




Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 21 August 2012

CRIMINAL LAW AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.14 pm), in reply: At the outset, I thank all honourable members for their contributions to the debate on the Criminal Law Amendment Bill 2012. In particular, I thank my colleagues on the government side of the House. This bill fulfils the Queensland government's pre-election pledge that within our first 100 days of forming government we would act to toughen the sentences for evading police, murder and serious assaults committed upon Queensland's fine police officers. The bill further signifies our intention to be tough on crime and to strive to ensure that adequate punishments are handed down by the courts to serious criminal offenders. In particular, the bill adopts a tough new approach to the handling of life sentences for murder and provides strength and protection to police officers acting in the performance of their duties.

The bill amends the Criminal Code and the Corrective Services Act 2006 to increase the non-parole period for the offence of murder from 15 to 20 years imprisonment and to apply a new 30-year non-parole period of imprisonment for multiple murders. The Criminal Code is also amended to insert a new and specific minimum non-parole period of 25 years imprisonment for the offence of murder where the victim was a police officer. Criminals who murder police officers must face the tough punishments. Police officers perform a vital role in protecting our community and in maintaining civil authority. This government recognises that police officers perform their daily duties in the face of inherent dangers and high-risk situations.

Further, the bill amends section 340 of the Criminal Code, increasing the penalty for the offence of serious assault against police officers from seven to 14 years imprisonment in the circumstances where the offender bites, spits or applies 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 or pretends to be armed with any dangerous or offensive weapon or instrument.

One of the most dangerous activities a police officer can become involved in is a police pursuit. The alternative to police pursuits is to take enforcement action against offenders who choose to evade police and who fail to stop when directed. Under the Police Powers and Responsibilities Act 2000, the evade police offence was established to create such an alternative. The bill amends section 754 of the Police Powers and Responsibilities Act 2000 to introduce a mandatory minimum penalty of \$5,000 and a two-year licence disqualification for the offence of evading a police officer. The bill recognises that this 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. Finally, the bill amends the Penalties and Sentences Act 1992 to abolish Queensland's Sentencing Advisory Council to achieve a more efficient use of limited public resources through the rationalisation of the law reform functions across government.

I turn to a few of the matters addressed by members in the House. The Leader of the Opposition again talked about mandatory sentencing. We heard the same spiel when the Leader of the Opposition talked about the two-strike policy that we introduced and passed a few weeks ago. The shadow Attorney-General talked about mandatory sentencing not being supported by legal circles and that it does not take

into consideration extraordinary circumstances. She said it reduces the likelihood that juvenile offenders can be rehabilitated and may increase court waiting times. She said she wants an undertaking that the effects will be monitored.

The problem that we have had in Queensland politics is that, for the past 20 years, the Labor Party did not take these tough decisions. It did not take the tough decisions that the community wanted in terms of sentencing. I find it really amazing that the Leader of the Opposition talks about the negative impacts of mandatory sentencing, yet she was part of a government that was in power for 20 years. Why didn't they get rid of mandatory life imprisonment for murder? We have mandatory life imprisonment for murder. Every time Labor Party members jump up in this place and say how abhorrent mandatory sentences are, I ask why, in the past 20 years, didn't they get rid of the 'abhorrent' mandatory life imprisonment for murder? In this country we are the only jurisdiction that has mandatory life imprisonment for murder and certainly the LNP will not change that. In fact, we are increasing the non-parole period.

So the Labor Party can come in here and talk about mandatory sentencing. They say that the lawyers and judges do not like mandatory sentencing, yet they were in power for 20 years and they had the opportunity to get rid of mandatory sentencing and mandatory life imprisonment for murder but they did nothing because they know that the community supports these types of penalties and punishments for the most serious offences and offenders in our community. The LNP is very certain that this is what the community wants us to do and that this has community support. These commitments were announced during the election campaign and the public had a chance to vote on them.

The Leader of the Opposition criticised us for singling out a particular group of officers who are protected by this—that is, the police. What they are referring to is the mandatory non-parole period if you murder a police officer in Queensland increasing to 25 years and the mandatory non-parole period for serious assaults on police officers increasing from seven years to 14 years. I think the members for Rockhampton, Bundamba and Woodridge raised the same issue.

