

~~Mount Ommaney; students from the University of Queensland in the electorate of Indooroopilly; and Kings Christian College in the electorate of Mudgeeraba.~~

Criminal Law Amendment (Public Interest Declarations) Amendment Bill

Introduction



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.30 pm): I present a bill for an act to amend the Criminal Law Amendment Act 1945 for particular purposes. I table the bill and explanatory notes.

Tabled paper: Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013.

Tabled paper: Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013, explanatory notes.

I am pleased to introduce the Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013. The bill implements the government's commitment to ensure Queensland is the safest place in Australia to raise a child and, in general, to protect the community from dangerous sex offenders. At present, continuing detention under the Dangerous Prisoners (Sexual Offenders) Act 2003 must be reviewed annually by the Supreme Court. At such reviews, the state bears the legal onus of satisfying the court that the prisoner's continued detention is still necessary to protect the community from the risk of the prisoner reoffending.

For the most serious of these cases, there needs to be a mechanism by which the government may take strong action to ensure the safety, welfare and order of the Queensland community. The bill amends the Criminal Law Amendment Act 1945 to reflect this need. As well as the amendments contained in this bill, I am committed to conducting a review of the current Dangerous Prisoners (Sexual Offenders) Act to determine whether, in practice, its provisions are fulfilling its original objective of ensuring the adequate protection of the community by providing for a continuing detention and supervision regime relevant to a particular class of prisoner.

To understand the bill, it is necessary to understand the aims and objectives of the Dangerous Prisoners (Sexual Offenders) Act and the Criminal Law Amendment Act. The Dangerous Prisoners (Sexual Offenders) Act provides a mechanism whereby the Supreme Court may, upon application by the Attorney-General, order the continuing detention of prisoners who have been convicted of serious sexual offences past their full time sentence expiry date or that the release of such prisoners is subject to strict supervision. The court may make such an order if satisfied that the prisoner is an unacceptable risk of committing a serious sexual offence, that is, a child sex offence or a violent sexual offence. Persons detained under the Dangerous Prisoners (Sexual Offenders) Act on a continuing detention order are reviewed annually by the Supreme Court.

The Criminal Law Amendment Act is concerned with the treatment and punishment of sexual offenders whose mental condition is such that the offender is incapable of exercising proper control over his or her sexual instincts. Persons detained under the Criminal Law Amendment Act 1945 are detained indefinitely. Such detainees are colloquially referred to as the Queen's pleasure detainees, because the act describes such persons as detained during Her Majesty's pleasure. Queen's pleasure detainees are subject to regular medical review and can be released on the direction of the Governor in Council.

The bill proposes to amend the Criminal Law Amendment Act by creating a new continuing detention regime based on a declaration by the Governor in Council. The new detention regime will be contained in new Part 4 of the Criminal Law Amendment Act. New Part 4 will apply to a relevant person who is subject to one of the following orders made under the Dangerous Prisoners (Sexual Offenders) Act: a continuing detention order or a supervision order if the person was subject to a continuing detention order immediately before the supervision order was made.

Under new Part 4, the Governor in Council is empowered to declare that a relevant person must be detained under new Part 4 if satisfied such detention is in the public interest. The Governor in Council may make a public interest declaration on the recommendation of the minister responsible for administering the Criminal Law Amendment Act. Under present ministerial arrangements, the Attorney-General and Minister for Justice is the relevant minister.

The effect of the public interest declaration is that the Dangerous Prisoners (Sexual Offenders) Act ceases to apply to the relevant person and they must be detained in an institution under the Criminal Law Amendment Act. As currently defined in the Criminal Law Amendment Act, the term 'institution' includes a corrective services facility.

The Chief Executive of Corrective Services will be responsible for ensuring that the detainee is reviewed every 12 months by two psychiatrists. The psychiatrists must provide separate reports assessing the level of risk that the relevant person will commit an offence of a sexual nature if released from detention. The Chief Executive of Corrective Services must provide the reports to the Attorney-General and Minister for Justice and to the relevant person.

As soon as practicable after receiving the report, the Attorney-General and Minister for Justice must make a recommendation to the Governor in Council as to whether the relevant person should continue to be detained under new Part 4 of the Criminal Law Amendment Act. If satisfied that detaining the relevant person under the Criminal Law Amendment Act is no longer in the public interest, the Governor in Council may, by gazette notice, declare that Part 4 no longer applies to the person. A person detained under new Part 4 will not be eligible to apply for parole.

The Judicial Review Act 1991 will be limited in its application to a review of decisions made under new Part 4 for jurisdictional error. If the public interest declaration ends or no longer applies to a relevant person, the Dangerous Prisoners (Sexual Offenders) Act order revives.

