




Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 10 July 2012

CRIMINAL LAW (TWO STRIKE CHILD SEX OFFENDERS) AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.32 pm), in reply: At the outset I thank all honourable members for their contribution to the debate on the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012. In particular, I thank my colleagues on the government side of the House. I thank the member for Gregory for the comments that he has just made with respect to the enthusiasm with which we on this side of the House are getting this legislation through in the short period since coming to government in Queensland, showing the pride that we have in this particular policy but also the importance that we place on this policy for Queensland.

It really saddens me that the Labor Party will not be supporting this legislation tonight. It saddens me because, in the opposition not supporting this legislation, we have again seen the same Labor Party that we have seen time and time again in Queensland where they put the rights of the offenders ahead of the rights of the victims, and in this case we are talking about child victims. Is it any surprise that we have seen the Labor Party come in here tonight, despite the fact that this policy was announced during the campaign and was voted on by the Queensland community who ultimately endorsed this policy by the election of this government, and again put the rights of the offenders ahead of the rights of the child victims? I think it is shameful. I think they should have the courage to come in here and support child victims in Queensland and stand up for something for a change. They should stand up instead of giving all the commentary we have heard year in, year out by the Labor Party as to why they cannot do this and they cannot do that. Of course, we are a government that acts. We are a government that will act in a short period. We recognise there is a problem in the community and we act on those problems.

This is an illustration of the government's responsiveness to community outrage at the severity of sentences imposed on child sex offenders. This bill represents a strong and decisive legislative response to repeat child sex offenders that will not only denounce and deter offenders, but will also protect the community and enhance community confidence in our criminal justice system. The bill amends the Penalties and Sentences Act and the Corrective Services Act to provide a tough new mandatory sentencing regime of life imprisonment with a 20-year non-parole period for certain serious repeat child sex offenders. The bill provides that the sentencing regime applies where an adult offender is convicted of a relevant child sexual offence, as defined in the bill, where that offence is committed after the commencement of the bill. The offender also must have a prior conviction as an adult for a relevant child sex offence. It does not matter whether the first offence was committed or the offender was convicted of the first offence before or after the commencement of the amendments.

Finally, the second offence must be committed after the conviction of the first offence. The court, in sentencing the offender on that second occasion, must impose a life imprisonment which cannot be mitigated or varied. The court, however, does retain the discretion to impose an indefinite sentence under part 10 of the Penalties and Sentences Act. The bill provides for a new schedule listing the child sex offences captured in the new regime. However, that list must be read with new section 161D, which limits

the offences to circumstances in which an offender would be liable to a maximum penalty of life imprisonment.

I will now turn to and address some of the matters raised by honourable members of the House. Before I do that, I will make a couple more points. The LNP's clear election commitment was for Queensland to be the safest place in which to raise a child. We do that by the introduction of this legislation. We do that by the announcement we made last week when the Premier and I announced the commission of inquiry into child safety in Queensland. The LNP, like Bravehearts, wants Queensland to be the safest place in which to raise a child.

I heard and listened to the comments of those opposite who were again carrying on about the civil liberties of the offenders. I remind members opposite that this is for a second offence. We are dealing here with people who have been charged, tried and convicted of serious sexual offences against children. We are not dealing with the average citizen walking down the street who has offended and then goes to court. We are dealing with people who have been charged, tried and convicted by a jury of serious sexual offences against a child. That type of offence is abhorrent to the extreme.

I do not accept the argument from the Labor Party and the civil libertarians that we are trampling on the rights of the individual, because we are dealing with not pleasant individuals. We are dealing with the most abhorrent offenders in our community. We are dealing with people who have raped kids. We are dealing with people who have maintained sexual relationships with children, have been convicted and have probably served time in prison. We are dealing with people who have seriously sexually assaulted children. So we are not dealing with the civil rights of an average individual here; we are dealing with what happens when they commit those abhorrent acts again. I make the point to the Labor Party, whose members cry foul about the trampling on the civil liberties of the individual, that we are dealing with people by whom society is offended.