We are committed to ensuring that Queensland criminal law provides the protection required by police officers acting in the performance of their duties. We specifically pledged to deal with that issue. I have also said that if this law proves to be a success—that is, if it sets an appropriate deterrent for serious assaults on police officers and we see results in terms of serious assaults on police officers statistically going down, which we intend it to do—then there may be a capacity to broaden the scope of who it applies to. There was an issue raised during the debate on this in the public domain in terms of ambulance officers, but I firmly hold the view that what the government has done in introducing this law and concentrating on police officers is the right step. When things go wrong in our communities and there are serious issues where people are potentially in danger, we all step back as a community and we send the police in. They have an obligation as part of their job to go into the dangerous situations, and I think the government ought to offer them a better level of protection than is afforded to them currently, and that is why we chose police officers. I do know that ambulance officers, particularly in the nightclub districts, play a vital role in terms of first response, but it is generally the men and women in blue on the beat, and I thank them for the service they provide for Queensland and the role they play.

We certainly will have a watching brief on this law. If it can be shown that the law is working as we set out to achieve, then we may broaden the scope to other emergency services workers. But, at the moment, I think it sufficiently covers police officers because police officers are there to maintain civil authority. The inherent dangers that are associated with the role of a police officer obviously ought to be diminished here by these new laws and this should set an appropriate deterrent.

The opposition leader also raised the issue of the abolishment of the Sentencing Advisory Council, and she quoted some remarks I had made in the *Hansard* in support of the establishment of the Sentencing Advisory Council. I accept that. However, we have to respond to what we have been dealt with, and I can give the opposition leader 65 billion reasons why I have abolished the Sentencing Advisory Council and it has to do with debt, deficit and deniers in Queensland. We are not deniers of the debt. We know that there is a \$65 billion debt. We know that if things had kept going and we had not changed things we would have had a projected \$100 billion debt. We certainly know that we have a job to do in paying down the debt and getting Queensland's finances back on track. I talk to the business community. The Premier and I had a meeting with a business advocacy group today, and they certainly endorse the government's position because they know that, if we get things back on track and make the tough decisions now, Queenslanders will have a prosperous future, whether that be in their businesses or their type of employment. So although I did support the establishment of the Sentencing Advisory Council, I certainly support the abolishment of the Sentencing Advisory Council as a savings measure and because there is a duplication.

If we look at what the Sentencing Advisory Council achieved over its short life span, we can see that there was certainly a lot of outsourcing going on from the former government at the time. I note that Cameron Dick, who set it up, and Paul Lucas certainly did not want to make the tough decisions so they referred everything to the Sentencing Advisory Council. I recall with one of the particular issues—I think it

was the mandatory non-parole periods for particular offences—the Sentencing Advisory Council made X amount of recommendations, and the Attorney at the time, Paul Lucas, stood up here and said, ‘We thank them for their report but we actually do not accept their report.’ The Sentencing Advisory Council in fact did not really accept its own report because it said, ‘We don’t believe in mandatory non-parole periods but here’s our recommendation to introduce it.’ So we had a report that said, ‘The Sentencing Advisory Council doesn’t believe in it but we’re reporting on it anyway,’ and we then had the former Attorney come in here and say, ‘Thank you for all the time you spent on the report. The community does not accept mandatory non-parole periods. I have set up my own review.’ So Lucas went away and set up his own review, despite having the Sentencing Advisory Council. Then, lo and behold, just before the election he introduced a bill endorsing the Sentencing Advisory Council. What a bureaucratic nightmare.

Governments are elected to make decisions. Governments are elected to be divisive—sorry, decisive in their decision making—

Ms Palaszczuk: Is that divisive or decisive? Are you taking interjections? Divisive or decisive?

Mr BLEIJIE: No, you are divisive; that is the only thing. We are getting on with the job. We announced during the election campaign that there would be tougher penalties for police assaults. In terms of the Sentencing Advisory Council, we have the Queensland Law Reform Commission for major law reform issues. I can refer things to the Law Reform Commission if I believe that particular laws need modernising, and we are looking at a range of those at the moment.

Minister Stuckey raised the issue of getting tough on crime and she said that we have not seen that for many years in Queensland. I think the Gold Coast members particularly understand this more than any, with respect to the death of Damian Leeding. It was good to see that support was shown during the debate by purchasing ties from the member for Coomera. He was a good salesman because I think everyone bought a tie from him to raise money.