The bill proposes a new detention regime that will, no doubt, be viewed by some as extreme. When we came to government we made a commitment to make Queensland the safest place in Australia to raise a child and to improve community safety. We have already introduced the two-strike policy for child sex offenders, created an offence of grooming a child and increased the penalty for supplying drugs to a minor. That is in addition to increased penalties for murder, drug trafficking, assault on police, weapons offences and many more. The amendments contained in this bill are yet another mechanism by which the children and people of Queensland will be protected. I make no apologies for the steps this government is prepared to take to ensure that Queensland is the safest place in Australia to live. I commend the bill to the House.

First reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.37 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.

Declared Urgent; Allocation of Time Limit Order

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.37 pm), by leave, without notice: I move—

That under the provisions of standing order 137 the Criminal Law Amendment (Public Interest Declarations) Amendment Bill be declared an urgent bill to enable the bill to be passed through its remaining stages at this week's sitting.

 **Ms PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (3.38 pm): The opposition will be opposing this urgency motion. This is the third piece of legislation this week that the government has declared urgent. That is completely unacceptable. As I said yesterday, in this House we have a committee system and the right path for this bill is to go via that committee system. Yesterday the Attorney-General had every opportunity—every opportunity—to introduce this bill into the House and it could have gone through the committee system. There is no reason why, over the next week, it could not have gone to a committee, which could have then reported to the House. But once again we are seeing the arrogance of this government. The arrogant LNP government wants to do anything and everything with its massive majority. It has 74 seats in this House and is treating the people's House as its own political plaything.

011 Democracy is under direct attack. The opposition and the people of Queensland are frankly sick of it. The Attorney-General just stated that in this legislation he is bringing in a new detention regime. Stakeholders have once again not been allowed to comment on the major changes outlined by the Attorney in this bill. The explanatory notes state in relation to consultation—

Consultation occurred with the Department of the Premier and Cabinet, Queensland Treasury and Trade and the Department of Community Safety.

Once again, there has been no consultation with the Queensland Law Society, no consultation with the Bar Association and no consultation with the Chief Justice of Queensland. We note from

what the Attorney just said that they are going to be asking for assessments from psychiatrists but there has been no consultation with the chief body that oversees and registers psychiatrists in Queensland. The Royal Australian and New Zealand College of Psychiatrists has not been consulted in relation to this bill.

Queenslanders can have no confidence in this bungling Attorney-General, and we have seen this time and time again. He cannot run a boot camp. The first boot camp he set up there were two escapes.

Mr Bleijie interjected.

Ms PALASZCZUK: For the super boot camp; we cannot wait to see that one. We are looking forward to that one.

There is absolutely no reason this legislation needs to be declared urgent. This is the third time this week that a bill has been declared urgent by this government. Once again, there has been no opportunity for the opposition or the crossbenchers to be briefed. There has been no call from the Attorney-General's office offering any briefing in relation to this legislation.

The provisions in this bill relating to the new detention regime have serious consequences that I do not think this Attorney-General understands. Once again this Attorney-General wants to be judge and jury. I understand that the Attorney-General may not remember the Fitzgerald inquiry, but I do.

An opposition member: No, he does. Joh's his hero.

Ms PALASZCZUK: Sorry, yes Joh is his hero.

Mr STEVENS: I rise to a point of order, Mr Deputy Speaker.

Mr DEPUTY SPEAKER (Dr Robinson): Order! If the opposition leader could take her seat there is a point of order.

Mr STEVENS: The motion clearly relates to the bill being declared an urgent bill. The Leader of the Opposition is wandering off down a trail to debate the bill. She needs to know that we need to focus on the urgency motion.

Mr DEPUTY SPEAKER: I ask the opposition leader to stick to the urgency motion.

Ms PALASZCZUK: I am saying that we are opposing the urgency motion because they are about to breach the separation of powers. That is something the Joh Bjelke-Petersen could not explain to the public when he was the Premier.

Mr Mulherin: Nor could Russell Cooper.

Ms PALASZCZUK: Nor could Russell Cooper. It is obvious that this Attorney-General does not understand that because now he wants to be judge and jury. It is absolutely outrageous that the government is using its massive majority in this House once again to declare a bill urgent.

Mr Langbroek interjected.

Ms PALASZCZUK: The bungling education minister over there can sit there and shake his head as well when he is closing down schools and talking up independent state schools. Closing down schools is going to be your legacy, education minister.

Mr LANGBROEK: I rise to a point of order, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: Do you have a point of order?

