

~~LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE~~**~~Report, Motion to Take Note~~**

~~Madam SPEAKER:~~ ~~In accordance with standing order 71, the notice of motion has lapsed.~~

CRIMINAL LAW AMENDMENT BILL (NO. 2)**Introduction**

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (11.23 am): I present a bill for an act to amend the Bail Act 1980, the Corrective Services Act 2006, the Criminal Code, the Drug Court Act 2000, the Drugs Misuse Act 1986, the Justices Act 1886, the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000, the Residential Tenancies and Rooming Accommodation Act 2008, the Summary Offences Act 2005, the Victims of Crime Assistance Act 2009 and the Youth Justice Act 1992 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Law Amendment Bill (No. 2) 2012.

Tabled paper: Criminal Law Amendment Bill (No. 2) 2012, explanatory notes.

I am pleased to introduce the Criminal Law Amendment Bill (No. 2) 2012. The bill fulfils the Queensland government's pre-election pledge: to ensure drug traffickers serve at least 80 per cent of their sentence before parole eligibility; to toughen the sentencing laws for drug traffickers who target children; to ensure that victim impact statements be read out in court if the victim wishes; and to ensure all graffiti offenders remove graffiti and to strengthen the maximum penalty for graffiti crime. The bill also contains amendments to end Queensland's Drug Court by 30 June 2013, including transitional arrangements for offenders already subject to orders under the Drug Court Act 2000. These amendments follow the announcement of the state budget on 11 September 2012 that funding will cease for the Drug Court. In terms of drug offenders, the bill adopts a tough new approach to the sentencing of drug traffickers. The reforms ensure that all convicted drug traffickers sentenced to immediate full-time imprisonment serve a minimum of 80 per cent of their sentence before being eligible to apply for parole release. Drug trafficking has the potential to cause considerable individual suffering but also significant broader social detriment and harm.

The bill also targets adults who supply dangerous drugs to young children by inserting a new category into the offence of 'aggravated supply' under section 6 of the Drugs Misuse Act 1986 to deal with the situation where an adult supplies a dangerous drug to a child under 16 years of age. Children, because of their youth, are particularly vulnerable to adults who seek to expose them to the dangers of drugs and to the illegal drug culture. The Drugs Misuse Act already recognises that an adult who supplies a dangerous drug to a person under 18 years should be subject to higher maximum penalties than if they had supplied the drug to an adult. The bill bolsters the position by providing that, where the child was under 16 years, the maximum penalty increases to life imprisonment where the drug supplied was a schedule 1 drug such as heroin or amphetamines, and to 25 years imprisonment for a schedule 2 drug such as cannabis. These reforms are consistent with the approach in Queensland to specifically protect children under 16 from criminal activity through the creation of offences and higher maximum penalties.

The bill also delivers on the government's commitment to crack down on graffiti crime in Queensland. Graffiti costs the community significant resources annually for it to be cleaned up and demonstrates a complete disregard for property. The bill increases the maximum penalty for graffiti crime under the Criminal Code from five years to seven years imprisonment; and inserts a new mandatory community based sentencing order, called a graffiti removal order—or a GRO—into the Penalties and Sentences Act 1992 and the Youth Justice Act 1992. This new order ensures that graffiti offenders, whether adult or juvenile, remove graffiti or undertake related work that contributes to graffiti removal or the clean-up of public places in the communities.

In the case of adult offenders, the bill also provides that, where the court is satisfied that a thing such as a mobile phone or camera owned or possessed by the person has been used to record, or to disseminate to others, images of the commission of the offence or the graffiti itself, the court may order the thing be forfeited to the state. These reforms reinforce graffiti as an act of vandalism and go to the heart of the graffiti gang culture. These reforms are an important part of this government's efforts to eliminate graffiti crime in Queensland.

The amendment relating to victim impact statements is an important means by which to empower victims as they traverse the criminal justice system. The bill ensures that a victim, who so wishes, can read aloud their victim impact statement before the sentencing court unless, having regard to all of the circumstances, it would be inappropriate to do so. Provisions to support the victim, where necessary, in reading aloud their victim impact statement are included in the bill.

The bill also provides for the cessation of the Drug Court by 30 June 2013. A gradual approach to the termination of the Drug Court has been adopted to allow offenders, currently subject to an intensive drug rehabilitation order under the Drug Court Act, time to sufficiently complete their order so that a fair, final sentence can be imposed upon them.

Further, the bill amends the Bail Act to clarify that the Magistrates Court may impose a condition of bail requiring the defendant to participate in a rehabilitative, treatment or other intervention program, and omits the statutory requirement for such program to be prescribed. This amendment will give greater flexibility to magistrates to refer defendants to any suitable rehabilitative program without the red tape involved in prescribing the program. The bill also amends the Bail Act to omit section 29(2) (c) so that an adult defendant's failure to comply with a condition of bail relating to participation in a rehabilitation program constitutes an offence for the purpose of section 29(1) of the act. This amendment is consistent with the LNP government's commitment to be tough on crime, including breaches of bail conditions. I commend the bill to the House.

First Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (11.29 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam SPEAKER: In accordance with standing order 131 the bill is now referred to the Legal Affairs and Community Safety Committee.

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~~CRIMINAL LAW (CHILD EXPLOITATION AND DANGEROUS DRUGS) AMENDMENT BILL~~

Introduction



~~**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (11.30 am): I present a bill for an act to amend the Commission for Children and Young People and Child Guardian Act 2000, the Criminal Code, the Disability Services Act 2006, the Drugs Misuse Act 1986, the Drugs Misuse Regulation 1987 and the Evidence Act 1977, and to make minor and consequential amendments of other acts as stated in the schedule, for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.~~

~~Tabled paper: Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012.~~

~~Tabled paper: Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012, explanatory notes.~~

~~The Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012 fulfils the government's commitment as part of its six month action plan to amend laws to address synthetic drugs, penalties for child pornography and some child sex offences including a new child grooming offence.~~

~~The bill significantly strengthens the penalties for the child exploitation material offences in the Criminal Code. These types of offences are abhorrent and should not be considered as victimless crimes. Demand for the possession of these types of images creates a market for those who are actively involved in the making and the supply of such material. The making of child exploitation images results in children suffering at the hands of the depraved individuals who engage in the sexual activities which are often depicted in these images. It is therefore vital that this market is targeted by introducing tough new penalties.~~

~~The maximum penalty for the offence of possessing child exploitation material is increased from five years to 14 years imprisonment and the maximum penalties for the offences of involving a child in the making of child exploitation material, making child exploitation material and distributing child exploitation material are increased from 10 years to 14 years imprisonment.~~

~~By increasing all the maximum penalties to 14 years imprisonment, the current distinction in penalties between possessing the material and making and supplying the material is excluded. While the criminal law often treats the possession of contraband less seriously than its production or distribution, such an approach should not be taken for child exploitation material offences, where the market demand directly results in the physical and sexual abuse of children.~~