In terms of mandatory sentencing, I was at the Media Club when the Premier made the comments mentioned by the honourable Leader of the Opposition. They were made in the context of a debate at that particular time, and the Premier did make comments with respect to mandatory sentencing. But governments have to be responsive to communities. Governments have to modernise laws to deal with particular issues. The LNP went to the election with a strong commitment.

The Labor Party may want to put the perception into the Queensland community that mandatory sentencing is such a bad thing and that we do not have mandatory sentencing in Queensland. We do. We have mandatory life imprisonment for murder in Queensland. Incidentally, the LNP has also sought to increase the minimum non-parole period for murder from 15 to 20 years. We will debate that at another time. We have mandatory life imprisonment for murder. We also have mandatory fines for exceeding the speed limit. 'Mandatory' is not a new word in Queensland. We are one of the only jurisdictions in Australia that has mandatory life imprisonment for murder, and we are going to keep it because it is an important responsive attitude that government must have to these particular types of issues.

The Labor Party sought to rely on the letter from the honourable Chief Justice in terms of judicial discretion in these matters. I challenge the opposition to provide any media articles or commentary in which I have ever attacked a judge. As Attorney-General I can appeal particular sentences, and I will do that based on three criteria: (1) if I believe the sentence is manifestly inadequate; (2) if I do not believe the sentence has set an appropriate deterrent; and (3) if I believe it is not in line with community expectations. They are the three criteria that I use when I am determining whether to appeal a sentence. In the short time I have been Attorney-General I have directed that appeals be lodged against certain sentences.

People ought not blame judges. Judges do not set the law; people in this place set the law. And why do we do it? Because we are elected to make legislation in Queensland. If the honourable members of the Labor Party think the judges are the ones who set the law and the tone of the law, why are they here? If we do not need legislators in this place then I encourage them to pack their bags, go home and get another job. We are here to debate and pass laws in Queensland. When we pass laws, judges interpret and implement those laws and sentence according to the laws that we set.

For many years now the Labor Party have used the excuse of judicial discretion—and I suggest that they have used it as a cover so as to not appear soft on crime, which they have been—so as to not impose harsher penalties on offenders in Queensland. It gets back to protecting the rights of the offender and not the rights of the victim. We take a completely different view from that held by the Labor Party. The Liberal National Party was overwhelmingly supported at the election because of these tough policies.

When people in the community complain about sentences, when members of parliament write to me and complain about particular sentences, I say: do not blame the judges or the judiciary, because they are simply imposing sentences that the legislators allow them to impose. I mean that, if you have a range of sentences and the judiciary gives a lighter sentence in that range, then it is up to us to come into this place and legislate. So if we feel that the community has a particular issue with sentences, then we come in here

and legislate. I see the member for Rockhampton shaking his head. Have I said something that offends you? Have I said something that is wrong? Are you not elected to come in here and make laws?

Mr DEPUTY SPEAKER (Dr Robinson): Attorney-General, please direct your comments through the chair.

Mr BLEIJIE: I call on the member for Rockhampton, if I have said something that is wrong—if I have suggested that he is not elected to come into this place and debate and pass laws that the judiciary implement—to get up, take a point of order and tell the parliament that I am wrong.

Opposition members interjected.

Mr DEPUTY SPEAKER: Order! There are too many interjections, mainly from my left. The Attorney-General has the call.

Mr BLEIJIE: I gave him the opportunity to do it. I gave him the opportunity to correct the record—to tell the parliament that I am wrong, that we are not here to pass laws. Nothing will change the fact that those opposite oppose this legislation, that they oppose serious sex offenders serving more time in prison.

Ms Palaszczuk: Untrue.

