Speech by

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MEMBER FOR KAWANA

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JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (12.48 pm): I rise this afternoon to make a contribution to the debate on the Justice and Other Legislation Amendment Bill on behalf of the people of Kawana. I would like to endorse the sentiments and contribution of the Deputy Leader of the Opposition who, along with the Leader of the Opposition, is clearly leading the way in this place on issues of justice and sentencing that reflect general community expectations. Unlike the common view of those opposite, who would prefer to focus on the rehabilitation of offenders, the LNP is more interested in protecting the collective safety of the majority of residents who obey the laws that govern society as opposed to those few who do not.

The Justice and Other Legislation Amendment Bill amends some 37 different acts of parliament. Predominantly, they are minor or consequential amendments. One would say that the Attorney-General has been asked to consolidate his department or fix all the issues before he moves on to bigger and greater things in the government.

I would like to confine my comments to the major changes that are proposed, namely, those amendments to the Bail Act, the Criminal Code, the Electoral Act, the Guardianship and Administration Act, the Judges (Pensions and Long Leave) Act, the Penalties and Sentences Act and the State Penalties Enforcement Act. I would also like to address some broader law and order and justice issues that impact on Queensland. The general community has had enough of Labor's weak approach to sentencing and revolving-door prison system. As I have stated previously, I want to address the major changes that are contained in this bill before the House. For ease of reference, I will address each of the acts that the bill amends.

The Bail Act 1980 contains an amendment that will allow for watch-house bail to be granted where a defendant is charged or held in custody for a Bail Act offence. These foreshadowed changes highlight this government's attitude towards criminal law, in particular for breaches of the Bail Act. Research indicates that between 2007 and August 2008 there were 30,971 warrants issued from Queensland courts for offenders who failed to appear. Between 2007 and 2009, 22,106 offenders were charged with a breach of the Bail Act. Of those, fewer than 15 per cent were sentenced to terms of imprisonment for Bail Act offences.

One such example on the Sunshine Coast occurred in 2008. One of the men accused of murdering Josh Mills near a Caloundra taxi rank was granted Court of Appeal bail on a charge of murder and two counts of assault occasioning bodily harm in December 2007. In May 2008, he appeared in the Maroochy Magistrates Court and he pleaded guilty to two counts of breaching bail. One of the bail conditions required the offender to appear for daily urine samples. In the time between the granting of the bail and his appearance in May, the offender missed 85 daily urine tests because did he not have time. Another condition that was imposed on the offender was a curfew from 6 pm to 5 am at his Bokarina home and that he must not consume liquor or drugs. But at 10 pm on 3 May he was caught on video at the Caloundra RSL purchasing and consuming alcohol. These serious breaches to the bail of the offender, who was on a charge of no less than murder, incurred a fine of just $750 and, astonishingly, bail was still not revoked. Clearly, these stringent conditions were of no detriment to the offender. This case illustrates the contempt that is often shown to the Bail Act.

I remember another situation in terms of bail. I had the mother-in-law of a constituent in my office. Her son-in-law was granted bail. He had held up a local Liquorland store. He was then granted bail. While he was out on bail for that offence he then held up the Caloundra IGA with, I believe, a knife. His mother-in-law came to see me, not pleading with me to assist her son-in-law; it was more that he should not have been given bail in the first place for such a serious crime.

Clearly, the system is not working and much more is required, such as tougher penalties and more stringent follow-up. The message has to be sent to the community that bail conditions should be adhered to and, if not, then certain punishments will be imposed. If the penalties are being continually snubbed, then they need to be tougher. It is like telling your child that if they misbehave then they will have to sit in the naughty corner but then, upon the child misbehaving, you do not sit them in the naughty corner. What kind of justice system has that process as its cornerstone?

The State Penalties Enforcement Register is another example that everything this Labor government touches it seems to manage to stuff up. The register had huge amounts of outstanding fines that were going unpaid and offenders were loaded with more and more fines rather than having a stricter scale of punishment imposed on them for not paying the initial fine. A slap on the wrist and another fine is the way justice is served Queensland Labor style. The amendment in this bill further weakens the register by giving more flexible conditions under which debtors can pay back the fine or fines that are outstanding.

The Queensland Civil and Administrative Tribunal—or QCAT, as it is commonly referred to—has continued to have major implementation problems since its introduction in December 2007 by the Bligh Labor government. A pattern is emerging with this government. The amendments in the bill in relation to QCAT are designed to expedite the process for a hearing. After having constituents of mine go through this process, I can attest on their behalf that the current scheduling process certainly needs to be amended to reduce the delay in arranging a hearing date in the first instance. Obviously, when major reform is implemented teething problems can be expected, but I hope that the amendments in this bill will fix the problem and ensure that the hearing dates can be arranged in closer proximity to the instigation of the process.

As has been highlighted by the honourable shadow Attorney-General and Deputy Leader of the Opposition, no doubt one of the most contentious parts of the bill from the perspective of the opposition is the amendments to the Magistrates Act 1991. To reiterate the sentiments of the Deputy Leader of the Opposition, the performance of magistrates should be reviewed, as is the case in most other professions. It is simply not good enough to offer guaranteed lifetime jobs to anyone if you are seeking a sustained period of high performance. For a job as important as a magistrate to uphold the laws of this state, the high quality of performance that is required cannot be understated. Clearly, as cases in Queensland would illustrate, we need to make sure that the judicial system and the accountability of magistrates in the justice system is at the forefront of our minds.

As the Leader of the Opposition said, Queensland should adopt an independent system similar to that of New South Wales, where an independent judicial system has been established to educate and discipline wayward judges. Certainly, many of the appointments that have been made by this out-of-touch, stale Labor government have made a mess of the sentencing system in Queensland. There needs to be a serious reflection of community expectations in terms of punishment for crimes that are committed in our society. The bill before the House contains amendments to the Magistrates Act that alter the retirement conditions. The last thing that Queensland needs is a generation of magistrates who are more interested in occupying chairs than upholding the laws of the state.

I would like to speak about the changes that the bill makes to the Guardianship and Administration Act 2000. Firstly, I would like to speak broadly about the processes with respect to the Adult Guardian and then, because of a pending QCAT hearing, I will speak more broadly about some of the concerns that have arisen during meetings with constituents in my electorate. In my view, the custodianship of the Adult Guardian should be initiated by the state only after incapacity has been determined by the relevant practitioner. The full ramifications of this process need to be explained clearly to the individual and next of kin. A certain level of understanding needs to be reached before custodianship is given to the Adult Guardian. For a multicultural society such as Australia, that is sometimes not an easy task. So the obligation of full disclosure has to be on the Adult Guardian and the state to ensure that due process is followed. This process needs to be far more transparent as the role of the state has an impact on the personal liberty of the individual under the order. I would appreciate the Attorney-General taking these concerns on board. I will continue to correspond with the Attorney-General in respect of pending QCAT applications.

I note that the bill also makes changes to the Electoral Act in terms of not allowing huge access to third parties, which I support. I note that justices of the peace in our community will have a level of confidentiality, if the register determines, which is also good.

In concluding my contribution to this debate, I want to state that there is only one party that is interested in maintaining a tough but fair justice system in Queensland, and that is the Liberal National Party.