



Speech by

CHRIS CUMMINS

MEMBER FOR KAWANA

Hansard 16 May 2002

CRIMINAL LAW AMENDMENT BILL

Mr CUMMINS (Kawana—ALP) (4.50 p.m.): I rise to speak on the Criminal Law Amendment Bill 2002. The purpose of this bill is to effect changes to the criminal law to improve the responsiveness of the criminal justice system to the needs of our citizens, particularly jurors, witnesses and victims of crime. Jury duty and being involved in court proceedings is not, in my opinion, similar to LA Law or any other TV lawyer show. The Criminal Code contains provisions which protect witnesses, before and during a civil or criminal proceeding, and jurors, after the conclusion of judicial proceedings. Often it is a harrowing experience for jurors or witnesses to go through the system and do their part for society in recognising wrongs which have been done by certain elements of our community. We need to do everything we can to make sure we protect people who stand up to ensure that wrongs are righted.

There is no specific offence dealing with people who take revenge on or reprisals against witnesses after a proceeding because of what a witness has said or done. There is also no protection for judicial officers against revenge or reprisals. This bill addresses community concerns about the lack of protection afforded to witnesses, jurors and judicial officers after that person has exercised his or her function or duty.

The Beattie Labor government believes that people who are good enough to come forward to give evidence as witnesses or to perform their civic duty as jurors should have the full protection of the criminal law against any vengeful attacks. Judicial officers must also be protected from those who would target them for vengeance because of what they have lawfully done in their capacity as a judicial officer. Anyone convicted of doing or threatening to do any injury or detriment to such a person or their family should be harshly dealt with because this behaviour strikes at the heart of both the civil and criminal justice systems. This is reflected right across the community.

The bill provides for a maximum penalty of seven years imprisonment for these offences. Currently, the street address of a juror is recorded on a jury list. Jurors have raised concerns about the disclosure of their addresses, especially where the list is made available to accused persons who are not represented by lawyers. The proposed amendment to section 37 balances the acknowledged importance of a juror's occupation and residential area for informing challenges to jurors with the right of a juror to feel that their privacy is protected. The amendment reaches an acceptable compromise by requiring the disclosure of a potential juror's suburb or town but not their street address.

The Drug Rehabilitation (Court Diversion) Act 2000 established a drug court pilot program which operates at the Beenleigh, Ipswich and Southport Magistrates Courts. The minister is aware of my support for a similar program possibly being established on the Sunshine Coast. The drug rehabilitation legislation expires 30 months after commencement in December 2002. However, the government is committed to running a drug court pilot in north Queensland, to be implemented this year. Consequently, this bill extends the operation of the legislation for 12 months, with the option for an extension for a further 12 months by regulation. The amendments also provide for an extended regulation-making power to enable many of the procedures of the drug court to be set out in regulation.

Amendments to the eligibility criteria require that before the making of an intensive drug rehabilitation order, the pilot program magistrate must be satisfied that the maximum number of prescribed intensive drug rehabilitation orders have not been exceeded. This will ensure that sufficient rehabilitation facilities are available for all drug court participants. Technical amendments are also made

to the legislation to clarify the procedures for terminating an order and for entering information into the database.

I commend the minister and the department for bringing forward this legislation, which will ensure that workers, jurors and witnesses in court proceedings not only feel much safer but are protected in a far better way. Therefore, I commend the bill to the House.