



Submission to

The Legal Affairs and Community Safety Committee
on the
Serious and Organised Crime Legislation Amendment Bill 2016

6th October, 2016

Submitted by
The Queensland Greens

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The Queensland Greens would like to thank the Committee for the opportunity to provide a submission on this important bill. While we acknowledge that this bill represents a massive improvement on the 2013 suite of laws in this area, we are concerned that some of the intrinsic problems with those laws remain in this bill, most notably the focus on mandatory sentencing regimes and unacceptable infringements on Queenslanders' right to freedom of association.

Mandatory Sentencing

1. We support the Taskforce's recommendation that the fixed mandatory minimum sentencing regime in section 199(8A-B) of the Crime and Corruption Act 2001 (Qld) should be repealed. However, we do not feel that the bill succeeds in repealing this legislation in its entirety, as it retains a mandatory requirement for the court to sentence a person in contempt to a term of imprisonment to be served wholly within a corrective services facility. We feel that the retention of this aspect of the 2013 suite significantly undermines the goal of removing mandatory minimum sentencing for this offence, and would like to see it removed from the bill.
2. We are similarly opposed to the inclusion of mandatory sentencing for offenders convicted of a prescribed offence committed with a serious organised crime circumstance of aggravation. Reducing sentencing options for the courts and restricting judicial discretion is not in the public interest. Mandatory sentencing has been almost universally condemned by legal groups, including the Queensland Law Society and the Queensland Council for Civil Liberties.

Freedom of Association

We appreciate that the proposed bill repeals many of the harsher attacks on freedom of association in the 2013 suite. However, we believe that many of the replacements for the 2013 laws, while undoubtedly an improvement on the status quo, still infringe unacceptably on Queenslanders' right to freedom of association.

1. We would like to see Criminal Code Section 77B (Habitually consorting with recognised offenders) removed in its entirety, as we do not believe that the explanations given are sufficient to justify its fundamental breaches of the rights to freedom of association (for the perpetrator), right to privacy (for the recognised offender), its reversal of the onus of proof and its negative impact on the potential rehabilitation of offenders. This would also require the removal of the related Amendments to the Police Powers and Responsibilities Act.
2. We would prefer to see Division 5 of the Liquor Act repealed in its entirety, rather than amended as proposed in clauses 210, 211 and 218. We do not believe that people should be treated differently before the law simply because they belong to a particular

organisation, and we are very concerned at the potential for abuse when the government of the day has the power to declare any such organisation by regulation.

3. We are similarly concerned at the proposed changes to the Penalties and Sentences Act regarding offenders who are members of criminal organisations, and would like to see these removed from the bill. Again, we do not believe that people should be treated differently before the law due to membership of an organisation, particularly as 'criminal organisation' is defined so broadly that it is entirely plausible that some people treated as such may merely be very low-level employees of the organisation, and not even be aware of their "membership" of it.

In conclusion, the Queensland Greens wholeheartedly support the repeal of the Newman Government's 2013 suite of laws, and hope that the current Queensland Government will have the political courage to repeal them in their entirety.