Mr BLEIJIE: I see them shaking their heads. Support the legislation if I am wrong. If those opposite support child victims—if they support Bravehearts and its submissions in relation to these issues—then they should support the legislation. Queenslanders support this type of legislation. They voted overwhelmingly in our respective electorates for this type of legislation. Every member of the Liberal National Party campaigned before the last election with this policy—a clearly set out, distinct policy that got the overwhelming support of Queenslanders.

If community members feel that particular sentences do not reflect community sentiments, I encourage them not to attack or question the judiciary but to write to their local member of parliament and advise why they feel it is not in the community's interest and why it does not set an appropriate deterrent. I can tell honourable members that the government will act on those matters.

I will address some of the issues raised by the honourable Leader of the Opposition. She raised an issue from PACT, Protecting All Children Today. I have met with representatives of PACT. As you would appreciate with these types of laws, if there is a mandatory penalty of life imprisonment there may be more people pleading not guilty. Because these serious offences carry serious punishment, you may have more people pleading not guilty. The flow-on effect of that will potentially be more children giving evidence. I have given a commitment to Protecting All Children Today, who play an important and great role in our courts, that we will certainly work with them and make sure that if I am of the view and they are of the view that more child witnesses are having to give evidence in court, by teleconference or by videoconference, then we will ensure we have appropriate ways in which the child can do that—at the same time maintaining the rule of law that everyone is entitled to a fair trial. If we have to have all the evidence provided, we have to do it. Following the passage of this law, we will make sure we work with PACT to ensure that there are no adverse consequences on child witnesses while maintaining that everyone in Queensland is entitled to a fair trial.

The opposition leader raised the issue of cost, that it is not explained how much more I will give the courts to deal with this. As I said in my second reading speech, we announced only last week that we are providing an additional Supreme Court judge. That is a resource that the Supreme Court does not have at the moment that it will have. I reject entirely the suggestion that we are not giving the Supreme Court anything, because the government has announced a new additional judge. That is an expensive resource.

What cost do you place on a child victim of sexual assault or rape in Queensland? You cannot put a cost on that—and we will not. I will not be drawn into a debate about costs and resources. The government will appropriately resource the courts and the prosecutors to deal with these matters, just as the Minister for Police and Community Safety will appropriately resource corrective services to deal with these matters. We will act on that, but I am not going to be drawn into a debate because I believe that, no matter what cost, government must act. If it was just because of a cost issue that we would not proceed with this legislation, then why are we all here? We are here to make sure that Queensland is the safest place to raise a child. The opposition leader also talked about mandatory sentences, and I think I dealt with that. Those opposite have long held a view about mandatory sentencing. As I said, governments have to act when the community requires us to act. On this particular issue the most vulnerable in our community expect government to act and the government is acting as per the community's expectation.

Just as I hear from the opposition leader on every occasion, the name Clive Palmer came out of her mouth. No matter what debate takes place in this place and no matter what goes on in this place, those opposite think that there is a big conspiracy and somehow Mr Palmer is involved in this. There are stalking

laws in Queensland. I suspect we are getting to the verge of that now with the Labor Party and Mr Palmer. Mr Palmer may have a claim of stalking against the opposition leader. The argument that she raised about this conspiracy theory is absolute nonsense. This was an election commitment. We were elected to govern and act in Queensland. Based on the Labor Party's past assessments, I can understand why it is pretty ashamed—because we have done more in 100 days than it did in 14 years. So I can understand why it is ashamed of its record. We are not ashamed of our record. Those opposite think that the first 100 days has kept them busy. In fact, the opposition leader said that she has worked doubly as hard as she ever did before in the ministry sitting around the cabinet table. Wait till you see the next six months in terms of what we have in store for the opposition! So I reject the argument of the conspiracy theories.

The Labor Party has a chance tonight. The Labor Party has a chance to put all of those 14 years behind it and to put behind it the time when it protected the rights of offenders ahead of victims. It can put all that behind it. Tonight it has the opportunity. We are throwing it the opportunity of a lifetime—an opportunity of a lifetime to say to Queenslanders that the Labor Party is no longer soft on crime and that the Labor Party will no longer stand up for the rights of child sex offenders over the rights of the victims. It has an opportunity. As I said, it saddened me when the opposition leader said tonight that the opposition will not be supporting this tough stance on child sex offenders in Queensland.

