



Speech by

LEX BELL, MP

MEMBER FOR SURFERS PARADISE

Hansard 26 February 2003

OCCUPANTS [HOME INVASION] PROTECTION BILL

Mr BELL (Surfers Paradise—Ind) (10.29 p.m.): I did not think I would ever be rising in this House to support a bill which sought to remove a concept of reasonableness from the law of this state, but that is what I feel compelled to do this evening. I certainly do know what section 267 of the Criminal Code says and I do not think in this day and age, in the midst of an epidemic of home invasions, that the present wording of section 267 is adequate to protect our innocent citizens.

Have members not heard of cases where citizens have repelled invaders, caused some injury to the invaders and been told by the police, 'We might be charging you'? Have members not read in the papers where that has actually been reported? Have members not heard about innocent home owners sweating under the threat of possible prosecution for weeks, sometimes months, and finally, to their ultimate relief, being told, 'No charges will be brought against you'? We have the situation where in that interim period these innocent people have had to sweat and suffer.

We really need some change to section 267 to make those people feel more secure, so that they do not have to sit with the sword of Damocles hanging over them, so that they will not be saying afterwards, even when there was no proceeding taken against them, 'If it happens to us again, we are going to let the intruders do what they like. We are not going to defend ourselves because we are the ones in the end who are made to suffer.'

I believe that we need to strengthen section 267 of the Criminal Code. This is a genuine attempt by the member for Nanango to do something about it. Some of the concepts are not extreme. We already have in the Criminal Code a defence of provocation. We already are looking in the law of negligence to restrict the rights of people who undertake hazardous activities, knowing what they are doing. I certainly am not suggesting that there should be a blank cheque. If this bill proceeded to the committee stage I would be making some specific amendments. The insertion of words such as 'illegally' and 'unlawfully' is necessary in various clauses to make them more realistic and also to answer some of the criticisms that have been made by members of the Labor Party tonight.

Whilst this bill requires some finetuning, it certainly is intended to say to home owners, 'The law is on your side.' I believe that something of this nature is necessary to send a message to the miscreants that the community is fighting back.