

We The People

Program 115

One Punch Madness



Listeners, have you ever heard of Matt Scarff from Byron Bay. Matt runs a surfing school in Kuta in Bali and recently was king hit while trying to help a woman outside a night club. Matt is in deep trouble and may not make it through the ordeal. To be king hit is to be struck with great force in the head with a closed fist and often without warning or motive. It is a cowardly thing to do and usually results in a complete knock out and in some cases severe brain injury or death. Alcohol and drug induced attacks are most common and result in tragedy for families and often the victim is simply an innocent bystander.

Have you ever heard of Justin Whitfield of Gladstone. The Crown Prosecutor argued that Justin suffered a king hit outside a local hotel and witnesses say he fell to the ground and was punched again in the head while lying motionless. Justin Whitfield lived but sustained permanent brain damage and his assailant was found innocent of one count of manslaughter. Now a Tweed farmer Kelvin Kane was the victim of an apparent king hit near a Kingscliff hotel and subsequently died a day later after sustaining massive head injuries and so I ask, did you know Kelvin. In another case the NSW Attorney General said that it wasn't the king hit that killed the victim, rather it was his head hitting the pavement that finished him. That's like saying it wasn't the person firing the gun but rather the bullet that killed the victim and that listeners is bureaucratic madness and moral insanity. Maybe the name Thomas Kelly rings a bell because he was a teenager killed by his drunken assailant with a single punch but while it won't bring the lad back the sentence of just 4 years at least delivers justice.....like hell it does. A life is worth more than 4 years surely.

Sari Jones was a young woman from Western Australia who was killed by her ex-partner where there was an ongoing situation of domestic violence. Sari Jones left and sort shelter in a women's refuge with her two young children. The children however were in a shared custody arrangement with the couple. During an access visit the ex partner punched her in the head and she toppled to the ground unconscious wherein he continued to punch and kick her and only stopped when the cries of the 4 year old roused his senses. She laid there while he cleaned up the vomit and blood around her and then put her in a bed. Sari died in that bed over night and was not discovered by police for 12 days. A public outrage ensued because he was charged under the one punch law to which he pleaded guilty and again justice was served with a 5 year goal sentence. How's that for justice which is akin to inconsistent Indonesian justice and is morally reprehensible. Her life was deemed to be worth just 5 years and the children must now grow without their mother, knowing their father killed her.

The point of this narrative is to yet again highlight how completely deficient and obsolete our justice system is. How could any magistrate or judge deliver such a sentence and claim they were doing their job and serving the community yet it costs the earth to seek justice in Australia for we the people. I say a pox on the legal system and while researching this script and reading about so many other cases where one punch killed with a subsequent inadequate sentence, made me livid. You and I may not know these people but they are just like us, they are Australians and they are worthy of a decent properly administered justice system. Please appreciate that the politicians, the legal system and the law makers are simply negligent in my view in this regard. Various States have brought in a one punch law which seeks to properly punish the offender but it hasn't worked in some cases because of poor drafting of the law. There are manslaughter laws which require the likely hood of death to occur but in the case of one king hit it has apparently been easy to avoid manslaughter because the consequences could not have been foreseen and therefore unbelievably it could be seen as an accident. So to put this another way, bringing in a one punch law with a lower penalty than the maximum for manslaughter may well result in a deficient sentence. What's worse is that each State has a different penalty structure and different laws and all maximum sentences are apparently lower than manslaughter. This again shows how ridiculous the Australian State system is and how inconsistent law making is such a waste of time and resources and does not deliver adequate justice. I say let the punishment fit the crime and we should demand the legal people and politicians fix the system. In the meantime the legal people talk about guide line judgments, relevant sentencing principles and consistency which is code for academic navel gazing and a failed legal system. Why on earth do we accept this.

Until next time this is Kent Bayley.