I thank the member for Condamine as chair of the committee and other members of the committee who raised issues and the recommendation. I thank them for also acknowledging the fact that this was a strong election commitment the LNP was elected on and we are committing to and actioning that election commitment tonight. I thank the member for Lytton for his contribution and I congratulate him for his tough stance on hoons with regard to the anti-hooping initiative that he has set up. He is another member on this side of the House who takes a tough stand on this issue because his community expects him to, and his community thanks him for doing that, as do I. The member for Woodridge made a contribution tonight. I thank the member for Gaven for his contribution where he talked about the small number of people who could in fact be impacted by this. He also said that, for goodness sake, sometimes governments just have to act on these things and get it in the system. Of course as Attorney-General I will certainly be reviewing this. I am under no misunderstanding that this is a tough law. This is a tough policy, but that is the point of it. That is the point of this policy.

Every time the Labor Party argues against this policy I would encourage every member to go back to their respective electorates, particularly the ones that neighbour the seven electorates opposite, and remind them that tonight the Labor Party voted against tougher stances to protect children in Queensland. It voted against this. When people say, 'But it is a very tough policy,' remind them that this policy only applies to people who have been convicted of raping our children, maintaining sexual relationships with our children in Queensland or committing serious sex assaults on our children. We need to remind the members in the seven seats opposite and particularly the neighbouring electorates around those seven seats when they are talking about these policies at the local coffee shop that it was the Labor Party that voted for softer sentences by voting against this tough policy.

I thank the member for Southport for his contribution. Until his election he played a particularly important role in Bravehearts. I have the utmost respect for Hetty Johnston and the work that she and Bravehearts do. I ask him to pass on my congratulations to Bravehearts for having the guts to stand up to other people who made submissions during the committee process because Bravehearts believes in this. I want to pass on my congratulations to Bravehearts for maintaining the line against all odds. It knew that it was never going to get this passed through the Labor Party. Despite it trying for years, it knew this law would never see the light of day under the Labor Party. It gives me an immense amount of pleasure to be leading the charge with the Premier on this tough stance on child sex offenders tonight, because finally the community and the members who support Bravehearts have an opportunity of a government that listens and acts. That is what we are doing tonight.

The member for Rockhampton made an interesting contribution and a quite concerning contribution when he said that the passage of this bill tonight and this policy was deliberate opportunism. I take great offence at that. I will never use child sex victims in Queensland as an opportunity for political wins. We will never do that. We will stick up for the kids in this state, and that is why a week ago the Premier and I announced an inquiry into child safety in Queensland. We will stick up for the kids in Queensland, because their parents and grandparents certainly know the Labor Party never did. The Labor Party never did, but there is an opportunity for the Labor Party to do it tonight. There is another seven minutes for it to change its mind and express its support. I wonder how the members of the Labor Party are going to go back to their electorates and sell this message to their constituents tonight.

Mr Newman interjected.

Mr BLEIJIE: I take the interjection from the Premier. We will make sure their electorates know what they do tonight. We will make sure that the constituents of Inala know that their local member voted against a tougher stance on child sex offences. We will make sure that the constituents of Inala know that tonight their local member—the one who wants to be Premier of this state—voted against—

Ms Palaszczuk interjected.

Mr BLEIJIE: You do not want to be Premier of the state? With that sort of interjection, it is like, 'Oh, that's not true. Why do you say that?'

Ms Palaszczuk: No!

Mr BLEIJIE: I am happy to take the interjection. I take the interjection you do not want to be Premier of the state. We know who does. We know the one behind you wants to be Premier of this state.

Mr DEPUTY SPEAKER (Dr Robinson): Order! There is too much noise and interjection in the House and the Attorney-General will make his comments through the chair.

