



Speech by

Dr Alex Douglas

MEMBER FOR GAVEN

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CRIMINAL CODE (SERIOUS ASSAULTS ON POLICE AND PARTICULAR OTHER PERSONS) AMENDMENT BILL

Dr DOUGLAS (Gaven—LNP) (8.01 pm): Is Labor not ashamed of itself that a bill like this has to be submitted here tonight? I would like to open with a headline story from the *Gold Coast Bulletin* on 16 February 2009 in my own electorate of Gaven—

A man was beaten unconscious, paramedics were attacked and a baby narrowly escaped being showered with glass in the second gatecrash party at Highland Park in as many weeks.

Commissioner of the Queensland Ambulance Service, David Melville, said paramedics had to lock themselves and their patients inside the ambulance as the teenagers surrounded the vehicle, lashing out with glass bottles, golf clubs and their fists. An Emergency Medical Service Protection Association spokesman said there had been more than 20 assaults on Queensland paramedics in the last 12 months. Honourable members, we have a serious problem here and we must take action. It must be decisive, it must be overt and it must restore confidence in the emergency service staff and safety for all.

The bill is to introduce a minimum sentence range for serious assaults that involve bodily harm, biting or spitting on a prescribed person. This includes police, ambulance, fire, rescue and rural fire officers. There does appear to be a widespread pattern of Labor opposing applications for mandatory sentencing for crimes against police and emergency workers, but support for mandatory sentencing for serious sex offenders in every state of Australia. Lazy Attorneys-General have used every term from 'lazy politics' to 'backward' and 'reprehensible'. Is it that sexual offenders' crimes can be so disgraceful and reprehensible that community reaction demands backflipping from weak left-wing Labor members? Are our police, ambulance and fire officers really less deserving of zero tolerance options?

We need this bill, otherwise we will be abandoning our staff. What sort of message do honourable members wish to send? Do not tell me the evidence to support this is not there. I have 25 years of general practice and 20 years in Corrective Services as a VMO. We will only work in an environment of zero tolerance. Offenders do spit on you. It has happened to me. People are fooling themselves if they imagine this is unique behaviour. Offenders have no regard for their victims. If they just happen to be hep C positive, HIV positive or sufferers of any other illnesses, those people who are offended against have to run all the attendant risks of waiting to see if those illnesses are transmitted to them. This has happened.

On the Gold Coast in 2007-08 there were 293 assaults on police, including 50 that were considered serious, rising to 315 assaults in 2008-09 with 67 of those considered serious. That is an increase of 20 per cent. Those statistics were reported in the *Gold Coast Bulletin* on 13 August this year. Any police officer will tell you that the Gold Coast nightclub district is a dangerous place. Police are routinely targeted. The offences are premeditated as well as being opportunistic. The offenders are almost always recidivists, known troublemakers, and loaded up with alcohol and/or drugs. Rarely are those two key factors not involved. Occasionally we see a truly evil offender, such as the now deceased Nigel Parodi, who ambushed police and, incredibly, police officers survived. That occurred here in Brisbane.

Every speaker—particularly those on this side of the House—has listed the increasing numbers of offences. There have been workers compensation claims by ambulance officers, with 38 assaults on ambulance officers in 2007-08 and 107 in 2008-09. There were 21 in the first weeks of 2009-10. It must be time for immediate action. Nigel Stamp, a 30-year paramedic veteran, said—

We are often having to stand around the corner and wait for police now.

An unnamed senior officer told me today that the coast and the city police are routinely spat upon, punched and kicked. He told me that the offenders have the strength of 10 tigers if they are taking amphetamines as well. It is not just males, but it is mainly male perpetrated violence. They will assault female police officers as well. For those who do not know, we have an increasing number of female officers and they are not often the same size as men. Nigel Stamp has been quoted as saying that it is only a matter of time before a paramedic is seriously hurt or, even worse, killed.

