



Speech by

Mrs D. PRATT

MEMBER FOR NANANGO

Hansard 26 February 2003

OCCUPANTS [HOME INVASION] PROTECTION BILL

Mrs PRATT (Nanango—Ind) (10.42 p.m.), in reply: My thanks go to every member who contributed to the debate. The Attorney-General took great pleasure in turning the debate into a comedy hour and putting forward hypothetical situations that were really quite ludicrous. The Attorney-General may find the will of the people a laughable matter, but in this matter the people are not sharing his laughter and nor do they share his confidence in the current justice system.

It was stated that the bill offered no advantages, but the Scrutiny of Legislation Committee thought differently, as it has stated that the new provisions are in several respects more favourable to occupants than the current provisions. The member for Southport said that this bill was promoting a vigilante society. People feel that they are being forced to protect themselves, because the police have not the resources to attend to the job that they want to do—the job they signed up to do.

I would like to read a letter that was sent to Mr Bob Atkinson, the Commissioner of Police. It states in part—

In calling for urgent assistance (my 18 year old, pregnant daughter, Jessica, who had called Police on 000) was told words to the effect that "we only have one police car for the whole area and could not expect police attendance".

The letter goes on to state—

I have a duty and responsibility to protect my wife and family and those that are in my house. There were three perpetrators in this incident, all young fit men, (I am 53 yrs old, unfit and overweight) and as I was unarmed, I had real fears for my safety and the safety of those in my home. I am a shiftworker and it was only "luck" that I was not working on the night of this incident—as a result of this and the previous incident, my wife is feeling extremely insecure and requires medication to sleep while in our home.

The object of this letter is to get a guarantee of police assistance, or to allow me to do it myself. In such cases as this I believe that I should have the right to own a firearm for self defence of my home, family and property as the Queensland police do not have the resources or ability to protect me, my family or property.

It is of great concern to me as the parity/disparity of the situation places me and/or my family at a disadvantage. Will the police permit me to own a firearm for self defence if they cannot protect me?

...

As a licensed firearms owner (and former police officer for twenty years, both overseas and in Australia) I seek your confirmation of my right to use a firearm when facing death or grievous bodily harm in the defence of my family and home.

I was also asked: where do I draw the line? I actually draw the line at the front door. People can knock, they can yell, they can attract a person's attention in many ways. It is not necessary just to walk in.

I was surprised at the member for Southport accusing religious callers of entering uninvited. I have never heard of that being done and I would be very surprised if it happened. I am very surprised that the member would assume that they would do that. No law has ever been passed where at times an innocent person has not suffered the consequences of it. In fact, history has seen many innocent men executed. It is not acceptable, but it happens.

This bill may not be perfect, but amendments offered by the government would have been considered and welcomed. The member for Southern Downs commented on the ridicule slung around this chamber. I thank him for those comments, but it is something that has happened since 1998—since I have been in this place. It is not new and it will go on for a long, long time. Nonetheless, I thank the member. I also note the member's comments with regard to the government's resources. If

this government was genuine and had concerns about this legislation, it has more than enough resources at hand to make any amendment that it felt was warranted. Although at times the ridicule was amusing, it really showed the character of the speakers.

Since 1998, I have seen much legislation pass through this House that is ill conceived, poorly researched, and which causes the government to do backflips. Often such legislation has been hastily prepared. The Premier has hastily dived in, seeking media limelight, only to find the water into which he has jumped is very shallow. It is a wonder that he has not broken his neck. For a start, every member in this House needs only to look at the ambulance legislation to see that there has been a backflip.

The member also acknowledged that if convicted of a crime people cannot sue, but if a person is not convicted of a crime on some technical point, that person can still sue through the civil court for injury. The member for Lockyer had a question about the term 'reasonable'. I know that some other members also had concerns about the removal of that word when referring to the onus of proof. In a private conversation, the member for Lockyer gave an example, which I will use, to show that the reasonableness test is an objective one. A person leans out of a helicopter and sees the ground 500 feet below and that person is just hanging there with the wind whipping around them. That person might say, 'Oh, heck'—and that is my word, not his word; he used something a little bit more descriptive in our conversation—'that is really dangerous.' Because that person felt that it was dangerous, therefore, it was.

This is the test that police apply in a given situation, whether the situation occurs on the road or at the scene of a crime. In relation to the example used tonight, another person would possibly get a huge buzz out of hanging out of a helicopter. I for one would be like that. So what is reasonable is often viewed from different perspectives, depending on a person's upbringing, nature and ability to act under certain circumstances. The debate was quite passionate between the member for Lockyer and some government members, but what has occurred here is nothing compared to the passion that people within my constituency are feeling. They want to live securely in their homes, but more money has been expended over the past 10 years than at any other time in history to turn their homes into personal prisons.

As I said, when someone breaks and enters, they are prepared to meet with resistance from the occupants. The occupants, on the other hand, if awoken, will be at a distinct disadvantage because they are confused and groggy, and the first reaction, as I stated in my second reading speech, is often based on the fight, flight or freeze instinct. If the occupants are already awake, the instinct is still the same. It is recognised that to equal the odds the occupant may need a weapon. The factors of parity and disparity shown in research generally indicate that the invader will be at a physical and psychological advantage.

The members for Toowoomba North and Robina asked a question with regard to clause 8, which relates to the time limit for prosecution. Clause 8 was inserted on legal advice and the time limit of nine months was also provided on legal advice. It was also stated that nine months was an adequate period of time. Again, I would have accepted any amendments offered by any member of this House.

The member for Toowoomba South recognised that this bill reflects the concerns of people and is obviously prepared to listen, unlike the Attorney-General, who appears to take great pleasure in ridiculing the bill. For your information, Attorney, I do not feel ridiculed because I do listen to the community. I know that this bill may not be perfect, but at least constituents realise that I am trying to put their concerns before this House. As for the contributions of many of the Labor backbenchers, I take little notice of their criticisms as I have yet to see any of them stand up to be counted. They merely parodied the Attorney's line.

I thank the Deputy Leader of the Opposition, the member for Callide, for his comments. Some Labor members stated that society is safer now than at any other time, but that is not the reality. I believe that the member for Tablelands highlighted that very well, and I thank her for her comments. The member for Surfers Paradise outlined that section 267 does not serve the people adequately. I will not repeat his comments. I also thank him for intending to put forward amendments had the bill reached the committee stage, but we all know that it will not. I am not sure whether he was the first or second person to suggest amendments, but I thank him nonetheless. The purpose of the bill has been well covered by many other members. It is intended that the rights of the public be put above the rights of the perpetrator. In spite of the ridicule of members of the Labor Party, I still commend the bill to the House.