Mr Johnson: They weren’t game not to.

Mr BLEIJIE: That is exactly right. The women were able to buy a scarf, and I recall when the member for Coomera was selling the ties and scarves in our party room that I did ask if they sold pocket chiefs in that particular fashion but they did not so I bought the tie anyway. It was great to support the member for Coomera in his campaign. I think Gold Coast members particularly know more than others the impact caused by the death of a police officer.

In another spirited debate from the member for Logan—and I thank him—he talked about the police being the guardians of the law. I like that expression. I have not heard it used too often but I do like it. He said that hooning is affecting the sanctity of the electorate of Logan. We are dealing with evading police, and the member will know that we are going to introduce the hooning policy as well for crushing cars so that will be one for him to get involved in also. Hopefully then we will be able to assist the good constituents of Logan. The ones who have their cars crushed and confiscated and the ones who evade police will be up for this mandatory penalty.

The member for Ipswich West raised the issue that the victims of murder have no release date, and I think that is quite pertinent in this debate. As he said, their families carry a heavy burden for the rest of their lives. He said that the loss of licence will sing loud to those young offenders, and I think that is what we are on about here.

The member for Rockhampton said that there was no coherent reason for the dissolution of the Sentencing Advisory Council. As I said to the Leader of the Opposition, I can provide the member for Rockhampton with 65 billion reasons why I am tonight abolishing the Sentencing Advisory Council officially—that is, to get rid of the waste, inefficiencies and duplication created by the Labor Party. That is why we are doing this. We do not outsource our government in terms of advice. There are 78 of us in here on the Liberal National Party side who were elected to govern for the interests of all Queenslanders, and we are getting on with the job of doing that.

I note that during the debate the member opposite was asking whether judges retain a discretion, and I note he had to check with the member for South Brisbane on that point. Judges will not retain a discretion. It is a mandatory penalty, so there is no discretion there. I dealt with the issue that the member for Rockhampton raised about the distinction between the life of one individual over the life of the other in terms of a police officer. I think police officers are put in inherently dangerous situations and should be provided with better protection in the law.

The member for Toowoomba North talked about the message that this sends to would-be criminals. I thank the member for Condamine, who is the chairman of the committee. He did a fantastic job. I understand and appreciate the heavy legislative burden that we have placed on the legal affairs committee. I do thank the members of that committee.

Mr Rickuss: He said you should push more bills his way.

Mr BLEIJIE: I am happy to accommodate the chairman’s request for more bills. We did it today with the holidays bill.

Mr DEPUTY SPEAKER (Mr Berry): Order! There is too much audible conversation. Can we please keep it down?

Mr BLEIJIE: I do thank all members of the committee. It is a legislatively burdensome committee. There is a lot of legislation. If members look at legislation that has been introduced in this place in the last 150 days they will see that about 95 per cent has been in the Law, Order, Justice and Attorney-General portfolio. I know it is a burden for them, but I thank them for doing such a tremendous job. I cannot offer them any reprieve in the next three years because it is only going to get a lot busier as we continue with the Liberal National Party's positive six-month action plan to get Queensland back on track.

The member for Broadwater, who is on the committee, talked about the fact that governments are committed to responding to people and ensuring that sentences reflect community expectations. I do that when I direct appeals to be lodged against particular sentences in Queensland. I do take on board whether the particular sentence sets a deterrent and whether the particular sentence is in line with community expectations. As elected officials—elected parliamentarians—we have to respond to communities. I agree with the member for Broadwater. We respond to our communities. We change the laws. The judiciary administers and interprets the laws, but ultimately we make the laws.

The member for Burdekin said that it was about time there was a stance taken on crime and police officers were given the respect they deserve. I concur with the member's sentiments in that police officers and victims of crime have not had a fair share in the last 20 years, but we are righting that wrong tonight.

The member for Morayfield took this as a good opportunity to spruik the work of his local police officers and thank them for the work they do. He told stories of local officers. As it currently stands, there is more incentive to evade police officers and this amendment will change that. I think he is referring to matters in his electorate. I thank him for bringing those matters here. The member for Bulimba—Bundamba, sorry—

Mr Rickuss: That is a real offence, mixing Bulimba and Bundamba.

