



MANDATORY MADNESS



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IT'S A FACT. MANDATORY JAIL DOESN'T work. The lessons of history seem to be lost on the proponents of the recent push to have mandatory imprisonment introduced for assaults on police in WA. We once had mandatory imprisonment for driving under suspension. For a few years in the early 1980s you were sent to jail for driving with a disqualified licence if you had a previous conviction. It didn't slow the rate of offending, it filled the jails with harmless people, and did nothing to rehabilitate offenders.

What it did do was inflict enormous hardship on the family and dependants of those who fell foul of the ridiculous law.

I saw people sent to jail for moving a vehicle 1m off a garden hose on their front lawn, and for driving a sick relative to hospital. It was madness, it was unjust, and it didn't last.

The mandatory requirements were removed from the statute books in the late '80s. Society hasn't exactly fallen apart as a result.

Currently we have a "three strikes" rule which imposes mandatory imprisonment for repeat burglaries. Perth is still the burglary capital of Australia. We are the only state that has mandatory seizure of a person's property (irrespective of how it was acquired) when they are convicted of certain drug offences. It has hardly stemmed the flow of drugs. We lock up more people and for longer periods of time than any other jurisdiction except the Northern Territory. So why do we think that mandatory imprisonment for assaults on police is likely to solve anything? Are we interested in solving

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the problem, or in retribution? No two cases are ever identical. What if the offender was a sole supporting parent of a disabled child? What if the offender was merely on the periphery of a skirmish in which an officer was injured and didn't actually throw a punch?

Under the new proposals there would be no alternative to immediate jail, no matter what.

The whole idea of appointing judges is so that they can exercise a degree of discretion, and where appropriate, mercy. Of course, community expectations have to be met at the same time but the best people to do this are the judiciary.

Any removal of the right of a judge or magistrate to impose a non-custodial sentence in a worthy case is effectively a sentence imposed by parliament, in ignorance of the facts of the case. It removes any consideration of special circumstances. That has to be wrong.

In reality, it is a comparatively rare event that anyone convicted of a serious assault on a police officer doesn't get prison. And that's the way it should be. The daily press blows up any case where there is a decision to the contrary, reporting only a sprinkling of the relevant facts on which the decision was made.

The mandatory sentencing debate is nothing but a chest-beating exercise by politicians in the pre-election bidding war as to who is the toughest on

crime. It's got nothing to do with justice or common sense. Worse still, it just doesn't work. ■

▶ **Tom Percy is a national director of the Australian Lawyers Alliance, which opposes mandatory sentencing. He is on 6PR 882 at 7.30am on Thursdays.**

LETTERS ✉

▶ While not having a tattoo myself, I'm really not against them (Branded, Aug 3). It's the permanence factor that I find concerning. I believe the process should be a two-step system. Step one should be a temporary tatt of the chosen design (exact size), lasting for about a week. If after a week, the client still loves it, then they can go for step two, the real thing. This would certainly stop impulse decisions.

SUSAN STONE, WINTHROP



▶ I was horrified to read Billy Brownless (First person, Aug 3) announcing he has never read a book from start to finish in his entire life but, worse than that, he said it proudly, as if reading isn't blokey. What kind of an example is that to set to his four children? I can't imagine life without books and it saddens me to think that there are people out there who never read.

WENDY CHAPMAN, WYALKATCHEM

▶ I concur with Verity James (Taking a stand, Aug 3). My language bugbear was highlighted last week when our own Minister for Education, discussing the teachers' dispute on ABC morning radio, continually said "particul-lee" instead of "particu-lar-ly" If the Minister for Education can't speak correctly, what hope is there?

JILL RAYNOR, WEMBLEY

▶ I cringe when I hear about Australian "colcha", the "pichas", "furnicha", "oltimit", "bolk-billing", the "Golf" War, "volnerable", "molti-talented", "wilcome", "somethink", "nothink" and "toim". I cringe, too, when I hear someone saying to a child "You can't do that!" when they know that they can. How is the child to learn the difference between can't and may not?

SONIA KELLETT, DIANELLA

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WIN movies

Email your letters to STM@sundaytimes.newsitd.com.au or post to STM Letters, GPO Box D174, Perth, WA 6840. Readers whose letters are published this week win a double in-season pass to *Taken*, the story of a former government operative on a mission to rescue his estranged daughter from a slave-trade operation. Starring Liam Neeson, Maggie Grace and Katie Cassidy, *Taken* is in cinemas on Thursday.

