



Speech by

Hon. Kerry Shine

MEMBER FOR TOOWOOMBA NORTH

Hansard Wednesday, 14 November 2007

LAW AND ORDER

Hon. KG SHINE (Toowoomba North—ALP) (Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland) (5.51 pm): This government is tough on crime and tough on the causes of crime. Why do I say that? I say it because the record speaks for itself. Let me spell out what that record is. What have we done? In August this year we made amendments to the Dangerous Prisoners (Sexual Offenders) Act. This included a mandatory condition for electronic monitoring. We have also introduced an offence of contravening a supervision order or interim supervision order which would apply, for example, where a released prisoner fails to comply with a reasonable direction of a corrective services officer. The opposition criticises this government, although it voted against these tough amendments.

What have we done? We have increased the penalties for dangerous driving causing death from 10 years to 14 years if the offender is adversely affected by an intoxicating substance, is excessively speeding, racing or speed trialling, or leaves the scene of an offence before a police officer arrives. This is in recognition of the community's concerns in relation to this crime.

What have we done? We have increased the penalties for indecent treatment of a child to a maximum of 20 years. This is an increase from the previous maximum of 14 years. What have we done? We have also introduced new child exploitation material offences. These new offences carry penalties of 10 years for distributing, making or involving a child in the making of child exploitation materials and five years for possession of these materials.

What have we done? We have created a specific offence of drink spiking with a maximum penalty of five years. We have created a new offence of observation and recordings in breach of privacy to combat upskirting and other voyeuristic behaviour. This offence attracts a maximum penalty of two years imprisonment. A specific offence of identity fraud has also been implemented with a maximum penalty of three years' imprisonment.

We have agreed to amendments to the rule against double jeopardy. This is a matter of longstanding principle. However, the government has taken a balanced and common-sense approach by looking at the issues of DNA evidence and taking into account the features of the Carroll case. Other increases to penalties include corruption of jurors from three to seven years, attempting to pervert the course of justice from two to seven years, and electoral offences with maximum penalties ranging from two to 10 years concerning state and BCC elections and referenda. In 2008 we will also be introducing a new Criminal Code Amendment Bill. We are continually updating the criminal laws in Queensland. In response to this work and the work of police and other crime enforcement agencies, crime has dropped dramatically since 2001.

Another example of our tough approach to crime is our increase in funding for the Office of the Director of Public Prosecutions. The ODPP budget is now more than \$32 million, which is up more than 12 per cent on 2006-07 figures. This provides the Office of the DPP with the resources needed to prosecute criminals in Queensland. We have also increased the number of judicial appointments so the court system can cope with the increase in demand. These include five extra magistrate positions in the

last three years, three extra District Court judges in the last two years and one extra Court of Appeal judge who was appointed in September. The government is also timely in filling vacancies in our courts.

Over recent years the Queensland government has introduced a number of significant reforms to address the issues surrounding sexual assault. In 2000 the government introduced a number of major amendments to the Criminal Code and other justice legislation to implement some of the recommendations of the Task Force on Women and the Criminal Code. The terms of reference for the task force were broad and required it to report on the impact of the Queensland Criminal Code on women under the three broad subject areas of women as accused, women as victims, and court practices and procedures. Some of the significant reforms introduced following the report of the task force included extending the definition of 'rape' to include other forms of penetration; defining consent as 'consent freely and voluntarily given by a person with the cognitive capacity to give the consent'; preventing an unrepresented accused from cross-examining in person children, people with an intellectual impairment and victims of sexual or violent crime; expanding the range of factors to declare a person to be a 'special witness' and thus entitled to special measures as a witness; and restricting the use of sexual history evidence in sexual assault trials.

Further significant reforms occurred in 2004 with the introduction of a number of reforms primarily directed at the evidence of child witnesses. These reforms included the introduction of a number of special measures for the giving of evidence by affected child witnesses, such as pre-recording in advance of the trial and restrictions on cross-examination at committal; abolishing the recent complaint rule in sexual offence cases; and creating an irrebuttable presumption that a child under the age of 12 years cannot consent to sexual intercourse and penetration. I note that in her most recent annual report the Director of Public Prosecutions credits the affected child witness reforms with increasing the number of prosecutions able to be commenced and the number of convictions obtained.

The above examples clearly show that this government is tough on crime and tough on the causes of crime. We will continue to review the penalties for offences in relation to criminal matters in Queensland to ensure that our state is safe and secure.