



Speech by

Mr D. BRISKEY

MEMBER FOR CLEVELAND

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CRIMINAL LAW AMENDMENT BILL

Mr BRISKEY (Cleveland—ALP) (5.32 p.m.): I welcome the opportunity to speak in support of the Criminal Law Amendment Bill. While this bill focuses on a number of themes, I will concentrate on some key amendments to the Jury Act 1995, the increased penalties for stock theft in Queensland and the Magistrates Court reforms. The role jurors play in court proceedings is at the very crux of our justice system. It is vital then that in upholding the integrity of our justice system the government takes the necessary steps to afford members of a jury protection from personal harassment, intimidation or physical violence before, during and after they perform their vital and often difficult role as jurors.

The amendments to the Jury Act 1995 seek to provide jurors with this protection. It is current practice that jury lists featuring the name, address and occupation of persons called as potential jurors are circulated to lawyers and even unrepresented defendants prior to the empanelment process. Understandably, jurors have for some time expressed great concern at this practice and have subsequently feared reprisals from the accused and sometimes the accused's associates and family. One such case some years ago in particular demonstrates the need to protect jurors once the trial is finished. Members may recall a well publicised case in Western Australia in 1995 where a prisoner, who had been convicted of murder, sent Christmas cards to the jurors who had found him guilty. The cards read—

Here is hoping you have a very pleasant, family Christmas. Think of me while you are having your Christmas dinner.

The cards were signed by the prisoner, who had obtained the information to assist him in preparation of his appeal. I am sure that members would agree that this incident would not go a long way towards assisting jurors in other trials to feel secure about the vital role they play. A juror, whose duty it is to deliberate and make a decision about a person's guilt based solely upon the evidence observed by them and the arguments and legal directions presented in a courtroom, should not have to face this type of fear. Under the amendments before us today, jury lists will feature only the name and locality—for example, the suburb—of potential jurors and thus seek to protect a juror and his or her family.

Another important amendment to this same act seeks to prohibit jurors from seeking further information, particularly from the Internet, while they are empanelled on a jury. It is a sign of our times that information on practically any topic imaginable is readily accessible via the Internet. In the past, concern about prejudicial trials has been concerned primarily with traditional news sources—that is, newspapers, television and radio. However, the advent of online news and indeed the proliferation of web sites, some of which offer content which is accountable to no-one and which can contain factual errors, necessitates this particular amendment. I commend the amendment.

The proposed amendments surrounding the long-time practice of stock theft have been formulated as part of the Beattie government's multipronged strategy to address this problem. I am sure that honourable members on both sides of the House recognise the importance of these changes and will agree that the substantial boost to penalties constitutes a long-awaited crack down on the practice of stock theft in this state. The proposed changes include an increase in the penalties for unlawfully using cattle, illegal branding, suspicion of stealing and defacing branding

to five years imprisonment with a maximum fine of \$50,000. Importantly, it is proposed that section 398 of the Criminal Code be amended to include a specific aggravating circumstance relating to stock theft. Under changes to this section where the value of stolen stock exceeds \$5,000, the offence will attract the same penalty as any other aggravated stealing offence—that is, 10 years imprisonment. These tough new penalties will serve as both a deterrent and a warning to cattle duffers. The bottom line is that stock theft is a serious offence and one this government will not tolerate.

Unfortunately, the increasing value of Queensland beef, particularly in the wake of mad cow disease, foot-and-mouth disease and anthrax scares in other parts of the world, has made the practice of stock theft or cattle duffing more lucrative. Of course, offences of stock stealing not only affect individual stock owners but threaten to undermine the clean and disease-free status of our beef industry in Queensland and Australia. In particular, the practice poses significant and long-term risks to the industry, particularly in the context of export markets. Disease prevention work is very much dependent upon appropriate livestock identification systems and the issuing of stock permits.

The anthrax scare on a property in the state's south-west some months ago serves as a good example of just how easily disease can spread. In this case, the swift action of the Department of Primary Industries ensured no further detections. Stock theft cannot offer the protections afforded by stock inspectors and the continual surveillance carried out by the DPI and the Australian Quarantine and Inspection Service. These amendments and the resulting boost to penalties combined with the activity of the Queensland Police Service stock squad around this state will send a very clear and very stern message to would-be cattle thieves, and that message is that sooner or later they will be caught.

A significant reform within these amendments is the ability of victims to be told by magistrates at the commencement of proceedings how they will be able to give evidence—that is, by closed-circuit television, screened or other means. Giving evidence can be one of the most harrowing experiences for any person. But for a victim of crime, particularly sexual crimes, violent crimes and crimes where the alleged perpetrator is a relative or well known to the victim, it can be particularly distressing. Under these amendments, victims will be spared some of this agony and will not have to wait until the day of the hearing to have the magistrate decide how their evidence is to be given. What this means is that months of anxiety can be largely avoided. In the case of screened or closed-circuit evidence, victims can feel as though they have greater control over the process and are better able to cope with what must be a traumatic experience for them. From a victim's perspective, the assurance early in the court process that they will be given access to this type of facility can make a big difference in their own rehabilitation. I congratulate the Attorney-General and Justice Minister, his department and staff on these amendments and commend this bill to the House.
