreme crimes was considered against the background of the fact that no government can bind its successor.

5.5 The contradiction continually confronted the Select Committee as to whether or not a proper sentence for a violent crime was an effective general deterrent. The problem was compounded by advice that the quantum of sentence was not considered by some criminals at the time of the offence.

5.6 There was strong lay criticism of the present sentencing system where parole generally commences after little more than half the sentence had been served. This was often seen as grossly violating the general public notion of what an awarded sentence should, and did, involve. The Select Committee came to the conclusion that this general indication of dissatisfaction with sentencing contributed to present public unease.

5.7 The necessity for Courts to know more about the offender (through pre-sentence reports) was stressed by a number of expert witnesses as a pre-requisite to proper sentencing, and this was seen as particularly necessary in Magistrates' Courts and in the case of younger offenders with Children's Court records.

SECTION 6—THE ROLE OF PAROLE

6.1 The conflicting advocacies before the Select Committee on punishment as just deserts and punishment aimed at improving the offender were again in sharp conflict on the role and content of Parole in sentences imposed for committal of violent crime.

6.2 Facts placed before the Select Committee showed that the widely held belief that many prisoners released on parole were committing similar offences could not be substantiated. In fact, since the inception of parole in Queensland in 1959, there have been less than 1% of parolees committing the same offence and less than 4% committing another violent offence while on parole.

6.3 Lay witnesses tended to reject the proposition that for any reason the granting of Parole should so truncate a deserved sentence as seemingly to negate proper justice. This view was consistently expressed in regard to what people understand are "life" sentences but which (the Select Committee was informed) average in fact less than fourteen years, in terms of prisoners actually released. Most people were not aware that a life sentence could only be terminated by the Governor-in-Council.

6.4 There was agreement that in most cases a long-term sentence should have a content of Parole, but those taking a sterner line on violent crime and punishment felt that certainly more than just half a sentence should be served before Parole operated. The proposition that Parole should be available once imprisonment commenced (as applies in some other places) was not a majority expression to the Select Committee.

6.5 Prison Officers pointed out that the prospect of Parole was a large factor in inducing prisoner good behaviour. Whilst accepting the obvious practicalities of this situation, it does not appear to the Select Committee that any useful appraisal of the role of Parole should be mainly related to what is most convenient for prison administration.

6.6 The positive contribution that Parole makes in terms of crime reduction and prisoner rehabilitation is difficult to determine, and surveys in other States and countries are at variance. The conclusion that in any case Parole should sensibly apply only to longer-term prisoners was strongly represented to the Select Committee.

6.7 There appeared both conflict and overlapping in the roles played by remission and Parole and some clarification in this regard might be advantageous.

SECTION 7—REPARATION PROPOSALS

7.1 The Select Committee heard moving advocacy for procedures that would provide adequate (in today's terms) compensation and/or reparation to those suffering permanent disabilities as a result of being the victims of violent crime. The prospect was advanced by several witnesses that, where possible, sentencing could include a requirement to work whilst in prison, with some of the monies so earned flowing to the victim.

7.2 Recognising the industrial problems involved in such a proposal, the Select Committee had hoped to discuss the feasibility of some recognised form of "wages" with the Trades Union movement but did not secure the opportunity for this.

7.3 The necessity in terms of simple justice to provide to disabled crime victims access to compensation on a scale comparable with that obtaining for other types of accident induced disability, was put to the Select Committee. The comprehensive United Kingdom system of compensation determined through a permanent Criminal Injuries Compensation Board was seen as a possible model.

SECTION 8—CAPITAL PUNISHMENT

8.1 In terms of numbers of people represented by submissions made to the Select Committee, it would appear there was substantial advocacy for a death penalty. However, the Select Committee accepts that with the necessarily limited number of expressions made to it, any weight of numbers could not, of itself, be used as warrant for a determination one way or the other in so grave an area.

8.2 Proponents of the general concept of the futility of punishment and proponents of the concept that the degree of punishment should be whatever was deserved by the degree of offence, showed in sharp conflict on the issue of Capital Punishment.

8.3 The Select Committee's experience was that those opposed to Capital Punishment so held because they believed in the sanctity of human life, they feared the outcome of a miscarriage of justice, and statistics and other experience did not suggest to them that a death penalty was a deterrent. Those advocating Capital Punishment so held because they considered a death penalty was the proper punishment for atrocious murder, they believed sensitivity as to the sanctity of human life should be a consideration equally extended to victims, and the argument as to the deterrent effect of a death penalty was therefore largely immaterial.

8.4 It should be emphasised that those advocating Capital Punishment overwhelmingly believed that this penalty should be reserved for particularly heinous cases (the Mrs. Morse abduction-rape-murder was seen as exemplifying this category).

8.5 The wanton killing of a police or prison officer in the execution of his duty was seen by many witnesses as a matter of separate consideration for Capital Punishment.

8.6 The looming possibilities of such crimes as political terrorism and international high-jacking were posed to most witnesses and there was a consensus (which included many opposed to the death sentence for what might be termed "personal" murder) that the need for Capital Punishment in this area might require separate future consideration.

SECTION 9—RAPE

9.1 The Select Committee saw from a great many submissions that with rape (and especially pack rape) there existed an area of violent crime with its particular problems both as regards effective prevention and adequate punishment.

9.2 These problems are highlighted by the opinion of several expert witnesses that probably no more than three in ten rape attacks are reported, and of those actually reported substantially less than half eventually culminated in a conviction. Potential offenders in this area of crime must therefore be much encouraged by a reasonable expectation that they will not be required to expiate their offence.

9.3 The Select Committee was told by a number of witnesses that a major ingredient in this unsatisfactory situation was the victim's dread of a traumatic protracted Court ordeal (with its attendant publicity). Repeated cross-examination, particularly in the case of pack rape, was directed towards destroying the victim's reputation for virtue, and meant an almost unbearable repetition of details of gross physical abuse.

9.4 There was some broad agreement amongst different witnesses as to the general background to pack rape, whose committers are largely in a different category from that occupied by individual rapists (who may have clear psychopathic tendencies). From information supplied, it would appear that pack rapists are mainly in the 15 to 27 years age group (with the 17 to 21 years age group predominant) and usually are unskilled or unspecialised workers. Early and ready access to alcohol is another part of the pattern, as also is an inadequate family influence leading to anti-social attitudes and youthful promiscuity.

