



Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

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CRIMINAL CODE (DRINK SPIKING) AND OTHER ACTS AMENDMENT BILL

Mrs CUNNINGHAM (Gladstone—Ind) (7.46 pm): I rise to support the changes contained in the Criminal Code (Drink Spiking) and Other Acts Amendment Bill 2006. It is a sad indictment on our society that drink spiking has become a phenomenon that this legislature has to address. I think when it first occurred many people rated it as something that was for a very select, infantile and particularly destructive group of people. However, it has spread considerably to the point where not only are young people vulnerable when they go out to enjoy social activities but also it is an added concern for parents who have young people who are old enough to go out to nightclubs and hotels but who perhaps are not particularly familiar with the low-lives that we can come across in our lives.

I do not think anyone would question the severity of the penalties that are proposed. In fact, there would be some people across Queensland who would say that they need to be tougher. Disappointingly, in the information that has been provided, studies show that between 1 July 2002 and 30 June 2003 between 3,000 and 4,000 suspected incidents of drink spiking occurred across Australia. That is a significant number. Disappointingly, too, the majority of those victims are women. Most of them are very young, under the age of 24, and a third are aged between 25 and 34 years. So they are young people who are going out to have a good time. They themselves are of an age where they just want to have a nice time, yet there are these low-lives around who want to opportunistically take advantage and, worse, sexually assault them.

We have read in the papers about young people who, after the events of a night out, have come to and perhaps realised that something may have happened but the nature of the stupefying drugs means that they have no recollection of the incidents and therefore it is very difficult and I am sure frustrating for police to be able to follow through and find the culprits. Whilst the explanatory notes talk about GHB and Rohypnol, with the broad cross-section of drugs available, it could be any number of prescription and non-prescription drugs that could be added to alcoholic drinks.

Importantly, this legislation recognises as an offence additional alcohol that is added to either alcoholic or non-alcoholic drinks with the intention of rendering the person taking the drinks less than cautious and unable to make firm and safe decisions. It is stated in the legislation that the offence will apply to a person who administers or attempts to administer in a drink a substance to another person without the other person's knowledge. Whilst I acknowledge the exception about the prank, I will be interested to see how that transpires over time in terms of actual events. How often will perpetrators who are genuinely intending harm to another person use that defence and how easy will it be—or the opposite—for the legal system to prove or disprove that it was a prank? I guess that that is something that only time will prove. Only a person of little imagination would use alcohol or drugs as a prank. I am sure that there are funnier and much safer ways of playing a trick on somebody whom I am sure the prankster would purport to care for.

The offence also accommodates the actions of, as the second reading speech calls it, generous bar staff who add extra alcohol to the drinks of good or regular customers. The legislation states that the staff

would only be caught up by this legislation if they added the alcohol without the knowledge of the customer and if they did so in an attempt to stupefy the customer.

As I said at the beginning of my contribution, drink spiking has not only caused a new level of discomfort and concern to young people enjoying themselves but has also added a significant level of concern to parents. I congratulate the minister for introducing this legislation so that it will be in force before schoolies week. There has been an influx of people inappropriately attending schoolies' functions, particularly on the south and north coasts where schoolies celebrations are concentrated. In the last couple of years, special efforts have been made to try to exclude those people from the events, through either the use of wrist bands or other means of identification. There are people who think that some of those young people, particularly young women, are easy targets for this kind of dangerous practice and I hope that this legislation gives them cause to rethink.

This legislation also amends the Dangerous Prisoners (Sexual Offences) Act 2003 to allow the courts to order that a released prisoner be electronically monitored. Not that long ago the media reported a little bit of controversy about the success or otherwise of electronic bracelets. I would be interested in any response from the minister on this issue.

I read the proposal that this legislation will allow a serious sexual offender to apply for parole when perhaps they should more appropriately be retained in custody as allowed under legislation that was passed last year, or maybe the year before, relating to the detention of dangerous prisoners or sexual offenders. I hope that, over time, there is not a reluctance to hold truly dangerous sexual offenders in detention after the completion of their sentence but, in lieu of holding them, placing them under monitored supervision—not that one should exclude the other. There are genuinely dangerous people. A couple of people were not affected by the legislation and were released prior to its enactment. They were allowed back into the community and, quite frankly, they should not have been. That is nobody's fault. The legislation was not in place at the time.

I will be interested to see how this new legislation works in actuality. I hope that the community's confidence in the judicial system is not undermined by a reticence on the part of the justice system to retain dangerous prisoners in custody after the expiry of their sentence, preferring this as an option. This is a tool, but certainly there are individuals who should be retained for a considerable period.

I believe that the community will welcome the amendment to the Corrective Services Act, which will restrict the granting of a leave of absence to sex offenders and restrict leave to compassionate or health and medical reasons. On behalf of my community, I believe that even on those bases these prisoners should be accompanied at all times because they are considered to be serious offenders.

Although it did not happen so much at the last election, in many previous elections we have had a ballot on law and order. There are those in the community who are particularly concerned about civil liberties and they say that the competition between the major parties and others on law and order issues endeavours to find the lowest common denominator. When we talk to people in our communities, they tell us that they want people who are attempting to do the wrong thing to be prosecuted and sentenced appropriately. Drink spiking is something that has emerged as a very dangerous and very unacceptable activity. There are a few more superlatives that I could use, although probably not in this place. It is an activity undertaken by people who have absolutely no morals or regard for anybody but themselves. I certainly commend the legislation.