




Speech by  
**Carl Judge**

**MEMBER FOR YEERONGPILLY**

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## **CRIMINAL LAW AMENDMENT BILL**

 **Mr JUDGE** (Yeerongpilly—LNP) (5.18 pm): I rise to contribute to the debate on the Criminal Law Amendment Bill 2012. The primary objectives of the bill are to amend the Criminal Code Act 1899 to increase the non-parole period for multiple murders from 20 years to 30 years imprisonment; to insert a new minimum parole period of 25 years imprisonment for the offence of murder where the victim was a police officer and the offender did the act or made an omission that caused the police officer's death; and to increase the maximum penalty for the offence of serious assault of a police officer from seven to 14 years imprisonment on the basis of assault.

In addition, the bill seeks to amend the Corrective Services Act 2006 to increase the non-parole period for murder from 15 years to 20 years; amend the Penalties and Sentences Act 1992 to abolish the Queensland Sentencing Advisory Council; and amend the Police Powers and Responsibilities Act 2000 to introduce the mandatory minimum sentence of a fine of \$5,000 and a two-year licence disqualification for the offence of evading police under section 754 of the Police Powers and Responsibilities Act.

I believe that it is important to put a human face on the types of crimes we are seeking to target here today. Regarding the increase in the non-parole period for multiple murders from 20 to 30 years, I remind the House of notorious serial murderer Leonard Fraser, who confessed to four murders. The remains of some of his victims were concealed in the area of Rockhampton. At his subsequent murder trial, there was a sensation when one of the alleged victims, a 14-year-old schoolgirl named Natasha Ryan, was found alive and well in the middle of proceedings. I had the bizarre experience of finding Natasha Ryan in hiding in Rockhampton. I can assure you that her family was absolutely relieved to discover her survival. Having said that, three other victims were ultimately found to have been murdered by this one person, Leonard Fraser. They can never be replaced. Leonard Fraser had an impact on the wider community of Rockhampton by undermining the fundamental feeling of safety. That fear prevailed for a number of years, for example when young children were invited to go to the picture theatre at Rockhampton from which Natasha Ryan was reported to have been abducted. These types of crimes have a serious impact on our wider community. Leonard Fraser was a serial murderer, and such offenders should be detained for extended periods of time for a multitude of reasons, with community safety being the paramount reason for extended detention.

The bill also seeks to insert a new minimum non-parole period of 25 years for the offence of murder where the victim was a police officer and the offender did the act or made the omission that caused the police officer's death: when the person knew or ought reasonably to have known that the victim was a police officer; or because the victim was a police officer; or because of, or in retaliation for, the actions undertaken by the victim or any other police officer in the performance of their duties.

Offences of this nature should not be forgotten or forgiven, because our police bravely risk their lives to protect our communities and the free and easy way of life in our society. Sadly, such offences are not uncommon. We should pay respect and honour to all police who have lost their lives—people like Detective Senior Constable Damian Leeding, most recently, who was fatally shot on 29 May 2011. Just to give a few other examples, on 19 July 2007 Constable Brett Irwin, 33 years, was shot whilst executing an

arrest warrant for a breach of bail at Keperra in Brisbane's north-west; Senior Sergeant Perry Irwin, 42 years, was shot whilst investigating reports of gunfire in bushland at Caboolture; and on 21 July 2000 Senior Constable Norm Watt, 33 years, was shot whilst investigating reports of gunfire in bushland outside Rockhampton. I knew a number of these people. They had partners and families. Just like we in this chamber do, they had hopes of leading lives with family, raising children and growing old. Their lives were stolen from them by offenders who were willing to kill police in the line of duty, in protecting our community. That should not be forgotten.

As the last line of defence in our community, police deserve the utmost respect. Thirty years imprisonment for the shooting of a police officer is more than justified in light of the nature of the crimes committed. The lives of police officers are no less important than the life of the next person, but it is a fundamental breach of community protection and therefore should be considered as the most serious form of offending against our community.

