



Speech by


Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Wednesday, 20 June 2012

CRIMINAL LAW AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.31 pm): I present a bill for an act to amend the Criminal Code, the Corrective Services Act 2006, the Criminal Law Amendment Act 1945, the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000 and the Youth Justice Act 1992 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Law Amendment Bill [\[364\]](#).

Tabled paper: Criminal Law Amendment Bill, explanatory notes [\[365\]](#).

I am pleased to introduce the Criminal Law Amendment Bill 2012. The bill fulfils the Queensland government's pre-election pledge that within our first 100 days of forming government we would toughen the sentences for evade police, murder and serious assaults committed upon Queensland police officers. The bill also contains an amendment to abolish Queensland's Sentencing Advisory Council. The bill adopts a tough, new approach to the handling of life sentences for murder through amendments to the Criminal Code and the Corrective Services Act 2006. The amendments increase the non-parole period for the offence of murder from 15 years to 20 years imprisonment and apply a new 30-year non-parole period for multiple murders. These increases ensure that the punishment for murder fits the severity of the offending and communicates the gravity of this most heinous crime.

The bill delivers on this government's commitment to provide strengthened protection to police officers acting in the performance of their duties, in particular our pledge to deal specifically with the murder of a police officer. Police officers perform a vital role in protecting our community and in maintaining civil authority. These men and women perform their duties each day in the face of inherent dangers and high-risk situations. Criminals who murder police officers must face tough punishments.

The bill amends the Criminal Code to insert a new minimum non-parole period of 25 years imprisonment for the offence of murder where the victim was a police officer. The bill also amends section 340 of the Criminal Code which provides the offence of serious assault. The offence is amended to increase the maximum penalty for the serious assault of a police officer from seven years imprisonment to 14 years imprisonment in circumstances where the offender bites, spits on or applies any bodily fluid or faeces to the police officer or where the assault does the police officer bodily harm. The higher penalty will also apply where the offender is armed with any dangerous or offensive weapon or instrument.

The bill amends section 754 of the Police Powers and Responsibilities Act 2000, which creates an offence for failing to stop a vehicle when the driver of the vehicle has been directed to do so by a police officer. The rationale behind the creation of the evade police offence was to create an alternative to police pursuits and to ensure that a sufficient deterrent exists in light of the move towards a more restrictive police pursuit policy. However, the offence can only operate as an effective alternative to police pursuits if its deterrent value is maintained through the imposition of sentences that reflect the inherently dangerous nature of the conduct involved.

There has been a sustained decrease in the number of police pursuits and, as a consequence, less related deaths and injuries. But the number of people failing to stop for police has increased every year since 2007. In a 2011 report, the Crime and Misconduct Commission found that between July 2006 and June 2010 the most common penalty for evading police was a fine of \$300. The CMC also found that a period of licence disqualification was only imposed in approximately one in every five cases. Mandatory disqualification periods already exist for a wide range of other traffic offences. The bill amends the offence for evading police by inserting a mandatory minimum penalty of \$5,000 by way of fine and a two-year disqualification from holding or obtaining a driver's licence.

Finally, the bill also amends the Penalties and Sentences Act 1992 to abolish the Sentencing Advisory Council. While the council has a broad range of statutory functions, the main focus of its work has been in law review. This duplicates the functions that the Queensland Law Reform Commission was established to carry out. Abolishing the council will achieve a more efficient use of public resources through the rationalisation of law reform functions across government. The bill signifies our intention to be tough on crime and to strive to ensure that adequate punishments are being handed down by the courts to serious criminal offenders. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.36 pm): I move—
That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.