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

S. G. REID, Government Printer
"47. SELECT COMMITTEE ON PUNISHMENT FOR CRIMES OF VIOLENCE

Mr. Porter moved, pursuant to notice,—

(1) That a Select Committee be 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.


(3) That the Committee have power to send for persons, papers and records, provided the Committee ensures that a witness appearing before the Committee is not obliged to supply evidence or to produce a document which, in the opinion of the Honourable the Minster 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 provisens 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 the Select Committee 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 made 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 no longer remain as an isolated social issue to contribute substantially to its breakdown. The Select Committee therefore sees the effective reduction of violent crimes 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 spate 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 sexual assaults, woundings and assaults) rose in the ten 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.
SECTION 1—FACtORS CONTRIBUTING TO CRIMINAL VIOLENCE

1. The Select Committee was convinced of the necessity to take a closer look at the problem of violent crime. It was concerned at the mounting cost to the community of its law enforcement agencies and estimates that the total expenditure on punitive measures alone is in the order of $50 million p.a.

1.1 The Select Committee was of the view that the law enforcement agencies should be more closely linked with the community in which it operates. The Committee was also of the opinion that the community should be better informed about the manner in which its officers are called upon to deal with criminal activities.

1.2 On the evidence received, Parliament must be asked to consider the appointment of a Commissioner for Peace, a position analogous to that of the Comptroller-General of Prisons, the Parole Board, Welfare and Guidance.

1.3 As a result of the Select Committee's hearings, the Government was recommended to appoint a new senior official to manage the prison service. It was suggested that this official should be a person with considerable expertise in the area of crime prevention and who could provide a strong leadership role in the community.

1.4 In conclusion, it is recommended that the Select Committee should be given the opportunity to conduct further investigations into the causes of violent crime. The Committee was of the opinion that the Government should be held accountable for its failure to take adequate action to prevent crime.
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 to be commensurate with the gravity of the offence.

There were strong lay criticisms of the present sentencing system where parole generally involved. The Select Committee came to the conclusion that this general indication of dissatisfaction with sentencing contributed to present public unease.

The Select Committee was informed that a number of expert witnesses as a pre-requisite to proper sentencing, and this was stressed by a number of expert witnesses as a prerequisite to parole. The proposition that a sentence should be served before any reason the granting of parole was deserved by the degree of offence, showed in sharp conflict on the role and content of parole. The Select Committee pointed out that the prospect of parole was not a majority expression to the Select Committee. In some other States (such as Queensland) parole is mainly for prison administration.

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 in any case the need for Capital Punishment in this area might require separate consideration.

6.8 The Select Committee as to whether or not a proper sentence for a violent crime was an effective general deterrent. The Select Committee was informed that a number of expert witnesses as a prerequisite to proper sentencing, and this was stressed by a number of expert witnesses as a prerequisite to parole. The proposition that a sentence should be served before any reason the granting of parole was deserved by the degree of offence, showed in sharp conflict on the role and content of parole. The Select Committee pointed out that the prospect of parole was not a majority expression to the Select Committee. In some other States (such as Queensland) parole is mainly for prison administration.

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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 workload 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 BACKGROUND 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 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 involve the child with learning difficulties, with a view to promoting his education and development to the extent that he becomes a personality problem.

6. The Education syllabus should include material designed to involve the child in 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 in need of protection against today's massive commercial assault on sex and violence through material (including some advertising) which, whilst not so extreme as to be obviously pornographic or obscene, is blantly 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 the Theatre and Cinema, and control of the distribution of some printed material, in order to provide the imaginative 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 precociously naturally develop, that assists them to understand the importance of discipline and reparation for others, without providing undue benefits than hedonism and self-indulgence.

10. It is felt that Governments should pursue such policies as would truly benefit the family unit, encourage participation in family life, and sustain useful community patterns (particularly in socially deprived areas) by providing financial aid and professional expertise for club and other organised activities, with all such policies directed at combating the "kiboshness" 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 communities, should be encouraged. The old-fashioned image of the neighbourhood policeman could have merits.

13. The Select Committee believes that respect for the forms of justice may be better sustained if they become more summary. Unless 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—
   (a) establishing a consistent publicity campaign to show how that nature attains to mental illness and so encouraging recognition and remedial treatment of symptoms shown in family situations;
   (b) Police Stations' recording of eccentric or "crack" incidents and such records to be regularly inspected by a competent unit and followed up where deemed necessary; and
   (c) stricter controls over the release of patients from institutions.

15. Efforts should be directed to the special vulnerability created by rural isolation might be countered by—
   (a) establishing radio links (including an alarm call system) for such isolated homes; and
   (b) organising under Police direction an emergency road service 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 wrongdoing as opposed to the benefits of correct conduct.

