



Speech by

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BAIL AND PENALTIES AND SENTENCES AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (9.19 pm): It gives me pleasure to speak to the Bail and Penalties and Sentences Amendment Bill 2007 brought into this House by the member for Caloundra. I congratulate him on his initiative in introducing this bill. It is a necessary bill because too often we hear about cases where defendants are released on bail and reoffend. On other occasions we read about offenders who have committed the most serious of crimes yet are released from custody on bail pending trial, to the dismay of the community. When this occurs it undermines our judicial system. The public loses confidence in our legal institution when crimes are committed after offenders are conditionally released. The concept of bail carries serious obligations and undertakings on the bailee. It is something afforded to alleged offenders over and above their rights. Unfortunately, there are many instances where defendants exploit the privilege and commit further offences. The objective of the bill is to minimise this happening.

The bill seeks to amend both the Bail Act 1980 and the Penalties and Sentences Act 1992 to add additional provisions for consideration during court bail and sentencing procedures. I refer to the explanatory notes that the member for Caloundra introduced, which state that there is increasing public outcry that bail is being granted too leniently.

Ms Struthers: Where is the evidence for that?

Mr LANGBROEK: I can give the member for Algester the evidence for that. The explanatory notes also state that an alarming number of people are released from custody who ultimately breach bail warrants, failing to appear in courts on the charges they face. The number of people who breached bail warrants in south-east Queensland between 1 July 2005 and 12 June 2006 was 14,689. Therefore practice, tradition and history rooted in the ages, as the Attorney-General says, may not be a reflection of modern society. During the time of Barwick, Hughes and Menzies—those great legal Liberal orators who inspired the Attorney-General to politics—I bet there were not 14,689 people showing such little respect for the institute of court that they breached their bail warrants and did not turn up for court, which is what is happening in our modern courts. People who work in the court system constantly say that the people who turn up have no respect for the courts. I look out into the corridor here and I see practice, history and tradition in the photographs of past Speakers, who all wore wigs. We do not do that anymore. It is fine to invoke the good old days, but the days move on.

I am happy and proud to stand here as a member of the Liberal Party, reflecting the thoughts of my community on what should be done with the bail system.

Mr Shine: Go down to Sydney and have a yarn to Tom Hughes. Take that bill with you and see what he says.

Mr LANGBROEK: I take the interjection. I acknowledge that the honourable member for Toowoomba North loves to talk about the great old days and what the Liberal Party may have been. I am happy and proud to stand here as the Liberal member for Surfers Paradise and support this legislation.

The amendments to both the Bail Act and the Penalties and Sentences Act introduced in this bill reinforce the seriousness of bail. Members opposite may think that practice, tradition and history rooted in the ages is doing enough for bail, but I do not believe that it is. Grants of bail carry with them serious

obligations and undertakings which are required to be satisfied. As other members have said, the rationale behind the bill is to punish the offender for showing disregard to the importance of bail and to deter further such behaviour by the offender and others.

Clause 3 of the bill pertaining to the Bail Act amends the section that outlines the grounds upon which bail should be refused and includes circumstances where incarceration is necessary for the person's own protection, where there is a chance that the person may reoffend or endanger the safety of others, or where there is a concern that they may interfere with witnesses if granted bail. The bill adds a provision stating that, where the courts are assessing whether the defendant poses an acceptable risk, the court should have regard to the history of any previous grants of bail to the defendant and the conduct of the defendant whilst on bail. Similarly, the bill states that bail must be refused where a defendant commits an offence for which they are liable for two years in prison unless, importantly, they can show cause as to why bail should not be refused. This places the onus upon the defendant to prove that they do not represent an unacceptable risk to the community if they were to be released. The bill also seeks to amend the Penalties and Sentences Act, incorporating similar guidelines into sentencing principles outlined in section 9 of the act. This ensures that the court considers all of the relevant factors in handing down sentences.