When I was a 16-year-old boy living in Rockhampton I recall a man by the name of Constable Michael Low, who in February 1984 was shot attending a domestic violence dispute at North Rockhampton, not far from my home. Years later, in 2008 I worked with a person who was involved in that investigation. These crimes do not leave the minds of the police officers who are tasked with protecting our communities. They really are an offence against the fundamental protection and safety of our community and are, in my opinion, deserving of 30 years imprisonment.


Sadly, there are many more fine men and women who have paid the ultimate price to ensure that our families are able to enjoy a relatively safe community life. It should not be forgotten that police are the last line of defence in our community. Although it is true that no-one's life is more valuable than that of another, it is the willingness of offenders to kill police and threaten the safety of our wider community that warrants the greater punishment for the outrageous crime they commit. The penalty increases for the murder of a police officer and the serious assault of police reflect the important role performed by police in maintaining civil authority and the dangers faced by them in the discharge of their civic duties in everyday life.

The bill also seeks to increase the maximum penalty for the offence of serious assault of police from seven years to 14 years imprisonment. This applies to an action causing bodily harm; spitting on, biting or the application of bodily fluid or faeces to a police officer—these are quite revolting offences; and being or pretending to be armed with a dangerous or offensive weapon or instrument.

I ask members to think of Fortitude Valley on a Friday night and consider what police have to contend with. Having experienced that myself, I can assure members that it is not a simple task to work in the Valley on a Friday night from 10 pm to 6 am. The police are challenged by many situations. Quite often there is a shortage of police to deal with the dangers they are confronted with.

The bill seeks to amend the Corrective Services Act 2006 to increase the non-parole period for murder from 15 to 20 years. The offence of murder is the most heinous of all criminal offences. The increased non-parole period will ensure that the punishment for murder fits the severity of the crime and will promote community safety and protection from these serious offenders. The offence of murder has a profound impact on our society. The loved ones taken can never be replaced. Families never recover from such a crime. The victim's birthday and, sadly, the anniversary of their death are never forgotten. They are etched in the minds of the family and friends for the duration of their lives. It is a crime that is unforgivable and the punishment must fit the seriousness of the crime. On each and every birthday and at each and every social event where the victim should have been if not for the fact that their lives were sadly ended at an early stage, the family and friends of those victims would never be able to forget what could have been.

Regarding the proposed amendments to the Penalties and Sentences Act 1992 to abolish Queensland's Sentencing Advisory Council, that is well and truly explained in the explanatory notes. The bill includes amendments to repeal part 12 of the Penalties and Sentences Act to dissolve the Sentencing Advisory Council. The council is an independent statutory body which was established in December 2010 by the previous government which had six statutory functions—namely, to provide its views on the giving or review of guideline judgements prepared by the Court of Appeal; if requested, to provide advice to the Attorney-General on sentencing matters; to provide information to the community to enhance knowledge and understanding of matters relating to sentencing—

 **Mr JUDGE** (Yeerongpilly—LNP) (7.36 pm), continuing: The bill also seeks to insert a new minimum non-parole period of 25 years for the offence of murder where the victim was a police officer and the offender did the act or made the omission that caused the police officer's death: when the person knew or ought reasonably to have known that the victim was a police officer; or because the victim was a police officer; or because of, or in retaliation for, the actions undertaken by the victim or any other police officer in the performance of their duties.

Offences of this nature should not be forgotten or forgiven, because our police bravely risk their lives to protect the community and, ultimately, our free way of life in society. Sadly, these offences are not

uncommon. We should pay respect and honour to all police who have given their lives in the course of their duties—police like Detective Senior Constable Damian Leeding, who was fatally shot on 29 May 2011, just last year. I think it is worth mentioning the following police because they are in the recent memories of us all. On 19 July 2007 Constable Brett Irwin, 33 years, was shot whilst executing an arrest warrant for a breach of bail at Keperra in Brisbane's north-west. On 22 August 2003 Sergeant Perry Irwin, 42 years, was shot whilst investigating reports of gunfire at Caboolture in Brisbane's north. These are incidents that I personally attended. And on 21 July 2000 Senior Constable Norm Watt, a friend of mine from Rockhampton Police Station, was shot whilst investigating reports of gunfire in bushland at Alton Downs, just west of Rockhampton, in the company of his police dog Zeus. When I was 16 years of age and living in Rockhampton I recall the death of Constable Michael Low on 29 February 1984. He was shot whilst attending a domestic violence dispute at North Rockhampton. Unfortunately, the murder of police officers is not uncommon in our society. Fortunately, it does not happen extremely often, but it does happen, as the records I have just read out reflect. Sadly, many more fine men and women have paid the ultimate price to ensure that our families and our society enjoy relative safety.