Mr LANGBROEK: I draw your attention to the fact that the motion is not about education, although we could have a debate about education.

Mr DEPUTY SPEAKER: Leader of the Opposition, I again ask you to return to the urgency motion.

Ms PALASZCZUK: In summary—

Mr Stevens interjected.

Ms PALASZCZUK: The member for Mermaid speaks. In all good conscience Queenslanders deserve better. These laws that are being rammed through this House deserve proper scrutiny. Time and time again we see the arrogance of this government. The power is going to their heads. They seek to do anything without the scrutiny of the committee system and without the scrutiny of the Queensland public. It is absolutely appalling. All LNP members should hang their heads in shame. I know that there are some lawyers amongst them. What does the former president of the Law Society

say about these proposals? What has he said? He is the chair of the legal affairs committee. This government is failing to send this bill to his committee. They do not want it scrutinised at all.

It is about time this Attorney-General stepped aside and let someone with a legal mind who understands the separation of powers—

Government members interjected.

Mr DEPUTY SPEAKER: Order! I ask the opposition leader to stick to the urgency motion. I have now asked on three occasions. I do not intend to ask on a fourth occasion.

Ms PALASZCZUK: I am talking to the urgency motion. Queenslanders deserve better. Queenslanders deserve to have bills go through the committee system and be scrutinised and consulted on.

Why has the Attorney-General failed to consult with the Law Society, to consult with the Bar Association, to consult with the Chief Justice of Queensland on this piece of legislation? The Premier should move this Attorney-General aside and put someone in there who has credibility with the legal profession, who will stand up for the legal profession, who will consult with the legal profession rather than ram laws through. This is the third time they have done this this week.

This is an absolute disgrace, members. It is an absolute disgrace for you to come into this House three times this week and introduce bills, bypass the committee system and declare the bills urgent. I have never seen this in my lifetime. You are bypassing a committee system that you agreed to. It was a bipartisan committee that clearly decided to have a committee system in Queensland because Queensland did not have an upper house. What we are seeing is an absolute abuse of the democratic process.

Mr Seeney interjected.

Ms PALASZCZUK: You do not like hearing it do you, Deputy Premier? You should hang your head in shame. Did you not support the committee system?

Mr DEPUTY SPEAKER: Order! Members will speak through the chair.

Ms PALASZCZUK: Did you not support the committee system?

Mr Seeney: I set it up.

Ms PALASZCZUK: There we go! I will take that interjection. He said he set it up. Now you have totally disregarded it.

Mr Seeney: There were no committees.

Ms PALASZCZUK: Let him stand up and speak in this House rather than debate me.


Mr DEPUTY SPEAKER: The Leader of the Opposition has the call.

Ms PALASZCZUK: In conclusion the opposition will be clearly voting against this motion. It is disgraceful. It is shameful. It is an abuse of power. It is an abuse of power to change fundamental legislation and implement a new detention regime without any consultation whatsoever. It flies in the face of democracy.

Today is a dark day for the Queensland parliament. It is a very dark day. This complete and utter embarrassment of an Attorney-General has brought in three urgent bills this week with absolutely no scrutiny and with absolutely no consultation. You should step aside and let another cabinet minister move into the position who will bring the credibility to the position of the first law officer of this state that the position deserves. You are not fit to hold the office and you should stand aside and let somebody—


Mr DEPUTY SPEAKER: Order! The opposition leader will speak through the chair.


Ms PALASZCZUK: He should stand aside and let somebody take on that role if he fails to fulfil his duties as the first legal officer of this state.

012  **Mr KNUTH** (Dalrymple—KAP) (3.48 pm): We have a committee chair here who gets an extra \$37,000. We have backbenchers here who get an extra \$8,000 to be a member of a committee. What a waste of money. Why was this committee process put in place where we are being paid to be on these committees when we are not utilising it? Last night everyone here in the chamber supported the bill but what we wanted was a proper process put in place, just like what is going on here today. I hear that there was no public register put in place. The family association has been pushing for years in regard to this legislation. You could have had the opportunity to speak to them. You could have had the opportunity to put this legislation through a committee. But, no, you are rushing through a bill that

has the opportunity to be good legislation on the grounds of a political decision, on the grounds of a smokescreen. When you were in opposition you condemned this parliament for suspending standing orders and putting legislation through all the time without consulting the people of Queensland.

There are a lot of good bills that go through the House and there are a lot of good bills that do not go through this House. But the people of Queensland should have the opportunity to have these bills scrutinised before the House otherwise we may as well throw the committee system out because it is becoming a waste of time for us. It is no good enough waking up and going to these committee meetings to the point that legislation that is very important to us all is pushed through, rammed through, and we do have not the opportunity to scrutinise and question the legislation on behalf of the people of Queensland.

