



Speech by


**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

Hansard Tuesday, 10 July 2012

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## **CRIMINAL LAW (TWO STRIKE CHILD SEX OFFENDERS) AMENDMENT BILL**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.48 pm): I move—  
That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its timely consideration of the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012. I note the committee tabled its report on the bill on 6 July 2012. I now table a copy of the Queensland government's response to that report.

*Tabled paper:* Legal Affairs and Community Safety Committee: Report No. 2: Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012: government response [\[493\]](#).

In its report the committee made four recommendations about the bill. I will address each recommendation in turn. Recommendation 1 is that the bill be passed. The Queensland government enthusiastically supports that recommendation.

Recommendation 2 is that the Attorney-General monitor and review the implementation of this legislation and report to parliament within two years from commencement. The Queensland government notes the committee's observation that the policy implications that the bill seeks to implement represent a departure from current practice. Moreover, the committee acknowledged the possibility of unintended consequences flowing from the bill, as outlined in several submissions. It is in this context that recommendation 2 has been made.

The Queensland government is cognisant that the bill represents a significant departure from current sentencing practices and provides a unique legislative approach to a serious problem. The concerns around possible unintended consequences flowing from the implementation of the proposed new sentencing scheme, as raised in a number of stakeholder submissions to the committee, are issues we have considered. The Queensland government's position is that the overriding consideration must be the safety of the most vulnerable members of our community, our children. Agencies involved in the criminal justice system will monitor the impact of these amendments. However, the Queensland government does not consider a report back to the parliament is warranted at this time. I make the point to committee members that, if this bill passes the Legislative Assembly this evening or tomorrow, certainly the government will be keeping a close eye on the implementation of this new criminal regime in Queensland.

Recommendation 3 is that the Attorney-General investigates the implications of forecast court delays on both child victims and criminal justice agencies. Further, it is recommended that I report back to parliament on this issue within two years from commencement. The Queensland government notes the committee's observation that, 'The significant reforms the bill proposes to implement justify the forecast court delays'. However, the committee goes on to note that the importance of timely access to justice warrants the investigation and report back to parliament on any such repercussions.

Agencies involved in the criminal justice system will monitor the impact of these amendments. In addition, the efficacy of the courts in delivering justice outcomes, including timeliness, is considered through the report on government services or ROGS. ROGS is delivered on an annual basis and will

provide a mechanism to assess changes in the timeliness of court responses to criminal matters generally. As such, the Queensland government does not propose to report back to parliament within two years from commencement of the bill. Can I also note the recent announcement that the government will push ahead with the appointment of another Supreme Court justice to our Supreme Court.

Finally, recommendation 4 relates to clause 8 of the bill. The committee recommends that new section 161E(2) contained in clause 8 be amended to provide that subsequent periodic reviews of indefinite sentences occur at intervals of not more than two years after the offender has served 20 years. The Queensland government agrees with the committee's view that an indefinite sentence should be reviewed at subsequent intervals of not more than two years. However, the government is of the view that the bill already achieves this and therefore considers that the recommended amendment is not necessary.

Clause 7 of the bill inserts new part 9B entitled 'Repeat serious child sex offences' into the Penalties and Sentences Act 1992. Part 9B contains new sections 161D and 161E. New section 161E(2) states—

An offender who is convicted of a repeat serious child sex offence is liable to, despite any other penalty imposed by the Criminal Code, imprisonment for life, which can not be mitigated or varied under any law, or is liable to an indefinite sentence under part 10.

Section 171 of the Penalties and Sentences Act deals with the periodic reviews of indefinite sentences. Essentially, current section 171(1)(a) sets out the timing of the first review whilst 171(1)(b) states that all reviews subsequent to the first review are to be conducted at two-year intervals.

Clause 8 of the bill amends section 171 through insertion of a new subsection (4). New subsection (4) of section 171 provides that a court that imposes an indefinite sentence for which the nominal sentence is life imprisonment under new section 161E(2), or a court of like jurisdiction, must for the first time review the indefinite sentence within six months after the offender has served 20 years imprisonment. The effect of this new subsection is to qualify the section 171(1)(a)(ii) with regard to the timing of the first review for indefinite sentences for repeat child sex offenders. That being the case, section 171(1)(b) that provides for two-yearly reviews after the first review will apply already to indefinite sentences imposed for persons convicted pursuant to new part 9B.

As I outlined at the time of the introduction of the bill into the Legislative Assembly, the bill fulfils the Queensland government's pre-election pledge that within our first 100 days of forming government we would toughen sentences for repeat child sex offenders. The community outrage at the level of sentence imposed upon people who sexually offend against children continues to be at a high level. Community concerns often centre on the sufficiency of sentences being imposed for this unlawful conduct.

The Criminal Law (Two Strike Child Sex Offenders) Amendment Bill represents the strongest legislative response to date to ensure that adequate punishments are imposed on this cohort of offender. I commend the bill to the House.