9.5 The constant media promotion to young people of sex and violence, in a general context of indiscipline and amorality with the inevitable corollary of a lack of self-respect, was seen by a number of expert witnesses as a potent factor contributing to sexual violent crime.

9.6 The general lack of prudence exhibited by some girls (often seen in acceptance of lifts in vehicles and in hitch-hiking) was also seen as a factor aggravating pack rape. The possible role of licensed brothels (perhaps even State-controlled) in reducing the threat of sexual assault was advanced, but inquiry seemed to suggest that potential pack rapists at least were unlikely to be brothel customers.

9.7 There would seem to be a need (especially in fringe suburban areas of inferior socio-economic status) for much more club and church organised activity amongst adolescents, in order to combat the aimlessness that often is the precursor of adolescent criminality.

9.8 The prospect that sex education in schools might play a useful part in reducing sex crimes was not substantially advanced to the Select Committee.

PART 2

RECOMMENDATIONS

Following on its deliberations the Select Committee presents the following Recommendations to Parliament for its due consideration—

SECTION 1—GENERAL

1. Future Select Committees of Inquiry should be given enough time to encompass the anticipated work load without undue strain, and permit visits to relevant places for on-the-spot investigations.

2. Such future Select Committees should be given unrestricted power to require both the attendance of witnesses and the production of documents and statistical information.

SECTION 2—SOME BACKGROUNDS TO CRIMINAL VIOLENCE

3. Courts should be reluctant to accept as a mitigating factor the taking of alcohol or drugs by the offender. Whilst recognising this as a factor, the Select Committee does not consider it constitutes an acceptable excuse.

4. Harsh penalties should be applied to those who promote or provide drugs, and also to those facilitating the sub-18 year olds' access to alcohol.

5. The Education Department should move to augment present systems designed to identify and assist the child with learning difficulties, with a view to preventing his feeling isolated or inferior to the extent that he becomes a personality problem.

6. The Education syllabus should include material designed to inculcate in children from an early age a respect for accepted basic moral values, with a recognition that responsibilities rank equally with rights.

7. The Select Committee believes that our young people are entitled to protection against today's massive commercial accent on sex and violence through material (including some advertising) which, whilst not so extreme as to be obviously pornographic or obscene, is blatantly vulgar, lurid and titillating and promotes aberrance as a norm.

8. One move to this end should include the imposition of standards and procedures on T.V., Theatre and Cinema, and control of the distribution of some printed material, in order to provide the impressionable young with the opportunity for avoidance that most parents want and are entitled to expect.

9. The Select Committee considers that school curricula for growing children should include such material, as they become older and their curiosity and precocity naturally develop, that assists them to understand that self-respect and compassion for others provide more enduring benefits than hedonism and selfishness.

10. It is felt that Governments should pursue such policies as would truly buttress the family unit, encourage parent involvement in child activities, and sustain useful local community patterns (particularly in socially deprived areas) by providing financial aid and physical expertise for club and other organised activities; with all such policies directly aimed at combating the "aimlessness" now clearly part of the juvenile delinquency syndrome.

SECTION 3—PREVENTATIVE POSSIBILITIES

11. The Select Committee recommends that relative priority in Government spending be given to providing a bigger and better equipped Police Force.

12. The techniques used in other places to more directly relate the Police to the citizen, i.e. more Police on the beat and assignment of a Police Officer to a local community in order to make and maintain contact with families and community activities, should be considered. The old-fashioned image of the neighbourhood policeman could have merit.

13. The Select Committee believes that respect for the forms of justice may be better sustained if they become more summary. Undue Court delays should be avoided, and to this end, all the Court procedures should be considered. This consideration should include the possibility of permitting lower Courts to deal with more serious charges than is currently the case.

14. Prevention of violent crime by mentally ill persons may be assisted by—

(i) mounting a consistent publicity campaign to remove the stigma that now attaches to mental illness and so encouraging recognition and report of early symptoms shown in family situations;

(ii) Police Stations' recording of eccentric or "crank" incidents and such record to be regularly inspected by a competent unit and followed up where deemed necessary; and

(iii) stricter controls over the release of patients from institutions.

15. Efforts to counter the special vulnerability created by rural isolation might be countered by—

(i) establishing radio links (including an alarm or distress system) for such isolated homes; and

(ii) organising under Police direction an emergency auxiliary from available light planes in an area.

16. Children at a suitable educational stage should be told of Police and Court procedures relating to crime and punishment, and be made fully aware of the punishments attaching to various categories of wrong-doing as opposed to the benefits of correct conduct.

17. Decisions reached in Children's Court cases should be made public (but not in any manner that would reveal an offender's identity) as part of a deliberate endeavour to persuade youth that crime is unprofitable.

18. As the motor-car plays a major role in the commission of crime (especially with pack rape) an investigation should be made of the authority of the police as to their power in doubtful circumstances to order vehicles and their occupants home.

19. The Select Committee did not see consideration of any licensing of or restriction on the use of firearms as part of its task, but it is bound to comment on the considerable amount of testimony provided suggesting that easy availability of firearms was a substantial contributant to some areas of violent crime.

20. The Select Committee found variations on the concept of effective security for those commercial operations involving the handling of large sums of money and it is suggested consideration be given to legislating (for deterrent purposes) for minimum security requirements in such cases.

SECTION 4—THE PURPOSE OF PUNISHMENT

21. Publicity measures should be pursued that make the community more aware of how prisoners live in prisons and of the operation of the systems of remission and parole so that whatever may be the judgments formed by the community on proper punishment, they will be based more on fact than on prejudice.

22. The eventual aim of useful work as occupational training for all in prisons except high risk inmates should be accepted, when both parole and remissions would become contingent on the prisoner conforming to work requirements. This would then move smoothly on to an effective use of the release-to-work provision for prisoners nearing termination of their sentences.

SECTION 5—PROBLEMS OF SENTENCING

23. The community should be consistently informed of the factors taken into account by the Courts in handing down sentences for violent crimes, in order to check what seems to be a growing public dissatisfaction with much of present sentencing.

24. In view of the concern expressed before the Select Committee as to the inadequacy of sentences imposed on offenders there should be an early review by an expert body of the current range of penalties for crimes of violence, to see whether any enlargement of maximum penalties should be made, and if so, to specify what maximums should be. Particular reference was made before the Select Committee to the offences of grievous bodily harm, wounding and indecent assault.

