



Speech by

Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Wednesday, 27 October 2010

PENALTIES AND SENTENCES (SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (12.51 pm): I am pleased to contribute to the debate on the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2010 currently before the House.

Mr Watt interjected.

Mr BLEIJIE: It does not take you long, member for the Everton, does it? It does not take you long.

The objectives of the bill are set out in the explanatory notes. The objectives are: to establish the Sentencing Advisory Council for Queensland; to give the Queensland Court of Appeal the powers to issue guideline judgements; and to strengthen the penalties imposed upon repeat offenders, child sex offenders and offenders who commit violence upon a young child and/or those who cause the death of a young child.

The introduction of this bill is a sign that the Labor government recognises that it has had a poor record on sentencing over the past 12 years. It could be said—and one could potentially hold the view—that there is a glimmer of hope that the Labor Party is starting to listen to the LNP on justice issues and sentencing principles in Queensland. But, knowing the Labor Party as I have for the last 1½ years, I would highly doubt that that would be the case.

We are debating similar legislation today as was debated in this House in 2004. In fact, this bill is very similar to the bill that was introduced by the coalition in 2005. It was a bill that was subsequently rejected by the Labor state government. At that time the bill was introduced by the then shadow Attorney-General, the member for Caloundra. The Labor government, under Premier Beattie, refused to support the proposed amendments stating—

The member for Caloundra's proposal would create a new and expensive body to do the job of the courts and the parliament. The government opposes the bill as it is unnecessary and fundamentally flawed.

Mr Springborg: What's changed?

Mr BLEIJIE: What has changed in a few years, I say. That is exactly right. I take the interjection from the honourable shadow Attorney-General.

Mr Dick: You wait for it.

Mr BLEIJIE: I will wait with anticipation for the response from the Attorney-General. At least the current Attorney-General recognises the value of what the LNP has previously proposed and continues to support. I just say to the Attorney-General that I guess it is better late than never.

The Penalties and Sentences Act 1992 includes guidelines for sentencing that are supposed to reflect general community expectations of what is deemed an appropriate punishment that fits the crime committed. Quite clearly, there is evidence that this has not been the case in many high-profile cases of recent years. I recognise the current Attorney-General's record on appealing weak sentences that have caused outrage in the community for being far too lenient. Clearly, though, there is an issue with what is

prescribed in the legal obligations that are provided for our judges to impose. The bill before the House refers to crimes committed that are particularly heinous in nature. Given this, I must record my strong objection to the exceptional circumstances provision that is included in this bill.

This clause has been tried in other jurisdictions in Australia and has failed. It relates to the imprisonment terms for offences of a sexual nature against a child under 16 years unless exceptional circumstances exist in each case. In Victoria the inclusion of this exception has led to an increase in the proportion of sex criminals on suspended sentences. The same criticism has been made in New South Wales where the exceptional circumstance provision has been in place for a number of years.

The Attorney-General and the government should be sending the message that there are no exceptional circumstances for crimes of a sexual nature that are committed against a child. Children are the most vulnerable, impressionable and fragile people in our society and the government should have the strongest policy to ensure that these heinous acts will not be tolerated.

On the other hand, the LNP and the shadow minister has been a strong advocate for the most adequate protection of Queensland children. Current statistics indicate that one-third of all convicted sex offenders were avoiding any prison time under this Labor government's weak sentencing laws. These weak sentences certainly do nothing to dispel any fears that sex predators who prey on the most weak and vulnerable in our society are appropriately punished. Short sentences are clearly no deterrent and convictions which offer no opportunity to attend rehabilitation programs simply increase the risk to the community from reoffenders.

Between 2007 and June 2010 there were 1,752 convictions for serious sex offences recorded in Queensland. These offences covered rape, indecent treatment, possessing child abuse material and using the internet to procure a child. Of those 1,752 convictions, 677 received no jail time and only 127 or 7.2 per cent received a sentence of more than six years imprisonment. Clearly, the current system is not working as an adequate deterrent. The community is right to be outraged by these statistics, which are a damning indictment on the record of this Labor government's attitude towards these vile sex crimes. Certainly this issue is very topical at present on the Sunshine Coast as the coronial inquest continues into the disappearance of Daniel Morcombe from a bus stop in broad daylight on a main road on 7 December 2003.

The Day for Daniel is coming up. It is a vision of the Daniel Morcombe Foundation and it has strengthened a community resolve to ensure that this type of tragedy never occurs again. The foundation focuses on harm prevention initiatives and teaches personal safety to young people across Queensland. In the week leading up to the Day for Daniel this Friday, I am sure that all honourable members will join me in offering our thoughts and best wishes to Bruce and Denise Morcombe. I have seen press releases from the member for Glass House with respect to that this week. They continue to show strength in relentless pursuit of what happened to Daniel in the face of tremendous adversity and the media circus surrounding the situation.