17. Decisions reached in Children's Court cases should be made public and the written record should be given to the court as an index to any matter that would reveal an offender's identity as part of a deliberate attempt to persuade youth that crime is unprofitable.

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

19. The Select Committee did not see consideration of any restriction 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 the availability of firearms was a substantial contributory to some areas of violent crime.

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

SECTION 4—THE PURPOSE OF PUNISHMENT

21. Publicity measures should be pursued that make it abundantly clear that offenders 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 acceptable, when both parole and remissions would become contingent on the prisoner conforming to work in power in requirements. This would then move more smoothly on to an effective use of the release-to-work concept for prisoners serving termination of their sentences.

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 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 or contraction of penalties should be made, and if so, to specify what maximums should be.

25. If the Legislature at any time considers that a general sentencing attitude by Courts requires consideration, 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 699A of the Criminal Code provides a safeguard of unreasonably 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 a purely 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 5—PROBLEMS OF SENTENCING

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 clearly outlined, and the following is recommended—
   (a) Is the prisoner's rehabilitation likely to be successful?
   (b) Is there any substantial risk of committing a similar crime or failing to comply with conditions of the parole release?
   (c) Will the effect of the sentence on others be prejudiced if the prisoner is released?
   (d) Will the release on parole tend to—
      (a) minimise the gravity of the crime in the eyes of the community;
      (b) affront adversely public confidence in the administration of the law;
      (c) prejudice the maintenance of Prison discipline?
   (e) Whether in light of all these circumstances and relevant Parole Board policy available to the Board, is it 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 wage 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 that is currently available.

SECTION 8—CAPITAL PUNISHMENT

33. The Select Committee last close attention to Capital Punishment and the suggested inquiry should be reintroduced into Queensland. It was apparent that there is a strong opinion against Capital Punishment, but in the main it was founded on the belief that such punishment should act as an effective deterrent against violent crime.
It became necessary therefore to test this pro-
position 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 a right to demand from the criminal, regardless of the crime, especially because of the ever present element of chance. 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 main-
taining the essential safeguards for the accused, the procedures could be reduced through more expeditious and less repetitious pre-trial and trial requirements including—
(i) presence whenever possible of a Police-
woman at all Police questioning;
(ii) considering whether the Magistrate's Court determination (on a case to answer) could not be an 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) providing the accused from making state-
ments from the dock (not on oath) that are not subject to the test of cross-
examination; and
(v) empowering the trial judge to withhold 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 obliga-
tion 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 circum-
stances) 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


Several witnesses mentioned, if I may phrase it thus, the case of those who commit crime—conviction—and consequent penalty—as a direct result of having been commonly called "a good mouthpiece" to represent them at all times.

I think that this aspect of "crime and punish-
ment" should be given very serious consideration by this 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 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, inculmination, emotional licence, fluid 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's sentence, by a haphazard recital of the many virtues of the criminal (usually quite untrue or grossly exaggerated) in an endeavour to have as light a sentence as possible imposed on the convicted criminal.

During the trial the Judge, acting on the urge of his own legal wisdom 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 insanity of our Criminal Court's proceedings is that if a Trial Judge, by error or design, so conduces 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 conduces 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, on honest ignorance, judges have become immune to criticism. And I strongly recommend that Parliament immediately consider a remonstrating 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.


We disagree with the Select Committee's Recommenda-
tions on the Role of Parole, but only to the extent of wishing to introduce a proviso stipulating the minimum quantum of a sentence in a life sentence which 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 achieve this result.

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 in the courts. It must not impede improper motives, or impede the course of justice.

Mr. Justice Hourie 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 judicial groups, it is advisable that such rulings be imitated, or the conduct of, better Justices, I urge Parliament to consider these points.

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, 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 travail 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 their chop" at the expense of the victim was aptly criticised by Wanstall S. P. J. 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 travail in the witness box.

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

T. AIKENS.
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.


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 primary 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 suppositional 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 is sacred. As we see it, this connotes that the victim’s life, are necessarily noble and civilised.