25. If the Legislature at any time considers that a general sentencing attitude by Courts requires comment, then this should be done by formal resolution of Parliament which would be an indication only of Parliament's attitude and not a direction to the Judiciary.

26. As the Attorney-General's right of appeal under Section 669A of the *Criminal Code* provides a safeguard against the imposition of unduly light sentences on offenders, the effectiveness of this right of appeal should be guaranteed by giving the Court of Criminal Appeal an unfettered discretion to impose a different sentence if it feels that the proper one was not imposed by the trial judge. It is unduly restrictive to require the Attorney-General to prove that the sentence is manifestly inadequate.

27. In trials involving violent crime, the Court should be provided with pre-sentence reports, and should be permitted to take into account Children's Court records (if any).

SECTION 6—THE ROLE OF PAROLE

28. The problem of parole being effective in cases of short sentences was placed before the Select Committee and consideration should be given to this aspect.

29. The criteria on which the Parole Board makes its determinations should be statutorily listed, and the following is recommended:—

(i) Has the punitive element of the prisoner's sentence been substantially satisfied?

(ii) Is there any substantial risk of the prisoner's committing a similar crime or failing to observe any conditions of the release?

(iii) Will the deterrent effect of the sentence on others be prejudiced if the prisoner is released?

(iv) Will the release on parole tend—

(a) to minimise the gravity of the crime in the eyes of the community;

(b) to affect adversely public confidence in the administration of the law; and

(c) to affect adversely the maintenance of Prison discipline?

(v) Whether in the light of all these circumstances and relevant Parole documents available to the Board, it is reasonable to allow the Prisoner to serve the remainder of the sentence in the community under the guidance of a Parole Officer.

30. Some current confusion caused by an overlap in the operation of Parole and Remission should be investigated, with a view to rationalising the situation.

SECTION 7—REPARATION PROPOSALS

31. Sentencing in some cases of violent crime could include a direction to work in prison, with such work paid for on a "wage" basis and part of the monies so earned to go to the victim.

32. Consideration should be given to establishing some form of Criminal Injuries Compensation Board, with provision of a more realistic and comprehensive compensation coverage for victims of violent crime than is currently available.

SECTION 8—CAPITAL PUNISHMENT

33. The Select Committee lent close attention to Capital Punishment and the suggestion that it should be reintroduced into Queensland. It was apparent that there is a strong opinion in favour of such a measure, but in the main it was founded on the belief that such punishment would act as an effective deterrent against violent crime.

It became necessary therefore to test this proposition to as full an extent as was possible.

There is a lack of substantive evidence showing that the death penalty is a deterrent to crimes of violence and it has not been demonstrated sufficiently that the presence or otherwise of Capital Punishment on the statute books has affected the prevalence of violent acts.

The Select Committee believes that the State has no right to take the life of an offender regardless of the crime, especially because of the ever present element of error. Besides providing no deterrent, Capital Punishment in fact further brutalises the society and the Select Committee recommends against its reintroduction.

SECTION 9—RAPE

34. Existing procedures should be reviewed by a competent body to ascertain if, consonant with maintaining the essential safeguards for the accused, the present undue strain imposed on a victim could be reduced through more expeditious and less repetitious pre-trial and trial requirements including—

(i) presence whenever possible of a Policewoman at all Police questioning;

(ii) considering whether the Magistrate's Court determination (on a case to answer) could not be on affidavit without personal appearance;

(iii) ensuring minimal delay between the decision that there is a case to answer, and hearing of the case before a judge and jury;

(iv) precluding the accused from making statements from the dock (not on oath) that are not subject to the test of cross-examination; and

(v) empowering the trial judge to withhold from publication in the victim's interest (but always having in mind the paramount public interest) some areas of evidence.

35. There should be opportunity provided within the school scene for young people to be informed, in appropriate terms and at an appropriate age, what constitutes in law both sexual assault and rape and also the penalties these crimes can earn.

36. Parents and teachers must accept an obligation to impress on girls a need for reasonable prudence at all times.

37. With a view to reducing the incidence of rape arising from girls accepting casual "lifts" in motor vehicles, consideration should be given to the feasibility of attaching penalties (in some circumstances) to both those who solicit and those who accept casual "lifts".

38. Any form of sex education considered for introduction to Queensland schools should clearly place much more emphasis on the paramouncy of self-respect and mutual respect between men and women, than on physical facts and techniques.

CHARLES PORTER, Chairman.

Queensland Legislative Assembly,

30th July, 1974

APPENDICES

APPENDIX 1

1. Reasons of T. Aikens for disagreeing with certain aspects of Section 5 (Problems of Sentencing) of the Report.

Several witnesses mentioned, if I may phrase it thus, the ease by which some criminals escape conviction—and consequent penalty—as a direct result of having what is commonly called "a good mouthpiece" to represent them at their trial.

I think that this aspect of "crime and punishment" should be given very serious consideration by the Parliament, in all its manifestations and relations.

Irrespective of the calibre of the defence counsel, the manner in which criminal cases are heard and determined undoubtedly weighs the scales heavily in the criminal's favour, inasmuch as the Crown Prosecutor is virtually "bound and gagged" while the defence counsel enjoys an "open go", to secure an acquittal.

The Crown Prosecutor is permitted to only place the facts before the Jury and must confine himself to accepted standards of oratory and conduct. He cannot press for a conviction, whereas the Defence Counsel is given an unrestricted opportunity to indulge in conjecture, insinuation, emotional histrionics, florid and at times flamboyant oratory, or anything else to secure an acquittal for his client.

And if, by some chance or other, the Jury returns a verdict of Guilty, the Defence Counsel is permitted to attempt to reduce the Trial Judge to tears, by a lachrymose recital of the many virtues of the criminal (usually quite untrue or grossly exaggerated) in an endeavour to have as light a punishment as possible imposed on the convicted criminal.

During the trial the Judge, acting on the urge of his own legal whims and idiosyncrasies, frequently prevents evidence being given against the criminal.

I think the position in our Criminal Courts today can be summed up by saying that over the years, our legal system in its sincere desire to prevent an innocent man being convicted of a crime he did not commit, has made it almost impossible to convict a criminal of a crime he did commit.