 **Mrs CUNNINGHAM** (Gladstone—Ind) (3.50 pm): The issue that is being addressed by this bill is a very important one. It is an emotive issue and one where families that have been affected by the actions of the people who are targeted by this legislation are grieving and have been through traumatic experiences. I apologise that I missed part of the Attorney-General's speech. I would seek clarification as to why this particular bill has to be deemed urgent and why it cannot sit on the table until the next sitting of parliament.

 **Mr WELLINGTON** (Nicklin—Ind) (3.51 pm): I rise to speak against this urgency motion. I just listened to the contribution of the member for Dalrymple, and I think he was spot on. He was spot on. Why does this parliament have all of these committees, with committee members being paid to sit on these committees, if the government chooses to be so selective in what matters it refers to the committees? I see it as a sign of total hypocrisy of this government. We have just seen \$4.6 million spent on a talkfest on a plan for the next 30 years and the Premier is out there saying, 'We want to consult with Queenslanders. Come and tell us what you think and we are going to legislate, but we want your involvement.' But when it comes to important legislation and when we have a very clear committee process, with representation on those committees from members right across the political spectrum who are prepared to be involved in the deliberation of important changes to laws in Queensland, the government is so selective when it chooses to refer matters to committees or says, 'Sorry, we don't want to.' So can I just put on the record that I find this a total abuse of power.

As I said yesterday, the hypocrisy just amazes me when a government changes all of a sudden. When the Liberal National members were sitting in opposition they were saying, 'Oh, this is so terrible.' But, by crikey, I think this is worse. I think what we have seen yesterday and today is worse than the excesses we saw in previous Labor governments while I have been in this chamber. Within the next 18 months there is no doubt that there will be a state election. Queenslanders will decide. I just hope the media assists in identifying and publicising to all Queenslanders how the Newman leadership team want to lead Queensland and govern this state.

A government member: Don't you want to lock up paedophiles?

Mr Molhoek: Do you want to let them out?

Mr Malone: So you're going to let the paedophiles out?

Mr DEPUTY SPEAKER (Dr Robinson): Order! Members.

Mr WELLINGTON: Can I say I find those comments offensive. I do not support paedophiles. I think it is obscene to suggest that I do.

Mr DEPUTY SPEAKER: Order! Who—

Mr WELLINGTON: I do not know who made the interjection.


Mr DEPUTY SPEAKER: I did not hear any particular interjection. If a member has made an interjection that is inappropriate and you can identify—

Mr WELLINGTON: I do not know who made the interjection. I support the intent of the legislation. As I said last night, what I am opposed to is the process this government is using to push through legislation without allowing important matters to be considered by important committees when members are willing and prepared to be involved in considering these matters. As the Leader of the Opposition just said, there is no reason why this bill could not have been introduced yesterday and referred to a parliamentary committee. I am on a committee and we met today. We met for one hour.

Mr Dillaway: Two.

Mr WELLINGTON: Sorry, it was two hours. Then we went back to our offices in the annex and did other parliamentary work. There is no reason why this matter could not have been referred to the Legal Affairs and Community Safety Committee for consideration so we could have gathered some

independent material and presented a report to the parliament. Last night we sat in this chamber until half past three this morning. So what we have seen is the capacity of parliament to sit later than 10 o'clock at night. There is a willingness from the opposition, crossbenches and government members to be involved in the committee process, to consider important legislation. I am just very disappointed on behalf of all Queenslanders that this government has not given a committee the chance to consider these important changes to laws in Queensland which no doubt will go through because the government simply has the numbers. I certainly do not support paedophiles, as was suggested earlier. What I am opposed to is the abuse of power that we are seeing here today by the Newman leadership team.

 **Hon. JW SEENEY** (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (3.56 pm): I just wanted to put on record some facts that belie some of the emotive nonsense that we have heard in the last 15 or 20 minutes. Committees that consider legislation have only existed in this House for a very short time. For 150-odd years this parliament operated without those committees.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. I fail to see how this is connected to the urgency motion. That is what we are debating.

Mr DEPUTY SPEAKER: Resume your seat. The Deputy Premier has barely begun. He has started to address the topic of committees which has been discussed by other speakers. The Deputy Premier has the call.

