




Speech by
Bill Byrne

MEMBER FOR ROCKHAMPTON

Hansard Thursday, 2 August 2012

CRIMINAL LAW AMENDMENT BILL

 **Mr BYRNE** (Rockhampton—ALP) (5.06 pm): The Criminal Law Amendment Bill 2012 has a number of significant components, including greater minimum non-parole periods for convicted murderers, a greater maximum sentence for assaulting police officers, a minimum sentence for the offence of evading police and the abolition of the Sentencing Advisory Council.

I recognise that most of these elements, with the exception of the abolition of the Sentencing Advisory Council, were LNP election commitments. The changes to the Penalties and Sentences Act 1992 give effect to an earlier decision by the Attorney-General to wind up the Sentencing Advisory Council. We opposed that decision at the time and we oppose it still. No coherent reason for the council's dissolution has ever been offered by the government.

There has never been an explanation as to why the LNP, after years of supporting the council, should suddenly make an about-turn. Perhaps the Attorney-General did not like the advice that the council had provided previously. That would not surprise me as this government has shown a disturbing reluctance to listen to experts, particularly in the area of criminal law. The Attorney-General seems to be taking his new job as the first legal officer of the state to pursue his biases, absent evidence and absent logic.

The Sentencing Advisory Council played an important role in undertaking significant research. It is shame that the Attorney-General has decided to disband the council, despite longstanding support of those on the benches opposite.

Mr Bleijie interjected.

Madam DEPUTY SPEAKER (Miss Barton): Order! The member for Rockhampton is not taking interjections.

Mr Bleijie interjected.

Madam DEPUTY SPEAKER: Minister, the member for Rockhampton is not taking interjections. I call the member for Rockhampton.

Mr BYRNE: I now move to the provisions of this bill amending the minimum non-parole periods for criminals convicted of murder. I plan to spend the majority of my speech on this issue. Murder is, without doubt, the most serious crime an individual can commit and is rightly the only offence which is subject to mandatory life sentencing in Queensland. The Labor Party has traditionally opposed mandatory sentencing. However, we believe that when an individual takes a life the only appropriate punishment is a life sentence. The mandatory life sentence was instituted by a Labor government in 1922, and it has been supported since that time by governments of both persuasions.

The bill before this House concerns the minimum period someone convicted of murder must spend behind bars before being eligible for parole. It proposes to increase the non-parole period from 15 to 20 years for a single murder. It also seeks to increase the non-parole period from 20 to 30 years for the perpetrator of multiple murders. Lastly, the bill includes a new category of murder that of the murder of a police officer. Such an offence would attract a minimum non-parole period of 25 years.

Judges are of course free to use their discretion to impose minimum non-parole periods higher than those prescribed in legislation. For example, Max Sica, who was recently convicted of three murders, was given a minimum non-parole period of 35 years. That is 15 years more than the prescribed minimum. It is important to recognise what this means. There is a fairly widespread misunderstanding that a life sentence means only a period of 15 years. That is not the case. An individual serving a life sentence is subject to a court order for the rest of his or her natural life. They may, after having served 15 years, be granted parole, but they are still subject to a variety of restrictions under parole and any violations can lead to the perpetrator being re-imprisoned.

The rate of recidivism for offenders convicted of homicide is extremely low—no doubt due in part to the length of their sentence. It is also true that the vast majority of murders are crimes of passion. They are committed in the heat of the moment and therefore are not premeditated. Therefore, the increase in the minimum non-parole period will have, at best, a very small deterrent effect. However, sentences are not just designed for their deterrent effects. They should also reflect community expectations of the appropriate punishment for a crime. It is indeed sad that the Attorney is abolishing the Sentencing Advisory Council, which was the best organisation to assess community expectations.

I am broadly supportive of the increases in the minimum non-parole period for convicted criminals who have murdered one or more individuals. I understand the Leader of the Opposition will be moving amendments to allow for a reserve discretionary power for—

Ms Palaszczuk: No, we're not.

Mr BYRNE: We are not going to do that?

Ms Palaszczuk: No.

Mr BYRNE: Okay. I withdraw that section. I believe that such a discretionary—it would also allow us to avoid a number of other problems—no, we are chopping that out.

Mr McArdle: Weren't you told, Bill?

Mr BYRNE: No, I wasn't, unfortunately. I also believe that every life has a value and every life is sacred, but it is not for us politicians to draw a distinction between the life of one individual over the life of another. Police officers are not the only people who do difficult and dangerous jobs on behalf of the state. Sadly, paramedics, doctors, nurses, emergency service workers and child safety workers are often threatened as well. I, therefore, think it is inappropriate to legislatively privilege the life of a police officer over the life of any other person. Moreover, the murder of a police officer would most likely occur in one of two ways—either during the commission of another crime or in a premeditated manner where the victim was specifically targeted by a criminal organisation. Both of these would be considered aggravating circumstances by the courts and would be taken into account during sentencing.

I would like to thank the staff of the Legal Affairs and Community Safety Committee for their hard work during the committee's consideration of this bill. I would also like to thank the many organisations which took the time to provide submissions to the committee. I note that many of the organisations complained about the truncated time in which to provide submissions. This is becoming a hallmark of this government and the Attorney-General in particular. The Queensland Homicide Victims Support Group explained that they received the invitation to make a submission on 26 June but the closing date for submissions was the 28th. In addition to the Homicide Victims Support Group, a number of other organisations also complained about the time frames, including the Queensland Law Society, the Supreme Court, the Prisoners Legal Service, the Aboriginal and Torres Strait Islander Legal Service and Amnesty International, Queensland-Northern New South Wales Branch. I join with these organisations in calling on the government to start treating the committee process seriously and allow a reasonable period for organisations to prepare submissions.