Perhaps the most monstrous inequity of our Criminal Court's proceedings is that if a Trial Judge, by error or design, so conducts a case as to influence the Jury to return a verdict of "Guilty" there is, quite rightly, grounds for appeal to the Court of Criminal Appeal, which will, if the evidence of the Judge's misconduct is only reasonably established, quash the conviction. But, if a Trial Judge, by error or design, so conducts a case as to influence the Jury to return a verdict of "Not Guilty", there are no grounds of appeal by anyone to any tribunal.

Unfortunately, by custom, based on honest ignorance, judges have become immune to criticism. And I strongly recommend that Parliament immediately consider a resounding campaign to inform the public that any act done in the seat of justice, by any judge, is wide open to criticism, in private or in public, by any person or organisation.

The public are as entitled to publicly, and forthrightly, criticise the Judiciary, as such, as they are to criticise any other person holding public office. The only restriction is that which applies to all criticism. It must not impute improper motives, or impede the course of justice.

Mr. Justice Hoare told the Committee that there was merit in my suggestion that a separate Court of Criminal Appeal, such as operates in New South Wales and England, should be set up; but questioned the resultant cost and diversification of the legal processes.

In view of the public dissatisfaction with some rulings of our present system as it applies to the Court of Criminal Appeal, consisting of three Justices of the Supreme Court, sitting in judgment on sentences imposed by, or the conduct of, brother Justices, I urge Parliament to consider this matter.

Some witnesses, one prominent psychiatrist in particular, gave good humanising evidence on the mental and physical torture inflicted on victims of criminal violence, such as rape, who have to agonisingly endure hours of aggressive cross-examination by Defence Counsel—sometimes several, as in a pack-rape case—and the Committee was told of one hapless victim who told her doctor that, if she were raped again, she would not even report the incident. Such were her understandably bitter memories of her trevail in the witness box.

In many cases of pack-rape the Defence Counsel are all paid by the Crown, and their eagerness—and cupidity—to "get in for their chop" at the expense of the victim was sapiently criticised by Wanstall S. P. J. in a pack-sodomy case. Parliament should, in my opinion, seriously consider his Honour's comments.

Most of the witnesses questioned by me, on the need for castration for sex offenders against children, were averse to it. Some gave it qualified support. But I am convinced that the great bulk of the Queensland people are in favour of it and I consider that Parliament should enact legislation towards that end.

T. AIKENS.

2. Reasons of C.R. Porter, R. J. Hinze, K. B. Tomkins and T. Aikens for disagreeing with certain aspects of Section 6 (The Role of Parole) of the Recommendations of the Report.

We disagree with the Select Committee's Recommendations on the Role of Parole, but only to the extent of wishing to introduce a proviso stipulating the minimum quantum of an awarded sentence that should be served in prison before Parole operates.

We were impressed with considerable testimony to the Select Committee indicating that people found the serving in prison of often little more than half a sentence as incompatible with their concept of justice being done and being seen to be done. If sentences in prison are intended to be much less, then the medium of Parole should not be used to secure this result.

We therefore would add to the Select Committee's Recommendations in this area the following:—

Parole consideration should commence only after a prisoner has served in prison a minimum three-fifths of the awarded sentence.

C. R. PORTER,
R. J. HINZE,
K. B. TOMKINS,
T. AIKENS.

---

3. Reasons of C. R. Porter, R. J. Hinze, K. B. Tomkins and T. Aikens for disagreeing with Section 8 (Capital Punishment) of the Recommendations of the Report.

We cannot accept the Select Committee's majority Recommendation on Capital Punishment. Both its terms and its conclusion run contrary to what we saw as the clear weight of testimony heard by us.

We disagree entirely with the convenient dismissal of a deterrent element in Capital Punishment on the basis of statistical information which, at best, must be seen as suppositious and incomplete. The dissenting Members reject as specious the argument against Capital Punishment on the ground that human life is sacred. As we see it, this connotes that the victim's life was not sacred and that, being dead, he or she should then be largely forgotten.

We find this proposition untenable on any ethical ground, as also is the absurd implication that those who stand for punishment that is just deserts are ignoble and barbaric, whilst those whose concern for the murderer's life excludes the ultimate concern for the victim's life, are necessarily noble and civilised.

We therefore submit the following three Recommendations on Capital Punishment:—

1. Consideration should be given to provision of a Death Penalty in cases of heinous murder, which might be broadly classified as those crimes involving premeditated murder with related atrocious aspects.
2. As this consideration is a matter of grave public concern affecting deeply held convictions, a referendum should be conducted to ascertain a broad community attitude that might guide (but not direct) the Parliament's consideration.
3. In such consideration attention should be specifically directed towards provision of a Death Penalty for crimes involving acts of political terrorism and international hijacking.

C. R. PORTER,
R. J. HINZE,
K. B. TOMKINS,
T. AIKENS.

APPENDIX 2

PERSONS APPEARING BEFORE THE SELECT COMMITTEE

Bale, Shirley
Ballment, Neil Mervyn
Bevan, Colin Russell
Blaikie, Malcolm Robert
Blair Quigg, Germaine
Braithwaite, John
Clark, Charles Arthur Phillip
Dart, Madeleine Shiela
Diffin, Richard
Draydon, Desmond John
Francis, Rayham Stanley
Freeman, Winifred Alice
Henderson, Dianne Gail
Hingley, Leonard Norton
Hoare, Marcus Bertram
Juraszko, Louis Frank
Kearney, George England
Langford, Nelson
Linfoot, Ronald
McIntyre, Mavis Lillian
McNamara, Mauri
Mahon, Thomas Joseph
Martin, David Fernandes
Miller, Robert Andrew Macquarie
Muller, Iris Dorothy
Parker, Neville Edward
Phillips, Bertram James
Preston, Noel William
Ransom, Ivan Frederick
Sawkins, Roger William
Smith, Greg
Spykerboer, Hendrik Carel
Sturgess, Desmond Gordon
Swinton, Allan James
Taylor, William Trevelyn
Urquhart, Gordon
Voller, Joan
Warner, Peter Moline
Whitehouse, Eric Benjamin
Whitlock, Francis Antony
Whitney, Allen
Whitrod, Raymond Wells
Wilson, James Arthur Joseph
Wiltshire, Edgar Bevan