Mr SEENEY: Thank you, Mr Deputy Speaker. The crux of the debate is about whether this bill should be declared urgent. The provision to declare bills urgent was included in the legislation that set up the committees. Those committees were set up with bipartisan support by a committee of which I was part. Both sides of the House that were represented on that committee recognised full well that there would be a range of bills that would be declared urgent and would not go to the committees.

This afternoon we have heard a succession of people stand up in here and with a great deal of emotion, a great deal of noise and not much knowledge talk about somehow or other it is an affront or it is a disgrace or it is any of those things because a bill is being declared urgent within the provisions that were always anticipated for the operation of this House.

It is a fair point to make first of all that the process of committees considering legislation is a relatively new process in this parliament. The Leader of the Opposition, who waxed lyrical, was a member of a government that governed for 11½ years—close to 12 years—without one single piece of legislation being considered by a committee. Not one single piece of legislation went to a committee in those 11½ years because that provision for committees to consider legislation did not exist. It did not exist until it was put in place three or four months before the change of government. It was put in place by a bipartisan committee of senior members of the then government and the then opposition, and I was one of them. We put in place the new committee system to allow committees to consider legislation but it was never intended—it was never intended—that every piece of legislation would or should go to the committees.

013 It was always recognised that bills would be declared urgent, just as this motion seeks to declare this bill urgent. So let us have none of the hysterical nonsense that we have seen from members in the back corner who may not know better. But the Leader of the Opposition and her colleagues should know better, because their colleagues in the former government—senior members such as the member for Rockhampton, the former Leader of the House and the member for Yeerongpilly—sat on that committee and recognised full well the need for this type of motion that the House is considering today.

Indeed, even before that there was a range of examples where the former government, believing that particular pieces of legislation were urgent, used its numbers in the House to ensure that those things were dealt with on a particular day. The famous one is the Gordon Nuttall issue. They did not just ram it through the parliament on a particular day; they recalled parliament from holidays so they could come back and deal with an issue on a particular day. The exact same thing happened a number of times with vegetation management legislation because the government of the day believed that issue was urgent enough. I disagreed with them, but the remnants of that same government are suggesting that this mechanism is outrageous. There is a range of such examples in the history of their government that shows that when they believed something was urgent they used this very same mechanism. Members who have been here can list them off—civil partnerships, asset sales and a range of issues that were important.

Mr Langbroek: Buying land for Yeppoon Hospital.

Mr SEENEY: Exactly.

Mr Langbroek: That had to be done after an election—straightaway.

Mr SEENEY: That is exactly right. I am sure members can recite the list. This afternoon the Attorney-General has introduced into the House a bill that is obviously important. It is clearly a bill that satisfies the need for that urgency provision. It is only the politically desperate who would suggest that this bill should be referred off and deferred for a couple of weeks. The people who suggest that that is an appropriate course of action for this particular bill have quite clearly not been watching the media reports over the last couple of weeks and are certainly not in touch with their communities, I would suggest.

I think it is important to put that on the record, because there will be many more times in the future when bills will be declared urgent in the House. That is a provision that exists for the government and it is a provision that was always anticipated. It is right and proper that there can be a debate about whether or not a particular bill is urgent, as we are debating now, but that debate should be on whether or not it is urgent, not whether it is an assault on democracy, to use the overinflated words of the Leader of the Opposition. The provision of declaring bills urgent is an essential part of the democracy of this House. The member's colleagues who sat on the committee and who designed this committee system fully recognised that.

I think we should move on with the business of the House and consider the bill in the way that the Attorney-General has suggested. Therefore, I move—

That the question be now put.

Division: Question put—That the motion be agreed to.

AYES, 71—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rice, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens,

NOES, 13—Byrne, Douglas, Hopper, Judge, Katter, Knuth, Mulherin, Palaszcuk, Pitt, Trad, Wellington. Tellers: Miller, Scott

Resolved in the affirmative.

Division: Question put—That the motion be agreed to.

AYES, 71—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rice, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens

NOES, 13—Byrne, Douglas, Hopper, Judge, Katter, Knuth, Mulherin, Palaszcuk, Pitt, Trad, Wellington. Tellers: Miller, Scott

Resolved in the affirmative.

Debate, on motion of Palaszcuk, adjourned.

~~VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT (SKILLS QUEENSLAND) AND ANOTHER ACT AMENDMENT BILL~~

~~Consideration in Detail~~

~~Clauses 1 to 28, as read, agreed to.~~

~~Schedule, as read, agreed to.~~

~~Third Reading~~

~~**Hon. JH LANGBROEK** (Surfers Paradise LNP) (Minister for Education, Training and Employment) (4.19 pm): I move~~

~~That the bill be now read a third time.~~

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

~~Motion agreed to.~~