

Dear Mr Speakman, and the NSW Sentencing Council,

I write in response to the [Review](#) of sentencing for murder and manslaughter, in particular to the question of mandatory life sentences that mean that a prisoner will never be released.

I submit that such life means life sentences are unjust, cruel and a waste of money, and that they should be overturned as a result of this review.

Life means life mandatory sentences I understand are not used in most Australian jurisdictions, and of course that results in a disparity between the states. That is of course the least of the matters, as the key concerns are that mandatory sentencing doesn't allow the judge to take into account individual circumstances, which is itself an injustice, and that mandatory sentencing holds out no hope of reform. It is clear that jail itself is the punishment, and that the role of jail should be to reform.

A brief personal perspective. From 1977 to 1991 I worked for the NSW Railways, commencing as a Junior Station Assistant, becoming an Assistant Station Master, usually officer in charge, from 1981.

While carrying out my duties as the officer in charge of Turrella Railway Station on the East Hills line I was twice the victim of an armed hold-up, a month apart from each other, in the winter of 1987. I suffered long term from the effects of what we would now call post traumatic stress disorder, and the events had a profound, and at times negative effect on my life.

A person the Police advised me was known to them as a heroin addict carried out the first hold-up at gunpoint. The second person Police believed to be a stand-over merchant, and that hold-up was at knifepoint.

As you may imagine, I was not at all sympathetic to either of my assailants, but reflected easily that if caught it would be an independent judicial officer making the sentence. I simply could not have fairly done so.

That noted, I believe that on the face of it the heroin user, who during the robbery convinced me that he could have killed me, was more likely a candidate for recovery than the stand-over merchant. Perhaps I am naive, however an appropriate detox program, counselling and support to get him to a happier place always seemed more useful for our society than simply locking him away and not addressing the underlying issues.

The stand-over merchant? Perhaps time and rehab opportunities in jail would have made him see that life outside the criminal milieu is better? I hope so.

So to re-cap, my personal reflection here is that we most certainly need to remove from society those who commit crime, but that such time be as short as possible and that there be an intense focus of rehabilitation. The humanitarian case is as certain to me as the cost savings should be to all of us, and money saved would far better be spent of diverting people from crime than jailing people for their foolish or malicious actions.

I write also at the request of friends who have visited prisoner Mr Phuong Ngo for many years now. While I'm certainly old enough to well remember the murder case Mr Ngo was involved in, I was interested indeed to hear that he seems well rehabilitated and shocked that his sentence is to be jailed until death.

Such a case as I understand it well illustrates the pointlessness of "life means life" sentences. Whether Mr Ngo is guilty or not is no matter in my submission. I simply argue that where a prisoner has shown that they are no longer a threat to society that they should be released.

I am well aware that releases of those convicted of murder or other crimes despised by all of us can cause distress to affected family members,. But it is not for them alone that they are removed from society, it is for our common good. When there is no longer good to be served a good society releases such people where the relevant review authorities believe, as much as one can ever tell, that a person is no longer a threat to society.

In many cases of murder or manslaughter I understand most people guilty of these crimes are young men. We well know that as we age most of us mature and no longer behave in such abhorrent ways.

I recognise that there will be some sad cases where some people may never be fit for release, that their psycholological state is such that they may commit more acts of violence, such as we have seen in the two recent terror knifings in London, England.

The case of people like Ms Ngo appear to me very different, and there surely must be a time in a humane and just society for their sentences to be reviewed, indeed that review for all prisoners is ongoing, and that our system focuses on rehabilitation.

In closing, I thank you for this opportunity to write on the very important matter, and I ask that there be an end to mandatory life sentences, and that all prisoners subject to these sentences have their cases reviewed at the earliest time.

Yours sincerely,

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