APPENDIX 3

LIST OF WRITTEN SUBMISSIONS

Ashe, J. H.
Australian Bank Officials Association, Queensland Division
Australian Psychological Society, Queensland Branch
Balzer, C. D. (Rev.)
Bar Association of Queensland
Bennett, D. M.
Blaikie, L. (Mrs.)
Blake, P. W.
Campbell, A. J.
Community Crime Check Campaign
Connolly, M.
Dart, M. S. (Mrs.)
Director, Department of Children's Services (C. A. P. Clark)
Director of Psychiatric Services (Dr. G. Urquhart)
Federation of Chambers of Commerce of South Queensland
Fox, P. J. (Mrs.)
Fox, W. G.
Gellweiler, D. (Mrs.)
Gillard, W. J.
Haines, L.
Haley, B.
Halliday, A. E.
Juraszko, L. F.
Kapper, S. G. (Mrs.)
Kelly, M. (Mrs.)
Kenealy, P.
Kent, D.
Kerr, S.
King, R.
Kitching, J.
Lees, K.
Leslie, M. S.
Liberal Party of Australia (Queensland Division) West Indooroopilly Branch
Linfoot, R.
Logan and District Council of Progress Associations
Lye, W. P.
McCouat, M. R.
Macdonald, M. R.
McFarlane, R. D. (Dr.)
McIntyre, M. L. (Mrs.)
Mahon, T. J.
Mooney, J. W.
Muller, I. D. (Mrs.)
National Party of Australia, Queensland, Womens' Section
Oberg, D. (Mrs.)
O'Brien, B.
Parker, N. E. (Dr.)
Presbyterian Church of Queensland Public Questions Committee and Queensland Methodist Conference Christian Citizenship Committee (joint submission)
Pugsley, H. W.
Queensland Country Women's Association
Queensland Graingrowers' Association
Queensland Hotels' Association
Queensland Trades and Labour Council
Quota Club of Caboolture
Quota Club of Gladstone
Quota Club of Gold Coast
Quota Club of Nambour
Religious Society of Friends (Quakers)
Richardson, D.
Sanday, E.
Scheer, A. F.
Senior Medical Director, Division of Youth Welfare and Guidance (Dr. B. J. Phillips)
Shelton, D. C. (Rev.)
Slade, J.
Smith, J. E.
Smith, G. and Braithwaite, J.
Thurston, H. R.
United Graziers' Association of Queensland
Verhoeven, G. H.
Ward, J.
Warner, P. M.
Webb, L. (Mrs.)
Whitehouse, E. B.
Whitlock, F. A. (Prof.) and Wiltshire, E. B. (Dr.)
Willmore, C. H.

APPENDIX 4

Select Committee on punishment of crimes of violence in Queensland

The Queensland Parliament has by Resolution appointed an all-party Select Committee to inquire into, to report upon and to make recommendations in relation to the punishment of crimes of violence in Queensland, and in particular

(i) whether the punishment for crimes of violence is adequate, effective and a sufficient deterrent; and

(ii) what measures are considered necessary or desirable to ensure that punishment for crimes of violence is adequate, effective and a sufficient deterrent.

The Select Committee will commence public hearings at Parliament House, Brisbane, on Tuesday, 21st May, 1974. Appearance before the Committee will be by invitation.

Submissions, observations and other material relevant to the terms of reference are invited from members of the public and interested bodies and organisations. These should

- be in writing.
- be forwarded to Mr. K. G. W. Mackenzie, Secretary of the Committee, Post Office Box 209, North Quay, 4000, Queensland, Telephone 24 0616.
- be forwarded as soon as compiled, but, if possible, so as to reach the Secretary by Tuesday, 14th May, 1974.
- indicate whether, in addition to making a written submission, the author wishes to appear in person before the Committee.

C. R. Porter, M.L.A.
Chairman.

PROCEEDINGS OF THE COMMITTEE

TUESDAY, 23rd APRIL, 1974
at Parliament House at 3.00 p.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton and Wright.

Apologies: Mr. Tomkins.

RESOLVED—on motion of Mr. Hinze, seconded by Mr. Hewitt: That Mr. Porter be Chairman of the Select Committee.

RESOLVED—on motion of Mr. Aikens, seconded by Mr. Ahern: That the Secretary advise each Member of the timetable of meetings by providing them with a copy of the Minutes.

RESOLVED—on motion of Mr. Ahern, seconded by Mr. Newton:

(a) that the Select Committee acknowledge receipt of a letter from the Honourable the Premier dated 4th April, 1974;

(b) that the Honourable the Premier be sent a copy of the Minutes of this meeting;

(c) that the letter to the Honourable the Premier point out the accuracy of the paragraph of the letter of 4th April, 1974 which stated that in view of the fact that the payment of any fees or remuneration as such would involve Members being in receipt of an office of profit under the Crown, the Parliamentary Members of the Select Committee would not be paid any fees or remuneration other than travelling expenses was not conceded;

(d) that the letter to the Honourable the Premier point out that the members of the Select Committee had indicated that they were prepared to serve on the Select Committee without remuneration for attendance at meetings.

RESOLVED—on motion of Mr. Davis, seconded by Mr. Aikens: That the Committee meet at the following times:—

Tuesday, 21st May at 11.00 a.m.
Wednesday, 22nd May at 11.00 a.m.
Thursday, 23rd May at 11.00 a.m.
Tuesday, 4th June at 11.00 a.m.
Wednesday, 5th June at 11.00 a.m.
Thursday, 6th June at 11.00 a.m.
Tuesday, 18th June at 11.00 a.m.
Wednesday, 19th June, at 11.00 a.m.
Thursday, 20th June at 11.00 a.m.

and at such other times as may be decided upon by the Select Committee.

RESOLVED—on motion of Mr. Newton, seconded by Mr. Ahern: That the Select Committee meet from 11.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. with the proviso that the finishing time could be extended if circumstances made it desirable.

RESOLVED—on motion of Mr. Hewitt, seconded by Mr. Aikens: That submissions be called for and that such submissions be:—

(a) oral and/or written and

(b) called for by advertisement in the papers circulating State wide and in the provincial Dailies;

and that appearances before the Committee be by invitation.

RESOLVED—on motion of Mr. Davis, seconded by Mr. Hinze: That—

(a) submissions would be public unless the submittor requests otherwise or the Committee determines otherwise and

(b) that the deliberative sessions be held in camera.