The murderer’s life excludes the ultimate concern for the victim’s life, are necessarily noble and civilised. The murderer’s life excludes the ultimate concern for the victim’s life, are necessarily noble and civilised. 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 3

LIST OF WRITTEN SUBMISSIONS

McParlane, R. D. (Dr.)
McGregor, M. L. (Mrs.)
Mallon, T. J.
Mooney, J. W.
Muller, I. D. (Mrs.)
National Party of Australia, Queensland, Women's 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 Graziers' Association
Queensland Hotels' Association
Queensland Trades and Labour Council
Quota Club of Caloundra
Quota Club of Gladstone
Quota Club of Gold Coast
Quota Club of Mackay
Religious Society of Friends (Quakers)
Richardson, D.
Sunday, E.
Scheer, A. F.
Senior Medical Director, Division of Youth Welfare and Guidance (Dr. B. J. Phillips)
Shelton, D. C. (Rev.)
Slade, J.
Smith, E.
Smith, G. and Braithwaite, J.
Thurston, H. R.
United Graziers' Association of Queensland
Verheven, G. H.
Ward, J.
Ward, P. M.
Webb, L. (Mrs.)
Whitehouse, E. B.
Whistlock, F. A. (Prof.) and Wiltshire, E. B. (Dr.)
Wiltshire, C. H.
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, and 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 Select 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.

APPENDIX 4

PROCEEDINGS OF THE COMMITTEE

TUESDAY, 23rd APRIL, 1974
at Parliament House at 11.00 a.m.

Members Present: Muses, Porter, Hewitt, Ahern, Hinz, Aikens, Davis, Newson and Wright.

Apologies: Mr. Tomkins.

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

Resumed—on motion of Mr. Aikens, seconded by Mr. Ahern: That the Committee adjourned at 3.25 p.m. until 11.00 a.m. on Tuesday, 21st May, 1974.

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

RESOLVED—on motion of Mr. Aikens, seconded by Mr. Ahern: That the Select Committee acknowledge receipt of a letter from the Honorable the Premier dated 4th April, 1974.

RESOLVED—on motion of Mr. Aikens, seconded by Mr. Ahern: That the Select Committee acknowledge receipt of a letter from the Honorable the Premier dated 4th April, 1974 which stated that in view of the fact that the payment of any fines or remuneration as such would breach the Standing Orders of the House, the Select Committee, subject to the advice of the Clerk of the Queensland Branch of the Australian Psychological Association, would not be able to accept any remuneration other than travelling expenses.

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 fines or remuneration as such would breach the Standing Orders of the House, the Select Committee would not be able to accept any remuneration other than travelling expenses was not conveyed.

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.

RESOLVED—on motion of Mr. Davis, seconded by Mr. Aikens: That the Select 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.

RESOLVED—on motion of Mr. Davis, seconded by Mr. Aikens: (a) that the Select Committee acknowledge receipt of a letter from the Honourable the Premier dated 4th April, 1974; (b) 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 fines or remuneration as such would breach the Standing Orders of the House, the Select Committee, subject to the advice of the Clerk of the Queensland Branch of the Australian Psychological Association, would not be able to accept any remuneration other than travelling expenses was not conveyed.

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 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 fines or remuneration as such would breach the Standing Orders of the House, the Select Committee, subject to the advice of the Clerk of the Queensland Branch of the Australian Psychological Association, would not be able to accept any remuneration other than travelling expenses was not conveyed.

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

Members Present: Muses, Porter, Hewitt, Ahern, Hinz, Aikens, Davis, Newton, Wright and Tomkins.

The Press and public were admitted.

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

The evidence having concluded, the witness 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.

The 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: Muses, Porter, Hewitt, Ahern, Hinz, Aikens, Davis, Newson, 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 Lindoff was examined by the Chairman and members of the Select Committee.

His evidence having concluded, the witness withdrew.

Allen 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 3.35 p.m. until 11.00 a.m. on Thursday, 23rd May, 1974.
THURSDAY, 23rd MAY, 1974

at Parliament House at 11.00 a.m.


The Press and public were admitted.

Mrs. Madeline Blais Dart was examined by the Chairman and members of the Select Committee.

Her evidence having concluded, the witness withdrew.

Mrs. Shirley Rule, Metropolitan Vice-President of the Women's 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 Zarko 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.

THURSDAY, 6th JUNE, 1974

at Parliament House at 11.00 a.m.


The Press and public were admitted.

Professor Francis Antony Whillock and Dr. Edgar Benan Wilson 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.

Melanie Beatrice 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 4.08 p.m. until 11.00 a.m. on Thursday, 2nd July, 1974.

TUESDAY, 16th JUNE, 1974

at Parliament House at 11.00 a.m.


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

RESOLVED—on motion of Mr. Aikens, 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 Parliament's privileges 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 explanation as to its part in the offence.

The Select Committee adjourned at 5.35 p.m. until 9.30 a.m. on Wednesday, 7th July, 1974.

TUESDAY, 2nd JULY, 1974

at Parliament House at 11.00 a.m.


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

Colin Russell, BCSM, 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 Wills Whirlow, 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 witnesses withdrew. The Select Committee deliberated further on the matter of the unauthorised publication of Dr. Parker's evidence.