Mr BLEIJIE: Thank you, Mr Deputy Speaker, so I ask the member for South Brisbane to take the earphones out to listen to what I am about to say.

Opposition members interjected.

Mr BLEIJIE: It is parliament. We are debating law. I am just making a point. It is interesting that someone has earphones on in parliament, that is all. I am just making the point. The member for South Brisbane got very excited when the member for Inala, the opposition leader, said that she did not want to be Premier. An opportunity has come.

Mr PITT: Mr Deputy Speaker, I seek a ruling on relevance. I do not see how this is at all related to the bill before the House. I seek your guidance under standing order 239.

Mr DEPUTY SPEAKER: My understanding is that the Attorney-General picked up on an interjection and has taken up some of the comments across the floor. While ever there are comments going back and forth across the floor, the Attorney-General can choose to take interjections.

Ms Palaszczuk: Not if they're false.

Mr BLEIJIE: Well, do not say them then.

Mr DEPUTY SPEAKER: Order! I warn the Leader of the Opposition.

Ms Palaszczuk: Why? On what?

Government members interjected.

Ms PALASZCZUK: I rise to a point of order. Mr Deputy Speaker, can you please explain what you are warning me about?

Mr DEPUTY SPEAKER: Order! I warned the Leader of the Opposition for her questioning of the chair.

Mr BLEIJIE: As I said, I thank all the members of the Liberal National Party for their contributions tonight because they campaigned strongly on this policy. They went into their electorates and some LNP members were re-elected and a hefty number of LNP members were elected for the first time. I thank them for supporting this policy in Queensland, because for years people in the electorates had been crying out for these types of policies to be implemented in Queensland but, under the Queensland Labor Party, they had no hope. The sentences that we are talking about tonight, and I have introduced already four or five bills into this place in this short period of time—

Mr Mulherin: What does the Chief Justice say?

Mr BLEIJIE: I will take the interjection from the member for Mackay. I have dealt with the matters that the member just raised in his interjection but, for whatever reason, he was not here so I will express it again. I will never attack a judge. I will attack and question the sentence if it does not fall in line with community expectations, if it does not set a deterrent. I have made that point. We must at all times uphold the separation of powers, but I point out to the member for Mackay that it is his job and the Labor Party's job—

Mr Mulherin interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! The Attorney-General has taken an interjection and he is attempting to answer your question.

Mr BLEIJIE: For the benefit of the member for Mackay, I will repeat what I said to the member for Rockhampton. He was elected, like all of us, to come into this place and legislate to make laws. What happens is that, once those laws are made, judges interpret them and judges apply the law. So if the community is saying, 'We are not happy with these particular sentences,' it is for the government to respond. The government is responding and it is responding because the community expected us to. The community voted for it.

In my short 30-year life span I have seen parliaments and governments change from time to time. I have seen opposition members who were in government come in and acknowledge the fact that the government went to an election with a clear mandate so they supported it. We have a mandate for this.

The least the Labor Party can do is acknowledge the strong mandate, acknowledge that this was not a little policy that was put in a bottom drawer as an appendix to another document; this was a policy that was announced in full flight and the Queensland public voted for it. When the members opposite talk about consultation and stakeholders, I say that the best stakeholders are the people of Queensland. The people of Queensland are the best people and we trust them to get their decisions right. As John Howard always said, the public never get it wrong. In this case, on 24 March they did not get it wrong. They voted for the LNP government and they voted for these—

Mr Johnson: They wanted this legislation.

Mr BLEIJIE: They wanted this legislation and they are getting it if it passes the House tonight.

I say in conclusion—and this is probably my strongest point—that sometimes the best way the government can protect our children is to have these people in jail and never see the light of day out of a prison cell. That is what we are doing tonight with this strong policy of a 20-year non-parole period and mandatory life imprisonment for a second offence. Sometimes the safest way we can protect our children is to have these people in prison for a very, very, very long time and that is what we are committing to tonight.