RESOLVED—on motion of Mr. Ahern, seconded by Mr. Newton: That there should be an endeavour to deal with the objectives of the terms of reference by considering as far as possible the following components:—

(a)—

(i) Punishment as currently related to criminal offences;

(ii) Present role of parole; and

(b)—

(i) Extent and nature of punishment that might reasonably be seen as having a deterrent effect;

(ii) The part that parole should play in adequate punishment; and

(iii) The role of rehabilitation in any such changed punishment patterns.

(c) Other matters directly linked with the problem of ensuring that punishment for crimes of violence are adequate, effective and a sufficient deterrent—

(i) The likelihood of detection and conviction.

(ii) Other aspects that may emerge.

The Select Committee agreed to set aside, on the Thursday of each Sitting week, some time for consideration of submissions made during that week.

The Select Committee agreed that all releases of statements and material concerning the Select Committee would be made by the Chairman.

The Select Committee adjourned at 4.00 p.m. until 11.00 a.m. on Tuesday, 21st May, 1974.

TUESDAY, 21st MAY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

The Press and public were admitted.

Greg Smith and John Braithwaite of the Department of Anthropology and Sociology, University of Queensland were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

Mrs. Joan Voller, Queensland and Australian President of the Country Women's Association was examined by the Chairman and members of the Select Committee.

Her evidence having concluded, the witness withdrew.

Eric Benjamin Whitehouse, Solicitor, was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Select Committee adjourned at 3.55 p.m. until 11.00 a.m. on Wednesday, 22nd May, 1974.

WEDNESDAY, 22nd MAY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

The Press and public were admitted.

Dr. George England Kearney of the Department of Psychology, University of Queensland, representing the Queensland Branch of the Australian Psychological Society was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Ronald Linfoot was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Allan James Swinton, President of the Logan and District Council of Progress Associations was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Select Committee adjourned at 3.25 p.m. until 11.00 a.m. on Thursday, 23rd May, 1974.

THURSDAY, 23rd MAY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

The Press and public were admitted.

Mrs. Madeleine Shiela Dart was examined by the Chairman and members of the Select Committee.

Her evidence having concluded, the witness withdrew.

Mrs. Shirley Bale, Metropolitan Vice President of the Womens' Section of the National Party of Australia, Queensland, was examined by the Chairman and members of the Select Committee.

Her evidence having concluded, the witness withdrew.

Louis Frank Juraszko was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

At the request of the Chairman, the Press and public withdrew.

The Select Committee deliberated.

The Select Committee adjourned at 3.28 p.m. until 11.00 a.m. on Tuesday, 4th June, 1974.

TUESDAY, 4th JUNE, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

The Press and public were admitted.

Leonard Norton Hingley, Secretary of the Australian Bank Officials' Association, Queensland Division, was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Roger William Sawkins and David Fernandes Martin, representing the Peace and Social Justice Committee of the Religious Society of Friends (Quakers) were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

Detective Sergeant James Arthur Joseph Wilson and Mauri McNamara, representing the Community Crime Check Campaign were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

The Committee adjourned at 3.05 p.m. until 11.00 a.m. on Wednesday, 5th June, 1974.

WEDNESDAY, 5th JUNE, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Davis, Newton, Wright and Tomkins.

Apologies: Mr. Aikens.

The Press and public were admitted.

Rayham Stanley Francis and Malcolm Robert Blaikie representing the United Graziers' Association were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

Professor Hendrik Carel Spykerboer, Reverend Richard Diffin, Dr. Noel William Preston and Neil Mervyn Ballment representing the Public Questions Committee of the Presbyterian Church of Queensland and the Christian Citizenship Committee of the Queensland Methodist Conference were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

Thomas Joseph Mahon, Detective Sergeant Second Class of Police was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Select Committee adjourned at 3.43 p.m. until 11.00 a.m. on Thursday, 6th June, 1974.

THURSDAY, 6th JUNE, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

The Press and public were admitted.

Professor Francis Antony Whitlock and Dr. Edgar Bevan Wiltshire of the Department of Psychiatry, University of Queensland, were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

Mrs. Germaine Blair Quigg was examined by the Chairman and members of the Select Committee.

Her evidence having concluded, the witness withdrew.

At the request of the Chairman, the Press and public withdrew.

The Select Committee deliberated.

The Select Committee adjourned at 3.40 p.m. until 11.00 a.m. on Tuesday, 18th June, 1974.

TUESDAY, 18th JUNE, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Tomkins, Davis, Wright and Aikens, Mr. Newton (afternoon Session).

Apologies: Mr. Newton (morning Session).

The Press and public were admitted.

Mrs. Iris Dorothy Muller and Mrs. Dianne Gail Henderson were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

Charles Arthur Phillip Clark, Director, Department of Childrens' Services, was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Press and public were advised that the afternoon Session would be held in camera.

Dr. Neville Edward Parker, Specialist Psychiatrist was examined in camera by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Select Committee adjourned at 3.25 p.m. until 10.30 a.m. on Wednesday, 19th June, 1974.

WEDNESDAY, 19th JUNE, 1974
at Parliament House at 10.30 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

The Select Committee met and proceeded upon an inspection of Brisbane Prison.

The Select Committee adjourned at 4.20 p.m. until Thursday, 20th June, 1974.

THURSDAY, 20th JUNE, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Tomkins, Aikens, Davis, Newton and Wright.

The Press and public were admitted.

Dr. Bertram James Phillips, Senior Medical Director, Division of Youth Welfare and Guidance, Department of Health, was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Peter Moline Warner, Mavis Lillian McIntyre, and Reverend Ivan Frederick Ransom representing a Committee of Goondiwindi District residents, were examined by the Chairman and members of the Select Committee.

Their evidence having concluded, the witnesses withdrew.

The Select Committee adjourned at 4.08 p.m. until 11.00 a.m. on Tuesday, 2nd July, 1974.

TUESDAY, 2nd JULY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Davis, Newton, Wright and Tomkins.

Apologies: Mr. Aikens.

The Select Committee deliberated on the unauthorised publication of portion of the evidence given by Dr. Neville Edward Parker in Sunday Sun on Sunday, 23rd June, 1974.

Colin Russell Bevan, Chief Probation and Parole Officer for the State of Queensland was examined in camera by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Raymond Wells Whitrod, Commissioner of Police for the State of Queensland was examined in camera by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Select Committee deliberated further on the matter of the unauthorised publication of Dr. Parker's evidence.

