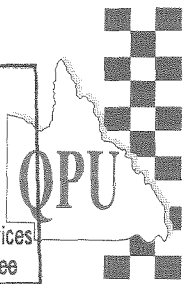


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Queensland Police Union of Employees

217 North Quay, Brisbane, Qld 4000. Telephone (07) 3259 1900
Our Ref: Submissions
January 3, 2012

ABN 75 781 631 327



Ms Barbara Stone MP
Chair
Legal Affairs, Police, Corrective Services and Emergency Services Committee
Parliament House
George Street
Brisbane 4000

Fax: (07) 3259 1950
Email: police@qpu.asn.au

**LAPCSESC
Criminal & Other Legislation
Submission 017**

Dear Ms Stone

Re: Queensland Police Union Submission on the Criminal and Other Legislation Amendment Bill 2011

I refer to your correspondence of 8 December 2011, inviting the Queensland Police Union of Employees ("QPUE") to make submissions to the Committee in relation to the *Criminal and Other Legislation Amendment Bill 2011* ("the Bill").

Generally the QPUE is supportive of the Bill, and in particular the proposal to increase the maximum sentences available for persons engaging in child sex type offending. The creation of the proposed offence of "grooming" is also supported.

The QPUE believes an additional offence of entering or preparing to enter Queensland, or leaving or preparing to leave Queensland, for the purposes of engaging in child sex offences should also be an offence. Such a crime would allow covert internet officers to arrest and charge an offender upon them entering Queensland to meet with an officer posing on-line as a child. The Union is aware similar offences exist in the United States of America, and have been used to apprehend US citizens preparing to leave the States and travel to Queensland to engage in child sex offending.

Although any increase in the maximum sentence available to the Court for these types of offences is welcome, the QPUE continues to be concerned there is no minimum sentence or guideline set by the legislature, to ensure the Courts impose increased sentences for these types of offences.

The Union recognises the need for judicial independence in sentencing, however maintains a legislative guideline giving indication of minimum sentences for various serious offences is necessary. Such a guideline could be structured to allow the Court to depart from it in appropriate circumstances where a particular matter requires a sentence either above or below the guideline. Such sentencing discretion should be accompanied by reasons.

With regard to the proposed offence of serious animal cruelty, while supportive, the QPUE holds concerns about the ability of RSPCA inspectors to properly investigate and gather admissible evidence to prove such an offence. Traditionally RSPCA inspectors investigate summary matters, and the new offence will require them to investigate matters which can be dealt with on indictment. As such, the QPUE believes additional funding and training will be necessary to ensure inspectors are appropriately qualified to conduct these more complex and serious investigations.

The QPUE is not opposed to an amendment to the Justices Act to accommodate RSPCA inspectors commencing proceedings for the new offence, however, wonders whether a power to detain such suspects and convey them into the custody of a police officer would be more appropriate. Such a

discretion to detain would then allow police to undertake the investigation and charging process, and deal with issues such as bail conditions or a refusal of bail prior to attendance at Court.

The QPUE fully supports the proposed amendments to the Drugs Misuse Act.

The QPUE has no formal position in relation to the remaining proposed amendments to other legislation as their impact upon our membership will be negligible.

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 long horizontal stroke extending to the right.

IAN LEAVERS
GENERAL PRESIDENT
AND CEO