

consistent and uniform approach with the rest of Australia for the health professionals and practitioners that are regulated. I commend the bill to the House. >

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 54, as read, agreed to.

Clause 55—



Mr SPRINGBORG (12.58 pm): I move the following amendments—

1. Clause 55 (Amendment of schedule (Dictionary))

Page 32, line 17—

omit.

2. Clause 55 (Amendment of schedule (Dictionary))

Page 32, line 28, 'section 406A'—

omit, insert—

'section 406'.

I table the explanatory notes to the amendments.

Tabled paper: Health Practitioner Registration and Other Legislation Amendment Bill 2012: Explanatory notes to Hon. Springborg's amendments.

These amendments correct minor typographical and cross-referencing errors in the definitions of the terms 'repealed act' and 'commencement'. Again, I thank the committee for its diligence in picking up those typographical issues. That shows the beauty of the committee system and it is why I very much support it, as it can make corrections and suggestions that can improve legislation. As I said, these errors were identified by the committee. We thank it for its advice and guidance. I commend the amendments to the House.

Amendments, as read, agreed to.

Clause 55, as amended, agreed to.

Clauses 56 to 113, as read, agreed to.

Third Reading

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (12.59 pm): I move—

That the bill, as amended, be now read a third time.

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

Bill read a third time.

Long Title

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (12.59 pm): I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.

Motion agreed to.

Sitting suspended from 1.00 pm to 2.30 pm.

022

<CRIMINAL CODE (LOOTING IN DECLARED AREAS) AMENDMENT BILL

Introduction



Mr JUDGE (Yeerongpilly—Ind) (2.30 pm): <I present a bill for an act to amend the Criminal Code for a particular purpose.> I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Code (Looting in Declared Areas) Amendment Bill.

Tabled paper: Criminal code (Looting in Declared Areas) Amendment Bill, explanatory notes.

The primary objective of the bill is to amend the Criminal Code at section 398, punishment of stealing, to insert new section 13A—stealing by looting in a declared area. In short, the bill is to insert a more serious punishment for stealing by looting in a declared area, as defined under the Disaster Management Act 2003. In such circumstances, the offender will be liable to imprisonment for 14 years.

At present, the Criminal Code at section 398(13) increases the punishment for stealing from five years to 10 years imprisonment if the offence is committed during a natural disaster, civil unrest or an industrial dispute or the thing stolen is left unattended by the death or incapacity of the person in possession of the property. As mentioned, new section 13A will distinguish the offence of stealing by looting in a declared area and take a tougher stance by increasing imprisonment to 14 years. Importantly, it is intended to underpin the significance of declared areas under the Disaster Management Act 2003. The increased punishment is believed to be more aligned with community expectations as well as contributing toward protecting citizens.

In the aftermath of the flood and cyclone related disasters of January 2011 and January-February 2013, police commenced proceedings against a number of individuals for their roles in the looting of flood affected dwellings, premises and vessels. During the 2011 floods a 200 strong police antilooting squad, established under Operation Safeguard, arrested 81 people on 225 charges and ordered 99 people to move on while making no less than 3,688 checks on flood affected streets in Brisbane and Ipswich.

According to the Queensland Floods Commission of Inquiry interim report, 14,100 Brisbane properties were affected during the flood peak in 2011, with 1,203 houses suffering inundation. Additionally, 1,879 businesses were partially inundated and 557 were completely inundated. Looting is a serious matter. It affected Bundaberg and Gympie recently and affected my electorate of Yeerongpilly in the 2011 floods. That is why I brought this bill forward. I seek leave to have the remainder of my speech incorporated in Hansard.

Leave granted.

I highlight that my electorate of Yeerongpilly was one of the communities heavily impacted by the January 2011 floods.

During the aftermath of the 2011 floods, over 30 people were charged under section 398, subsection 13 of the *Criminal Code* ('stealing by looting').

During the more recent 2013 floods which heavily impacted Bundaberg and the surrounding area, the Queensland Police Commissioner, Mr Ian Stewart, told the media that "sadly" there had again been instances of looting—not only in Bundaberg but also in Gympie.

Such crimes are committed by opportunistic and callous criminals and our communities including the Police Minister's own community of Bundaberg expects the punishment to fit the crime.

The Attorney-General and Minister for Justice often talks about being tough on crime and that is exactly what this Bill is intended to do.