I am pleased to see that there is at least recognition of Labor's weak sentencing record. The introduction of this bill is an attempt to create a quick headline. A sustained policy approach to appropriate sentencing is what will slowly eradicate the community's general distrust in some of the current sentences that are being handed down by our courts. The community wants real action from a justice system that recognises the impact of a crime on the victims and their families. These laws will not ensure that serious sex offenders are locked up for substantial periods of time, but they are at least a step in the right direction.

As I noted earlier, a bill like this was introduced some time in 2004 by the then shadow Attorney-General, the member for Caloundra. I look forward to later in the day when I can go through some of the contributions made by members opposite to the bill introduced at that time. Then it will give the Attorney-General certainly an opportunity to let us know what has changed substantially in that short time.

Mr Springborg: Not very much in government. It just gets more and more embarrassed.

Mr BLEIJIE: Exactly. I take the interjection from the Deputy Leader of the Opposition. The government is being pushed into this through embarrassment. I want to thank the Deputy Leader of the Opposition, the shadow Attorney-General, for his tireless commitment and leadership when it comes to these issues.

Mr BLEIJIE (Kawana—LNP) (2.35 pm), continuing: Before the lunch interval I was referring to comments made by those members opposite who rejected the opposition's bill in 2005 which sought the establishment of a sentencing advisory council but who now in 2010 have seen the light and are happy to support government legislation on the same topic. It is important to recognise the Labor government's hypocrisy on this matter, and there is no better way to illustrate that than to take a look back in the history books of 2005 to see what was stated at the time, and I remind the House that these comments were made in the same context as this debate today. For instance, members opposite would be interested to hear what the member for Toowoomba North had to say at the time. The member for Toowoomba North

had some interesting comments on the bill moved by the opposition and the then shadow Attorney, the member for Caloundra. In 2005 the member for Toowoomba North said, and I quote from *Hansard*—

It is a concern to hear the Liberal Party putting up this bill tonight. It is, in all respects, trying to out-National the National Party in terms of this type of proposed legislation.

He goes on to say—

I see great worries in the trend that the Liberal Party is adopting here. One would expect it from the National Party, but one would expect something better from the Liberal Party—particularly from the shadow Attorney-General, who is a member of the legal profession.

That was said by the member for Toowoomba North in 2005. Member for Toowoomba North, how times have changed! While the Liberal and National parties have emerged to form the LNP, it is great to once again see that the Labor Party is trying to out-LNP the LNP and I look forward to the member's contribution in this debate. I note that the member for Toowoomba North is on the speaking list today, so I particularly look forward to his contribution to hear how over the past few years his position has changed somewhat from the statements that I just referred to that were recorded in this place in 2005 by the member for Toowoomba North.

Another contribution to that debate in 2005 which should be noted was from the member for Ferny Grove, the current Minister for Education and Training. I quote from *Hansard* where the member for Ferny Grove said—

In my view, the bill is based upon the same type of sentiments that underline the opposition's frequent calls for mandatory sentences. Queensland has a well-balanced sentencing system made up of many very important parts.

Well, it seems that in the last five years the balance has changed and the government has finally endorsed what the opposition has been calling for for quite some time, and I look forward to the minister's contribution to this debate and whether or not he has also seen the light.

In fact, I look forward to any contribution by those members of the government who were in this place in 2005 and who voted against this proposal. As the *Hansard* record indicates, the members of this House representing the following electorates voted against this very proposal in 2005: Mount Ommaney, South Brisbane, Cairns, Broadwater, Yeerongpilly, Mount Coot-tha, Keppel, Whitsunday, Albert, Southport, Lytton, Bundamba, Mackay, Mundingburra, Cook, Nudgee, Stretton, Rockhampton, Woodridge, Toowoomba North, Burleigh, Sunnybank, Springwood, Algeester, Thuringowa, Murrumba, Mansfield and Ferny Grove. Longevity certainly does provide an opportunity to ensure that the policy is correct. This situation is a perfect example—

Government members interjected.

Mr BLEIJIE: I tell the members opposite that I think I am going to be here for a lot longer than a lot of them on the other side will be. This situation—

A government member: Arrogant.

