

Queensland Police Union of Employees

217 North Quay, Brisbane, Qld 4000. Telephone (07) 3259 1900

ABN 75 781 631 327

May 15, 2013

**Criminal Code (Looting in
Declared Areas)
Submission 003**



Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane 4000

Fax: (07) 3259 1994
Email: ileavers@qpu.asn.au

Dear Committee Members

Re: Call for Submissions – *Criminal Code (Looting in Declared Areas) Amendment Bill 2013*

I write in relation to the Chair's correspondence of 18 April 2013 calling for submissions in relation to the above Bill.

The Queensland Police Union ("QPU") is generally supportive of the intention behind the Bill, however, draws to the Committee's attention the existing provisions of the *Criminal Code*, section 398, punishment in special circumstances no. 13, which already provides for an increased maximum sentence of 10 years imprisonment where stealing occurs during a natural disaster.

The QPU believes the proposed amendment would make the prosecution of stealing with the special circumstances easier to prove, as under the current provisions it would be necessary to expressly prove that the stealing occurred in an area in which a natural disaster had occurred, during the time of the disaster, and proof of the disaster itself. The proposed amendment addresses these elements by reference to declarations under the *Disaster Management Act 2003*.

It is respectfully submitted the proposed amendment will make the offence of looting clearer and provide appropriate guidance to the Courts when determining such a charge.

The QPU recommends that should the Bill be enacted by the Parliament, reference to "natural disaster" in the existing special circumstance no.13 should be repealed. The QPU also believes the maximum penalty under special circumstances nos. 13 and 13A should be identical.

I am available on 3259 1900 should you wish to discuss any of the matters I have raised.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Ian Leavers', with a large, stylized initial 'I'.

Ian Leavers
General President
Chief Executive Officer