RESOLVED—on motion of Mr. Aikens, 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 Parliament's privileges 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 explanation as to its part in the offence.

The Select Committee adjourned at 5.35 p.m. until 9.30 a.m. on Wednesday, 7th July, 1974.

WEDNESDAY, 3rd JUly, 1974

at Parliament House at 9.30 a.m.


The Select Committee met and proceeded on an inspection of State Parliament House at 10.30 a.m.

The Select Committee met and proceeded on an inspection of State Parliament House at 10.30 a.m.

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

Colin Russell, BCSM, 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 Wills Whirlow, 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 witnesses withdrew. The Select Committee deliberated further on the matter of the unauthorised publication of Dr. Parker's evidence.

RESOLVED—on motion of Mr. Aikens, 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 Parliament's privileges 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 explanation as to its part in the offence.

The Select Committee adjourned at 5.35 p.m. until 9.30 a.m. on Wednesday, 7th July, 1974.

THURSDAY, 4th JULY, 1974

at Parliament House at 11.00 a.m.


The Select Committee deliberated.

The Press and public were admitted.


The Members of the 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 1.5 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.
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 amended.
Paragraph, as amended, 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 amended.
Paragraph, as amended, agreed to.
Paragraph 3.8 read and agreed to.

SECTION 4—THE ROLE OF PAROLE
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 amended.
Paragraph, as amended, agreed to.
Paragraph 5.4 proposed.
Paragraph read and agreed to—stand as paragraph 5.4.
Paragraph 5.5 proposed.
Paragraph read and agreed to—stand as paragraph 5.6.

SECTION 6—CAPITAL PUNISHMENT
Paragraph 6.1 read and amended.
Paragraph, as amended, agreed to.
Paragraph 6.2 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 6.3.
Paragraph 6.3 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 6.4.
Paragraph 6.4 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 6.5.
Paragraph 6.5 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 6.6.
Paragraph 6.6 read and agreed to.

SECTION 7—PREVENTATIVE POSSIBILITIES
Paragraph 7.1 read and agreed to.
Paragraph 7.2 read and amended.
Paragraph, as amended, agreed to.
Paragraph 7.3 read and amended.

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—stand as paragraph 8.3.
Paragraph 8.6 read and agreed to—stand as paragraph 8.4.

SECTION 9—RAPE
Paragraph 9.1 read and agreed to.
Paragraph 9.2 read and amended.
Paragraph, as amended, 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.

SECTION 10—THE ROLE OF PAROLE
Paragraph 10.1 read and agreed to.
Paragraph 10.2 read and amended.
Paragraph, as amended, agreed to.

SECTION II—GENERAL
Paragraph II.1 read and agreed to.
Paragraph II.2 read and amended.
Paragraph, as amended, 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—stand as paragraph 4.2.
Paragraph 4.3 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 4.3.
Paragraph 4.4 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 4.4.
Paragraph 4.5 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 4.5.

SECTION 5—PROBLEMS OF SENTENCING
Paragraph 5.1 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 5.1.
Paragraph 5.2 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 5.2.
Paragraph 5.3 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 5.3.
Paragraph 5.4 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 5.4.

SECTION 6—CAPITAL PUNISHMENT
Paragraph 6.1 read and amended.
Paragraph, as amended, agreed to.
Paragraph 6.2 read and amended.
Paragraph, as amended, agreed to.
Paragraph 6.3 read and amended.
Paragraph, as amended, agreed to.
Paragraph 6.4 read and amended.
Paragraph, as amended, agreed to.

RECOMMENDATIONS
Paragraph 19 proposed.
Paragraph read and agreed to.
Paragraph 20 proposed.
Paragraph read and agreed to.

SECTION 4—THE PURPOSE OF PUNISHMENT
Paragraph 21 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 22.
Paragraph 22 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 23.
Paragraph 23 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 24.

SECTION 5—PROBLEMS OF SENTENCING
Paragraph 25 read and amended.
Paragraph, as amended, agreed to—stand as paragraph 26.
Paragraph 26 read and agreed to.
Paragraph 27 read and agreed to.
Paragraph, as amended, agreed to—stand as paragraph 28.

SECTION 6—THE ROLE OF PAROLE
Paragraph 29 read and amended.
Paragraph, as amended, agreed 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 hijacking."

Question proposed: That paragraphs 32, 33 and 34 stand as Section 8 of the Report.
Question put.
The Select Committee divided—
Ayes, 3
Mr. Porter
Mr. Hinze
Mr. Tomkins

Noes, 5
Mr. Ahern
Mr. Hewitt
Mr. Newton
Mr. Davis
Mr. Wright

And so it was resolved in the negative.

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 Committeeadjourned at 3.25 p.m. sine die.

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