RESOLVED—on motion of Mr. Ahern, seconded by Mr. Wright:

1. That the Committee apologises to Dr. N. Parker and deeply regrets the unauthorised publication of his in camera submissions and

2. That in the Committee's view a grave breach of Parliamentary Privilege has taken place and this be placed before Parliament at the earliest opportunity for Parliament to consider censure of the offending member and bringing the newspaper concerned before the Bar of Parliament for explanation as to its part in the offence.

The Select Committee adjourned at 3.35 p.m. until 9.30 a.m. on Wednesday, 3rd July, 1974.

WEDNESDAY, 3rd JULY, 1974
at Parliament House at 9.30 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Tomkins, Davis, and Wright; Mr. Newton (afternoon Session).

Apologies: Mr. Aikens; Mr. Newton (morning Session).

The Committee met and proceeded on an inspection of Wacol Prison and Wacol Security Patients' Hospital.

The inspections being completed, the Select Committee returned to Parliament House at 1.00 p.m.

William Trevelyn Taylor, Inspector of Police, assigned to the Criminal Investigation Branch, Brisbane, was examined in camera by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

The Press and the public were admitted.

Desmond Gordon Sturgess and Desmond John Draydon, Barristers-at-Law, representing the Bar Association of Queensland, were examined by the Chairman and members of the Committee.

Their evidence not being concluded, the witnesses were requested to attend on Thursday, 4th July, at 3.00 p.m.

The Select Committee adjourned at 4.32 p.m. until 11.00 a.m. on Thursday, 4th July, 1974.

THURSDAY, 4th JULY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Tomkins, Davis, Newton and Wright.

Apologies: Mr. Aikens.

The Committee deliberated.

The Press and public were admitted.

Desmond Gordon Sturgess and Desmond John Draydon, Barristers-at-Law representing the Bar Association of Queensland, resumed their evidence and were further examined by the Chairman and members of the Committee.

Their evidence having concluded, the witnesses withdrew.

The Select Committee adjourned at 4.20 p.m. until 11.00 a.m. on Tuesday, 16th July, 1974.

TUESDAY, 16th JULY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

Mr. Justice Marcus Bertram Hoare (Chairman), Mrs. Winifred Alice Freeman, Nelson Langford, Under Secretary, Department of Justice, Dr. Robert Andrew Macquarie Miller and Allen Whitney, Comptroller General of Prisons, members of the Parole Board, attended in camera on the Chairman and members of the Select Committee.

The Members of the Parole Board withdrew.

The Committee proceeded to consider the Draft Report.

SECTION 1—GENERAL

Paragraph 1.1 read and agreed to.

Paragraph 1.2 read and agreed to.

Paragraph 1.3 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.4 read and agreed to.

Paragraph 1.5 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.6 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.7 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.8 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.9 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.10 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.11 read and agreed to.

Paragraph 1.12 read and agreed to.

Paragraph 1.13 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.14 read and agreed to.

Paragraph 1.15 read and agreed to.

Paragraph 1.16 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.17 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.18 read and amended.
Paragraph, as amended, agreed to.

Paragraph 1.19 read and agreed to.

Consideration of the Draft Report to be resumed at the next Sitting.

The Committee adjourned at 3.55 p.m. until 11.00 a.m. on Wednesday, 17th July, 1974.

WEDNESDAY, 17th JULY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

Consideration of the Draft Report was resumed.

SECTION 2—SOME BACKGROUNDS TO CRIMINAL VIOLENCE

Paragraph 2.1 read and amended.
Paragraph, as amended, agreed to.

Paragraph 2.2 read and amended.
Paragraph, as amended, agreed to.

Paragraph 2.3 read and amended.
Paragraph, as amended, agreed to.

Paragraph 2.4 read and amended.
Paragraph, as amended, agreed to.

Paragraph 2.5 read and agreed to.

Paragraph 2.6 read and agreed to.

Paragraph 2.7 read and agreed to.

Paragraph 2.8 read and amended.
Paragraph, as amended, agreed to.

SECTION 3—PREVENTATIVE POSSIBILITIES

Paragraph 3.1 read and amended.
Paragraph, as amended, agreed to.

Paragraph 3.2 read and amended.
Paragraph, as amended, agreed to.

Paragraph 3.3 read and agreed to.

Paragraph 3.4 read and amended.
Paragraph, as amended, agreed to.

Paragraph 3.5 read and amended.
Paragraph, as amended, agreed to.

Paragraph 3.6 read and amended.
Paragraph, as amended, agreed to.

Paragraph 3.7 read and agreed to.

Paragraph 3.8 read and agreed to.

SECTION 4—THE PURPOSE OF PUNISHMENT

Paragraph 4.1 read and amended.
Paragraph, as amended, agreed to.

Paragraph 4.2 read and amended.
Paragraph, as amended, agreed to.

Paragraph 4.3 read and amended.
Paragraph, as amended, agreed to.

Paragraph 4.4 read and agreed to.

Paragraph 4.5 proposed.
Paragraph read and agreed to.

Paragraph 4.6 proposed.
Paragraph read and agreed to.

SECTION 5—PROBLEMS OF SENTENCING

Paragraph 5.1 read and amended.
Paragraph, as amended, agreed to.

Paragraph 5.2 read and amended.
Paragraph, as amended, agreed to.

Paragraph 5.3 read and agreed to.

Paragraph 5.4 proposed.
Paragraph read and agreed to—to stand as paragraph 5.4.

Paragraph 5.5 proposed.
Paragraph read and agreed to—to stand as paragraph 5.5.

Paragraph 5.4 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 5.6.

Paragraph 5.5 read and agreed to—to stand as paragraph 5.7.

Mr. Aikens, disagreeing with some aspects of Section 5, requested that the reasons for his disagreement be appended to the Report.

SECTION 6—THE ROLE OF PAROLE

Paragraph 6.1 read and agreed to.

Paragraph 6.2 proposed.
Paragraph read and agreed to—to stand as paragraph 6.2.

Paragraph 6.2 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 6.3.

Paragraph 6.3 read and agreed to—to stand as paragraph 6.4.

Paragraph 6.4 read and agreed to—to stand as paragraph 6.5.

Paragraph 6.5 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 6.6.

Paragraph 6.6 read and agreed to—to stand as paragraph 6.7.

Consideration of the Draft Report to be resumed at the next Sitting.

The Committee adjourned at 4.00 p.m. until 11.00 a.m. on Thursday, 18th July, 1974.