In my electorate of Gaven we only have 13 police officers to fully staff and patrol an area from Carrara to the New South Wales border—that is 47 kilometres—north to Pacific Pines and east to Mount Tamborine. We have one of the worst police to population ratios in the state. We have organised criminals there as well. As has been stated today, we have no armed hold-up squad, no drug squad, no organised crime squad, and we live on the Gold Coast. We have every different type of criminal that you could have, including Hells Angels, Finks bikies, Black Uhlans and Russian Mafia. We routinely have serious issues between Lebanese, Italian and Middle European, including Turkish and Romanian, drug syndicates. They are preying on the locals and all manner of tourists.

We deserve to have this mandatory sentencing for serious assaults on police. We have earned this mandatory sentencing for serious assaults on ambulance officers. We need to send a clear message that assaults on police will not be tolerated. Criminals are not that stupid. When they see a weak government they know what it means. It is a measure of the courts not sentencing people to terms of imprisonment ordinarily for these assaults on police that is leading to this problem.

On 23 March this year in the *Gold Coast Bulletin* Peter Cameron got it right. He went right to the core of the government hypocrisy when the government fought over the issue of police purchasing helicopters. He said—

There is little shortage of revenue raising speed cameras to supply helicopter funding.

If this lazy, big-mouth government has any intestinal fortitude left after years of neglect and backflips when it suited its purposes, it would vote for this bill now and it would take whatever humble pie comes with it. Integrity is about courage, consistency and decency. We need to get real on those people who want to get even with us.

I wish to put a different position to that of the current Minister for Police, Corrective Services and Emergency Services. I wish to start with mandatory sentencing and work through the government bikie legislation and the opinions of those opposite on the sex offenders record. I also intend to discuss the position that was taken by both the member for Toowoomba North and the member for Murrumba.

Denmark, a significant liberal jurisdiction, has mandatory sentencing for carrying a knife. Florida has mandatory sentencing for shooting somebody, irrespective of whether or not they are killed. Most USA states have mandatory sentencing for drug offences. In Queensland we have mandatory sentencing for paedophiles and Labor introduced it. The bikie consorting legislation is likely to be struck down in the High Court. For the information of the member for Nudgee, it was a former Labor leader, Bill D'Arcy, who was jailed for child sex offences and who spent years being protected by the system. He was jailed for the most offensive crimes against children. Those who are interested can read the judgement of now deceased Justice Robert Douglas. In commenting on the case he said that they were the worst offences he had ever heard of in his life.

The doctrine of the separation of powers refers to the separation of the legislature, the executive and the judiciary. A strict separation is not maintained in Australia, following the Westminster system and the doctrine of responsible government. When a similar piece of legislation—the Criminal Code (Assaults Against Police and Others) Amendment Bill—was introduced in 2007, Labor voted down the bill based on the premise that the judiciary's discretion in sentencing would be interfered with by parliament. The government would do well to remember that the judiciary's function is to apply the law.

Generally speaking, most of these laws are a product of parliament. In Australia, most courts are given their jurisdiction if not through the Commonwealth or state constitutions then through parliament-made legislation. The offences are found in parliament-made legislation. The sentences and penalties imposed upon conviction are found in parliament-made legislation. To say that the separation of powers in Australia prohibits parliament from legislating to affect the discretion of the judiciary is a weak proposition. Indeed, former High Court Chief Justice Garfield Barwick in his judgement in *Palling v Corfield*, states—

It is beyond question that the Parliament can prescribe such penalty as it thinks fit for the offences which it creates ... The exercise of the judicial function is the act of imposing the penalty consequent upon conviction of the offence which is essentially a judicial act. If the statute nominates the penalty and imposes on the court a duty to impose it, no judicial power or function is invaded: nor, in my opinion, is there any judicial power ...

An honourable member interjected.

Dr DOUGLAS: Wait for it. Another former High Court Chief Justice, Sir Anthony Mason, wrote—

... the authorities do not provide support for the proposition that the judicial function in sentencing necessarily entails a sufficient element of discretion which enables a court to differentiate between different degrees of blameworthiness.

Our constitution is a living document and it expects parliaments to manage themselves. This bill does not challenge the separation of powers, for, as has been pointed out, it is for the parliament to legislate with regard to the penalties carried by offences. As such, there can be no acceptance, on constitutional grounds, of the idea that parliament cannot legislate in this way—

(Time expired)