In respect of the declaration of disaster situations and, more specifically, offences of 'Stealing by looting in a disaster area', it is held that a stronger penalty of 14 years imprisonment is more aligned with community expectations.

It is held that increased punishment should be distinguished from the punishment for other stealing offences under existing section 398(13) (a) & (b) of the Criminal Code.

Accordingly, the new punishment for 'Stealing by looting in a disaster area', imposing a maximum 14 years imprisonment, is deemed necessary for three main reasons:

- It underpins the significance of 'declared areas' under the Disaster Management Act 2003;
- It provides a punishment that is more aligned with community expectations in such circumstances; and
- It will serve as a deterrent and contribute toward protecting citizens from opportunistic offenders in disaster areas, thereby facilitating community safety and the functioning of the criminal justice system.

Regarding proportionality and consistency of penalties, periods of imprisonment under section 398 (Punishment of stealing) already range from 5 years to 14 years imprisonment. Stealing offences that may incur 14 years imprisonment include:

- Stealing wills
- Stealing of a vehicle
- Stealing firearm for use in another indictable offence

In addition to this being consistent with the punishment for other more serious stealing offences, it is also consistent with the punishment for the types of offences likely to be committed in the aftermath of natural disasters including:

Criminal Code, section 419 provides for the offence of 'burglary', applicable when the offender enters the dwelling of another with the intention of committing an indictable offence—attracting a penalty of 14 years of imprisonment.

Criminal Code, section 421 provides for the crime of 'entering or being in premises' with the intention of committing an indictable offence—attracting a penalty of 10 years imprisonment. However, if an indictable offence (e.g. stealing) is committed within, the offender is liable to a penalty of 14 years imprisonment.

Therefore, recognising that section 398(13) 'Stealing by looting' increases the punishment for stealing from 5 years to 10 years imprisonment including if the offence is committed during a natural disaster, the new section 13A 'Stealing by looting in a declared area' logically and reasonably attracts a more serious penalty of imprisonment for 14 years.

In closing, this is proportionate and consistent with the other serious stealing offences above mentioned and it is not only justified but expected by Queenslanders.>

First Reading

Mr JUDGE (Yeerongpilly—Ind) (2.32 pm): 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

Mr DEPUTY SPEAKER (Mr Watts): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

~~PRIVATE MEMBERS' STATEMENTS~~

~~<Noosa, Local Government~~



~~**Hon. GW ELMES** (Noosa—LNP) (Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs and Minister Assisting the Premier) (2.34 pm): On 9 March, just 12 days ago, an historic vote took place in my community that allowed Noosa residents to determine the future of their own local government. It is a vote that should never have taken place had the Labor government of the time had any respect for the rights of individuals and communities.>~~

~~The arrogance of the Beattie Labor government and the Bligh Labor government that forced communities like mine into amalgamating councils will never be forgotten or forgiven. When we talk about arrogance, the person who best fits that bill is the former Treasurer, Andrew Fraser, who used the process to build his profile with his Labor colleagues and, in so doing, tried to destroy the overwhelming community spirit that exists in Noosa.~~

~~From that date in 2007 we did not lie down and simply take it. Some 18,747 residents on one day signed a petition opposing forced amalgamations. Around 80 per cent of residents made their feelings known in a postal plebiscite. Some 8,000 Noosa residents and their supporters marched on Parliament House and in between we sold raffle tickets, held community forums, bought stickers and T-shirts to fund our campaign and to keep the community's dream alive.~~

~~On 9 March, 81.36 per cent of residents voted yes for our independence day. It was a stunning result and was celebrated on that Saturday night by hundreds of people outside the old Noosa shire chambers and many more at a gathering on Main Beach and hundreds more at the Noosa Rugby Club.~~

~~The bible tells us a story about David and Goliath. The moral of this story can be applied to our little community. Determined to punch well above our weight against all the odds, against all the criticism, against all the dodgy deals, false hopes and bent promises, we have maintained our pride in our home and our belief in ourselves.~~

~~I will be eternally grateful to my colleagues Jeff Seeney, Lawrence Springborg and John-Paul Langbroek who, when leaders of the opposition, created, refined and maintained the policy of self-determination over the last six years which kept our dream alive. I would also like to thank the honourable member for Warrego for his help to my community. Premier Campbell Newman maintained that promise because less than 12 months after attaining government, and keeping true to our election commitment, I as the local member have been able to deliver on the promised vote for the people of Noosa.~~