

**COURTS — SENTENCING POLICY**

*Statement*

**HON CHARLES SMITH (East Metropolitan)** [5.37 pm]: This evening I want say a few words after having reflected on a few statements made yesterday. One was made by Hon Alison Xamon, who appeared to be advocating for a population policy of some sort as she complained about key education infrastructure being crush loaded. That statement was centred around the City Beach Senior High School site. The member is away on urgent parliamentary business, so I will move on to the statement made by Hon Pierre Yang. He made a very nice statement last night, but again I am completely confused about what the Labor Party stands for in its sentencing policy. It appears that on the one hand, it opposes mandatory sentencing because it takes away judicial discretion, and on the other hand, I hear it is complaining about judicial leniency, which is a result of that discretion. Its members cannot have it both ways; they have to decide where they stand on sentencing. It is clear that Western Australia has tried the leniency experiment and it has not worked. It has created undisciplined chaos from our schools to multimillion-dollar corporations, all of which have on occasions demonstrated little respect for order, authority, the social contract—remember what that is—and the rule of law.

I congratulate and offer sincere praise to Hon Pierre Yang for raising the issue of the sentencing of Matthew Molloy and for his stance on the woefully inadequate and inappropriate sentencing for this serious offence. Matthew Molloy is a repeat offender with a significant criminal history and, quite frankly, should never have been released from prison after serving an earlier sentence. There are many, many offenders like Mr Molloy in our community. Dangerous people are out there walking the streets because our justice system is overly lenient and, in my experience, gives far too much weight to the accused rather than the victim. As Mr Tjandra noted in *The West Australian*, the sentence highlighted that increased maximum penalties are not having the desired effect. I have raised this matter in this house time and again, but it is only since this victim stood up and said so that we have had a damascene revelation from the Premier and the Minister for Police that magistrates' decision-making is weak and unaccountable. The example that the honourable member gave yesterday is sadly all too common a story. Last year I raised a similar issue about a Macedonian–Australian family who lost their mother to a repeat violent offender who was out on bail. It is a shame that the Premier, the police minister and members in here did not raise this issue back then.

People are complaining about lenient sentencing, so what are we going to do about it? The community expects serious crime to be met with serious sentences. Extending maximum terms at the wont of this government will not live up to what the community expects. The community expects this offender, Matthew Molloy, to be locked up for 20 years—it is doable; it is in legislation—and not a pathetic seven years and out on parole in four. This type of weak and lenient sentencing in which magistrates do not want to disadvantage the offender too much is all too common; they do not want the sentence to be overly crushing for the offender. What about the victim and the victim's family who now have a life sentence of sadness and loss? Only a suite of mandated minimum sentencing will satisfy community expectations. The Director of Public Prosecutions needs serious funding increases, as does the entire justice portfolio. Serious criminal cases can take years and years to come to court, and that is completely unacceptable. I congratulate the member for raising this extremely serious issue and for also raising consecutive sentencing. I agree that we should seriously consider implementing those kinds of sentencing policies.

I urge the government and the entire Parliament to consider and review how dysfunctional our adversarial justice system has become. I urge all members to study how justice is dispensed in many European jurisdictions, which use an inquisitorial justice system, which is more efficient and more just and has specially trained judges, not lawyers, in control of the evidence in court; judges are in control. In my opinion, it produces a much better and quicker outcome, and that is what our community expects.