It should not be forgotten that police are the last line of defence in our community. Although it is true that no life is more important or valuable than another, it is the willingness of offenders to kill police and threaten the safety of the wider community that warrants the greater punishment. This is really just an outrageous crime. The penalty increases for the murder of a police officer and the serious assault of police reflect the important role performed by police officers in maintaining civil authority and the dangers faced by them in the discharge of their civic duties.

The bill also seeks to increase the maximum penalty for the offence of serious assault of a police officer from seven years to 14 years imprisonment. This applies to an action causing bodily harm; spitting on, biting or the application of bodily fluid or faeces to a police officer—quite revolting offences; and being or pretending to be armed with a dangerous or offensive weapon or instrument.

These are offences that occur quite regularly and our police on the beat are confronted with them on all too often an occasion. For example, in Fortitude Valley on a Friday night police are regularly dealing with these types of offences. It is up to this parliament and the laws of our state to send a clear message to offenders who are willing to perpetrate these types of crimes.

Amendment to the Corrective Services Act 2006 to increase the non-parole period for murder from 15 to 20 years imprisonment is another example of how our laws rightfully should be changed to reflect the seriousness of the crime. The offence of murder is the most heinous criminal offence. The increased non-parole period will ensure that the punishment of murder fits the severity of the crime and will promote community safety and protection from these serious offenders. The offence of murder has a profound impact on our society and a loved one's life can never be replaced. Families never recover from such a crime. The victim's birthday and, sadly, the anniversary of their death is forever etched into the minds of family and friends. It is a crime that is unforgivable and the punishment must fit the seriousness of the crime.

Regarding the proposed amendments to the Penalties and Sentences Act to abolish Queensland's Sentencing Advisory Council, the bill introduces amendments to repeal part 12 of the Penalties and Sentences Act 1992 to dissolve the Sentencing Advisory Council—the council, if you like. It is an independent statutory body which was established in December 2010 with six statutory functions—namely, to provide its views on the giving or review of guideline judgements prepared by the Court of Appeal; if requested, to provide advice to the Attorney-General on sentencing matters; to provide information to the community on enhancing knowledge and understanding of matters relating to sentencing; to publish information relating to sentencing; to research and publish information about sentencing; and to seek the community's views on sentencing. To date, the main focus of the council's work has been to provide advice to the Attorney-General on sentencing matters. Notably, these functions effectively duplicate the law review functions of the Queensland Law Reform Commission. Accordingly, the bill dissolves the council to enable a more efficient use of public resources by the rationalisation of law review functions across government.

Finally, with regard to the amendments to the Police Powers and Responsibilities Act 2000 to introduce a mandatory minimum penalty of \$5,000 and a two-year licence disqualification for offences involving evading police under section 754(1), in June 2011 the Crime and Misconduct Commission, the CMC, released a report titled *An alternative to pursuit: a review of the evade police provisions*. As part of that review, the CMC analysed sentencing outcomes for the offences of evade police between July 2006 and June 2010. The CMC found that the most common penalty imposed on a single charge of evade police was a fine of \$300. The CMC also found that a period of licence disqualification was only imposed for approximately one in every five cases. Such sentences are not consistent with the risk imposed by those who evade police. By and large, pursuits are permitted only for high-risk or violent offenders and those endangering lives. I submit that this is the right approach. In my experience, the pursuit of a stolen car could never justify the destruction of life which could possibly follow from such action. A family

travelling home from an outing, for example, should not be exposed to the risk of a police pursuit. As such, this defence is deserving of a serious punishment to deter such offenders from such crimes. I commend the bill to the House.

*(Time expired)*