

## Workshop B1 – Impact of the Media on Sentencing

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Bob Hawke used to speak of the great common sense of the Australian people. I know our legal system can't operate solely on the basis of common sense but the occasional absence (or clear visibility) of it is at least part the reason for any disconnect between what the courts *are* doing and what the people *think* our courts are doing.

*A little about Talk Radio to begin*

**Most** radio stations are Talk stations at one time or another these days...they just talk about different things... and the music stations, by and large, stop talking at 9 am

4BC – and other dedicated Talk stations - talk all day...and night...and talk and talk and talk. Some of it's good, some of its bad, some of it's great, some of its average, some of its annoying, some of its funny, some of it is educational, lots of it is entertaining.

*A couple of facts:*

Talk Radio is not the domain of rednecks and bigots... and anyone who claims to know differently is speaking out of ignorance. Too often I have heard senior people in the legal profession make these kinds of judgments and I only hope they are more responsible when assessing other issues. Of course there are lesser moments (and people) but that is not unique to either Radio or the Talk part of it.

In many ways Talk Radio has taken the place of the back fence over which (not long ago) neighbors once spoke. In a community where people live increasingly isolated (and sometimes lonely) existences Talk Radio brings people together...and people want to be brought together. They want to belong.

Remember the Olympic flame when it came through town...Largely anonymous people running with a flame that was linked in a sense to history

and people stood 5 deep to see it...it gave them a sense of shared endeavor. Talk Radio does the same.

I've been doing it for more than 20 years and have come to know hundreds (maybe thousands) of my listeners and know them to be the same people that you know....the entire diversity of qualifications, passions, interests, prejudices and concerns...

And so I can take a call from Noreen at Sandagte who, at 88, is as smart as a tack with a lifetime as teacher, educator, farmer, and sailor and then hear from Danielle at Strathpine who, at 28, is launching herself into the world....and wants to meet Noreen.

I pushed the button to talk with Norm at Scarborough 10 years ago... and many calls from Norm later, Norman Von Nida (now in his 90's) –one of our greatest golfers- became one of my closest friends.

Because listeners to Talk radio are primarily 45+ (with an even stronger focus at certain times of the day 55+), they bring experiences and attitudes to their thinking that reflect that experience. Talk Radio is getting younger all the time as listeners (and programmers) understands it's as much about psychographics as demographics...More than that, that Talk Radio DOES fight for injustice; *does* represent those who feel they are without representation and *does* go to battle with forces the average person can think too great to take on....and will fob them off or ignore them where possible.

Paul Keating once famously said that if he could educate John Laws he could educate middle – Australia...not in a patronizing way but because he knew that the host in the end only facilitates access (and ideas) to the listeners. And, strange as it may seem, I think P.M Keating *did* trust the people and that's part the reason he was so shattered when he lost...and remains angry and embittered is that people aren't told the truth about issues and, therefore can't always make the best decisions.

It might also be that he confused trust with agreement. What you learn in Talk Radio is to never take your audience for granted. *Never* tell them what to think...*never* tell them how to think.

*Attitudes to justice*

In terms of what our listeners feel about our justice system it's obviously hard to generalize but it *is* fair to say that people feel a bit disconnected from the process and there is no doubt that the majority of Talk listeners (and I would believe this to be true across the community) believe that there has been too great a focus on the rationalization of certain crimes, rather than making the responsibility for the commission of those crimes the priority.

This transcends our legal system. There is no doubt greater cynicism adrift in our community...and, to the extent that it is cynical too often itself, the media must accept some responsibility for setting that agenda.

But it's wider than that...the outrageous behavior of the church (and many of its leaders) protecting their own rather than those who deserved their protection; the behavior of Banks and other businesses putting their own self-interest above those who used to respect them more than anyone else in society. Even in Sport the allegiances that once defined a club are now more easily bought and sold.

So the sands are shifting and people are looking to hold on to certainties in an increasingly uncertain world. That makes them a little uneasy when too much bad behavior is excused or the seemingly simple is made too complex.

And, of course, politicians (and there are many with whom I've dealt for whom I have the greatest admiration) but too often they hide the truth, deliberately conspire to stop it emerging and then fudge it when it sees the light of day...and then they will wonder why they are held in contempt...and why the public (as reflected *in part* through the forum of Talk Radio) will react in the way they do. And why, when presented with the truth, still a little uneasy.

### *Attitude to sentencing*

This is no doubt reflected in the public response to certain sentences...and it's disappointing that the public usually only hears about those sentences that seem manifestly wrong and not the vast majority with which they would, given the facts, agree.

**If there is a basic misconception (and it's one the politicians have also fallen into – or played upon) it is to mistake tough sentencing for justice.**

People want fairness, they want logic, and they want justice.

**Anger at the occasional ridiculously light sentence does not and should not be misinterpreted by the politicians as a call for tougher sentences. What people want is justice...they want common sense to prevail.**

Too often the exception becomes the rule...but that can be exacerbated by a legal system that is either too arrogant to share its thoughts or to trust people to make good decisions when presented with all the available information.

This then can create its own momentum when politicians in a short term attempt to address community concerns too easily hide behind phony promises of stiffer sentences and stricter law and order without identifying the problems that lead to that in the first place.

*Specifics cases*

Perhaps I conclude by talking a little bit about a case I've come to know very well.

In 1992 Graham Stafford was convicted of the brutal murder of 12 year old Leanne Holland at Goodna here in Brisbane.

Last year a book was written by Prof. Paul Wilson and investigator Graham Crowley which totally demolished ALL the evidence against Graham. I began covering the issue extensively and it has created massive interest amongst my listeners....the reason being people smelt a fundamental lack of justice...and, more (and most importantly) they felt, correctly, that those in a position to do something about it were doing nothing...and were **showing little desire to do anything.**

**Graham was alleged to have killed Leanne on the Monday. New forensic evidence now shows she could not have been killed before the Tuesday.** Graham could not have committed the crime after the Monday at 4 pm.

Evidence presented to the jury suggested large quantities of Leanne's blood in the house...that now turns out to be a little bit of blood and maybe not Leanne's.

The jury was presented with evidence that suggested Graham killed Leanne with a hammer and then disposed of it...when in fact the hammer was in the possession of the police.

Evidence was presented that the tyre marks where the body was found at Redbank Plains were an identical match of Graham's car. The Tyre manufacturer has subsequently sworn that they are of a different type.

And there was more...much more. It prompted calls to me from jurors on the case who were disgusted and sickened by what they had done based on what they had been told.

They had trusted the system. So did Graham. Just go in and tell the truth he was told.

14 years later he has been paroled but still the conviction lingers.

There has been no order from the Police Minister for a re-investigation of the crime.

The Attorney-General said on my show that it's up to the family to appeal for a pardon.

A family with little money and no power being told by the state what they have to do...after their son has done 14 years for a murder he simply couldn't have committed...

That might be the law...but is it justice....and is it common sense?