Mr BLEIJIE: They can call it arrogant but they cannot take it. They can throw the accusations but when you throw it back at them, they get offended. They act like children in this place because they cannot handle it. They can dish it out but they cannot take it back. This situation is a perfect example of why people complain about a partisan approach to party politics and government credibility just for the sake of being adversarial.

As I am reflecting on previous comments made by members opposite, I am drawn to *Hansard* of the same day, 29 September 2005, and the contribution from the Hon. Dean Wells, the member for Murrumba, who at 8.35 pm said—

According to the mover's notes, the purpose of this bill is to amend the Penalties and Sentences Act to allow the Queensland community an input into the sentences and penalties imposed on convicted criminals through the creation of a sentencing advisory council.

Then I pick up the explanatory notes of this bill from the Attorney-General and I read where it says under the heading 'Sentencing Advisory Council'—

The creation of a Sentencing Advisory Council will help bridge any gap between community expectations, the courts and government on the complex issue of sentencing criminal offenders. The Council will: encourage balanced public debate about sentencing issues; inject community opinion into the sentencing process; and foster confidence in the sentencing system.

I say to those members opposite: how times have changed since 2005—

Mrs Sullivan: 2005.

Mr BLEIJIE:—when they made those contributions that I have quoted from *Hansard*.

Mrs Sullivan: Keep up to it.

Mr BLEIJIE: I take the interjection from the member for Pumicestone. She told me to keep up to it. It was the opposition's bill in 2005. So I say to the member for Pumicestone that it is not the LNP that ought

to keep up with it; it is the Labor Party that ought to keep up with it. We are here years later debating legislation that was effectively debated in 2005 and they have the audacity to tell us to keep up with it. Come on! The member for Pumicestone should be the one keeping up with it, because obviously Labor has not.

In summation, I want to thank the Deputy Leader of the Opposition and the shadow Attorney-General for his tireless commitment and leadership on these issues and the illustration that the LNP is certainly listening to the concerns of the community. The feedback that I continually receive from constituents in my electorate is that there are far too many examples of weak sentencing and the angst that that causes in the general community is increasing. Only last week I hosted a morning tea and presentation in my electorate office as part of Crime Prevention Month.

Mrs Sullivan: Did anybody come?

Mr BLEIJIE: Yes. I take the interjection by the member for Pumicestone. I am talking about a community meeting during Crime Prevention Month. Yes, there were people there. Can I tell the member who was there? Local Neighbourhood Watch groups and local community groups. The person making the presentation was a good local hardworking police officer. So I take that interjection as an insult to all of those hardworking Neighbourhood Watch and community members and the local police force who come out and support members of parliament and support their community in terms of bringing these issues to light.

Some residents took particular interest in terms such as 'joy-riding' and 'affray' being bandied around, particularly by the media. These terms represent grant theft auto and a brawl. The term 'joy-riding' actually sounds like fun until you realise what it is. I do not see much joy in having your car stolen and then trashed. These terms highlight a concerning trend in the trivialisation of these crimes and a lack of recognition of the suffering of the victim. As I have said in this place before, the ordeal that a victim has gone through needs to be taken into full consideration when sentencing is handed down by a court. For sex predators who prey on your young children, this issue is paramount. When we debate these sentencing laws my thoughts certainly turn to my own children and the natural protective tendencies that parents have for their own children. General society should place the protection of our children foremost as opposed to the rehabilitation of the convicted offender.

I reiterate a few comments that I made for the purpose of the Attorney-General when he is making his summation later this afternoon. I remind him that in 2005 the member for Toowoomba North—who I note was the first law officer of this state, a former Attorney-General—said in this place on sentencing advisory councils—

It is a concern to hear the Liberal Party putting up this bill tonight. It is, in all respects, trying to out-National the National Party in terms of this type of proposed legislation.

He goes on to say—

I see great worries in the trend that the Liberal Party is adopting here. One would expect it from the National Party, but one would expect something better from the Liberal Party—particularly from the shadow Attorney-General, who is a member of the legal profession.

The hypocrisy on this issue could not be greater. As I have said, it is the Labor Party that is trying to out-LNP the LNP in terms of sentencing laws and taking good, wise counsel from the shadow Attorney-General and certainly not from the Attorney-General we have at the moment. With that in mind, I would seek feedback from the Attorney-General in his summation. I want particularly from the Attorney-General in his summation answers as to how come times have changed in such a short period. They can attack the LNP opposition on the one hand for introducing sentencing advisory councils in 2005 and in 2010 turn around and do it all again. So I say again to the member for Pumicestone: you get with the times because the LNP has far exceeded the expectations of community input into sentencing in terms of bringing bills into this place well and truly before the Labor Party.