



Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

Hansard Tuesday, 9 November 2004

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (2.41 p.m.): I rise to speak to the Justice and Other Legislation Amendment Bill 2004. Whilst I heard the Leader of the Opposition express some concerns with regard to parts of the legislation, the elements I wish to speak about are, I believe, positive for the community. I commend the minister for their inclusion.

We have had a situation in my electorate—it is an unusual one, but nonetheless it is very serious for the person—in relation to name changes and particularly changing a name on a drivers licence and keeping the information confidential. The particular lady is subject to quite significant domestic violence issues and her ex-husband has managed to track her in a number of instances where she has endeavoured to create a new life for herself. I have written to the minister, and he has written back and advised of the process the government has particularly in relation to identity fraud and those types of issues. I have sent that reply to the particular constituent for her consideration and comment.

This particular part of the legislation relating to the changing of a name covers not only adults but also children. There are differing circumstances in which people find it necessary to change their identity or change their name by deed poll. I also know that, as identity fraud is one of the growing areas of crime, significant protections have to be put in place to ensure identifying items such as driver's licences or 18+ cards can be used with confidence and people know that they are secure documents.

In particular I commend the minister on the amendments in this legislation relating to the protection of volunteers. Frustration has been expressed to me by members of the community who over many, many years have been able to collect things, such as excess bread from bakeries at the end of a working day or excess fruit and vegetables, from certain stores in the state that have been willing and generous enough to donate to organisations such as the Salvation Army, Rosies—the vehicle that operates in the homeless network here in Brisbane and on the Gold Coast—and many other very kind organisations that have great compassion towards people who are needy.

Over recent years, however, concern has grown within that sector of the community—that is, those donating food and drinks to these community organisations—that the donors have been exposed in terms of legal liability. I commend the Attorney-General for this amendment, which I think will give great comfort to those organisations that are prepared to donate food. The free availability of that excess food is for many organisations a real lifeline and is one of the main reasons organisations such as the Salvation Army, St Vincent de Paul, Rosies and other street organisations are able to provide nutrition to so many people who are homeless or disadvantaged—not only those who provide soup vans and the like but also organisations that provide food packages for families who find themselves in very difficult circumstances for many reasons. I commend the Attorney-General for the protection this legislation will give those who donate food for very good reasons.

On a positive note, I highlight the amendments relating to the confidentiality of jury deliberations. When we read the media and hear about some of the court hearings that occur in Queensland and in other states, we understand that the information jurors are exposed to at times can be quite horrendous. As human beings it is very difficult for us to leave a situation, after being exposed to such traumatic

circumstances, and completely obliterate it from our minds or from our emotions. I believe that in many instances jurors have suffered because they have been limited in what they have been able to discuss with those who are providing them support—medical support in particular—at the conclusion of a hearing.

This amendment allows former jurors to disclose jury information to health professionals who are treating them in relation to issues arising out of their service on the jury. The application of that freedom can be quite widespread. What one person is able to hear and cope with may be quite different from what somebody else on a jury can hear and cope with. Some people may find it very difficult to live with certain information and its emotional impact. Currently, the impost on a juror—they are significantly restricted in what they can discuss with their health care professional—means that a health care provider is also at a disadvantage in terms of being able to understand the root cause of the juror's trauma and in terms of providing good therapy for that person. I commend the minister for that amendment.

The amendments to the Peace and Good Behaviour Act 1982 will in some instances provide peace of mind or at least a better pathway for members of the community who are required to take advantage of that legislative tool. Many people feel that they are being threatened by neighbours or by somebody with whom they have had a relationship or a friendship in the past and that relationship has soured. I have had a number of people come to my office frustrated with the advice they have received from police—not that it is the police's fault or responsibility. It relates to the interpretation of the Peace and Good Behaviour Act applicable at the time.

If this amendment does give greater flexibility to those people who feel at risk because of the behaviour of a person known to them, then the complainant will have a greater measure of confidence and a greater measure of safety. Many times it has been expressed to me that a person has threatened to destroy or damage property as a means of retaliation. The complainant has gone to police and been told that nothing can really be done until that actually occurs—until something is destroyed or something is damaged. As can be imagined, the complainant is very afraid, not only for their own personal safety but also for the potential loss of property that they may value very highly. As I said, I commend the minister particularly in relation to the additional comfort and protection that that amendment will bring.

The only other issue that I wish to raise concerns amendments to community service. I imagine we have all had community members in our offices complaining that a perpetrator who has been put on community service has failed to carry out that community service in a satisfactory way. Indeed, I believe there was a debate or questions asked in this chamber relating to the percentage of people who had been allocated community service but who had failed to satisfactorily complete that community service. It is a reasonable expectation of the community, if a perpetrator has been given a non-custodial sentence such as a community service order, that that will be carried out in a responsible manner. Unfortunately, up until now there have been significant instances where community service orders have been ignored, maybe partially completed or the person has turned up for 10 minutes and then walked off.

There needs to be some reinforcing of the obligation on a person who has been ordered to carry out community service to fulfil that obligation. The other option as far as the community is concerned is a fine or a custodial sentence. It is the judge's option to allocate community service as a form of reinforcing the irresponsible behaviour of the perpetrator but also not to give them exposure to custodial sentences and the negative impacts that incarceration can cause.

I look forward to the minister's response to the Leader of the Opposition's concerns in relation to this legislation. I look forward to the minister's response to, and clarification of, those matters. I believe there are a number of issues in this Justice and Other Legislation Amendment Bill that will be welcomed by the community. For the community organisations, in particular, who are working with those in need, I believe the protections being offered are welcome and well overdue.