THURSDAY, 18th JULY, 1974
at Parliament House at 11.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Aikens, Davis, Newton, Wright and Tomkins.

Consideration of the Draft Report was resumed.

SECTION 7—REPARATION PROPOSALS

Paragraph 7.1 read and agreed to.

Paragraph 7.2 read and amended.
Paragraph, as amended, agreed to.

Paragraph 7.3 read and agreed to.

SECTION 8—CAPITAL PUNISHMENT

Paragraph 8.1 read and amended.
Paragraph, as amended, agreed to.

Paragraph 8.2 read and agreed to.

Paragraph 8.3 read and amended.
Paragraph, as amended, agreed to.

Paragraph 8.4 read and agreed to.

Paragraph 8.5 proposed.
Paragraph read and agreed to—to stand as paragraph 8.5.

Paragraph 8.5 read and agreed to—to stand as paragraph 8.6.

SECTION 9—RAPE

Paragraph 9.1 read and agreed to.
Paragraph 9.2 read and agreed to.
Paragraph 9.3 read and agreed to.
Paragraph 9.4 read and agreed to.
Paragraph 9.5 read and agreed to.
Paragraph 9.6 read and agreed to.
Paragraph 9.7 read and agreed to.
Paragraph 9.8 read and agreed to.

RECOMMENDATIONS

SECTION 1—GENERAL

Paragraph 1 read and agreed to.

Paragraph 2 read and amended.
Paragraph, as amended, agreed to.

SECTION 2—SOME BACKGROUNDS TO CRIMINAL VIOLENCE

Paragraph 3 read and amended.
Paragraph, as amended, agreed to.

Paragraph 4 read and agreed to.

Paragraph 5 read and agreed to.

Paragraph 6 read and agreed to.

Paragraph 7 read and agreed to.

Paragraph 8 read and agreed to.

Paragraph 9 read and agreed to.

Paragraph 10 read and amended.
Paragraph, as amended, agreed to.

SECTION 3—PREVENTATIVE POSSIBILITIES

Paragraph 11 read and amended.
Paragraph, as amended, agreed to.

Paragraph 12 read and omitted.

Paragraph 13 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 12.

Paragraph 14 read and agreed to—to stand as paragraph 13.

Paragraph 15 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 14.

Paragraph 16 read and agreed to—to stand as paragraph 15.

Paragraph 17 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 16.

Paragraph 18 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 17.

Consideration of the Draft Report to be resumed at the next Sitting.

The Select Committee adjourned at 4.00 p.m. until 11.00 a.m. on Tuesday, 23rd July, 1974.

TUESDAY, 23rd JULY, 1974
at Parliament House at 10.00 a.m.

Members Present: Messrs. Porter, Hewitt, Ahern, Hinze, Davis, Newton, Wright and Tomkins.

Apologies: Mr. Aikens.

Consideration of the Chairman's Draft Report was resumed.

Paragraph 19 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 18.

Paragraph 19 proposed.
Paragraph read and agreed to.

Paragraph 20 proposed.
Paragraph read and agreed to.

SECTION 4—THE PURPOSE OF PUNISHMENT

Paragraph 20 read and agreed to—to stand as paragraph 21.

Paragraph 21 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 22.

SECTION 5—PROBLEMS OF SENTENCING

Paragraph 22 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 23.

Paragraph 23 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 24.

Gordon Urquhart, Director of Psychiatric Services, was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Consideration of the Chairman's Draft Report was resumed.

Paragraph 24 read and agreed to—to stand as paragraph 25.

Paragraph 26 proposed.
Paragraph read and agreed to.

Paragraph 25 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 27.

SECTION 6—THE ROLE OF PAROLE

Paragraph 26 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 2.8.

Paragraph 27 read as follows:—
"Parole consideration should commence only after a prisoner has served in prison a minimum of three-fifths of the awarded sentence".

Question proposed, That Paragraph 27 stand as part of the Report.

Question put.

The Select Committee divided—

Ayes, 3	Noes, 5
Mr. Porter	Mr. Ahern
Mr. Hinze	Mr. Hewitt
Mr. Tomkins	Mr. Newton
	Mr. Davis
	Mr. Wright

And so it was resolved in the negative.

Mr. Porter, Mr. Hinze and Mr. Tomkins thereupon required a statement of the reasons for their disagreement to be appended to the Report. Mr. Aikens also signified his agreement with the reasons for dissent.

Paragraph 28 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 29.

Paragraph 29 read and amended.
Paragraph, as amended, agreed to—to stand as paragraph 30.

SECTION 7—REPARATION PROPOSALS

Paragraph 30 read and agreed to—to stand as paragraph 31.

Paragraph 31 read and agreed to—to stand as paragraph 32.

SECTION 8—CAPITAL PUNISHMENT

Paragraphs 32, 33 and 34 read as follows:—

"32. Consideration should be given to provision of a death penalty in cases of heinous murder, which might be broadly classified as those crimes involving premeditated murder with related atrocious aspects.

"33. As this consideration is a matter of grave public concern affecting deeply held convictions, a referendum should be conducted to ascertain a broad community attitude that might then guide (but not direct) the Parliament's consideration.

"34. In such consideration, attention should be specifically directed towards provision of a death penalty for crimes involving acts of political terrorism and international hi-jacking".

Question proposed: That paragraphs 32, 33 and 34 stand as Section 8 of the Report.

Question put.

The Select Committee divided—

AYES, 3	NOES, 5
Mr. Porter	Mr. Ahern
Mr. Hinze	Mr. Hewitt
Mr. Tomkins	Mr. Newton
	Mr. Davis
	Mr. Wright

And so it was resolved in the negative.

Paragraph 33 proposed.

Paragraph read and agreed to.

Mr. Porter, Mr. Hinze and Mr. Tomkins thereupon required a statement of the reasons for their disagreement to be appended to the Report. Mr. Aikens also signified his agreement with the reasons for dissent.

SECTION 9—RAPE

Paragraph 35 read and agreed to—to stand as paragraph 34.

Paragraph 36 read and agreed to—to stand as paragraph 35.

Paragraph 37 read and agreed to—to stand as paragraph 36.

Paragraph 38 read and amended.

Paragraph, as amended, agreed to—to stand as paragraph 37.

Paragraph 39 read and agreed to—to stand as paragraph 38.

The Select Committee adjourned at 3.25 p.m. *sine die*.

By Authority: S. G. REID, Government Printer, Brisbane

END