Mr BLEIJIE: I know, and I apologise to the member for Bulimba for that. I thank the member for Bundamba for her interesting contribution to the debate. Unfortunately I was not present in the chamber for her speech, but I caught a bit of it online. While I was not intently listening, it was on in the background. I saw a vision of her on the TV in the background. If I am advised correctly, the member for Bundamba was talking about me screeching or squawking—

Mrs Miller interjected.

Mr BLEIJIE: I take the interjection. If it was someone else the member was squawking or squeaking about—the only one screeching in this place is you, member for Bundamba; the only one who screeches in this place—

Mrs Miller interjected.

Mr BLEIJIE: I am telling you now, the member for Nicklin and the member for Bundamba are on a par at the moment in terms of the squawking. They are a bit of a tag team in screeching.

Ms Palaszczuk interjected.

Mr BLEIJIE: I thank the Leader of the Opposition.

Mr DEPUTY SPEAKER: Order! There is too much background noise.

Mr BLEIJIE: The opposition leader wants me to return to the bill. I am actually talking about her member's contribution to the debate. It was a bit of a squealing, screeching act. I am responding to the theatrical performance the member for Bundamba gave and I think it is appropriate. I have responded to lots of members. I think I ought to show the member for Bundamba the same commitment that I showed to other members who contributed to the debate.

The member for Bundamba talked about the government from 1919 to 1925 that was reportedly tough on law and order. I say to the member for Bundamba that it is a real pity that the tough law and order stance of the former Labor Party from 1919 to 1925 has been so badly trashed by the modern Labor Party over the years. They certainly did nothing for the victims of crime in the last 20 years—nothing in terms of toughening up law and order.

I thank the member for Coomera for his contribution and for the campaign that he conducted to raise money. How much money did you raise?

Mr Crandon: \$3,150.

Mr BLEIJIE: Hear, hear! The member for Coomera raised \$3,150 for the Damian Leeding Foundation from the ties and scarves he sold.

I always enjoy the contribution of the member for Gregory. He talked about the community being sick and tired of the louts and hoons running rampant in society. I concur with the member's sentiments. The Minister for Local Government talked about how this impacts regional Queensland, which is important. The member for Greenslopes talked about working on the front line in the police force. There are a couple of former police officers in this parliament, and all know only too well how this bill will impact positively on their former colleagues in the police force.

The member for Woodridge raised no arguments that had not already been raised by other members of the Labor Party. The member for Burnett talked about the evading police provisions and about a 13-year-old and a married couple who were killed in separate incidents by offenders who were attempting to evade police. It is always interesting to hear personal stories from members in this place.

The question that the member for Gladstone raised was: will a frightened girl not stopping for police on a deserted road be captured by the evading police provision? That is similar to what the member for Beaudesert and I were talking about. The member for Gladstone was talking about a frightened girl and the member for Beaudesert was talking about 'Leadfoot' Betty not wanting to pull over for police on the suspicion that it was in fact not a police car. I reassure members that section 754 of the Police Powers and Responsibilities Act says that the driver of a motor vehicle must stop the vehicle as soon as is reasonably possible if a reasonable person would stop the motor vehicle in the circumstances. Police will still have a discretion as to whether they charge someone with the offence, as they have generally with every other offence. Additionally—and I had a conversation with the member for Beaudesert about this—there is an offence of mistake of fact contained in the Criminal Code. Under that defence, if a person was under a mistaken belief that it was not a police officer pulling them over, they may have a complete defence to the charge. These current provisions, both in the Police Powers and Responsibilities Act and the Criminal Code, will be sufficient to safeguard against any of those issues arising.

The member for Gladstone also raised the issue of whether the higher penalty will apply to a corrupt cop. I can advise the member for Gladstone that the police officer must have been in these circumstances performing their duties and the offender must have known or ought reasonably to have known that they were a police officer, or must have killed the police officer for no other reason than that they were a police officer, or must have killed the police officer in retaliation for actions they undertook in the performance of their duties. This legislation is not intended to capture a corrupt cop acting outside the scope of his or her duties. A situation like this would likely result in a murder charge without a circumstance of aggravation and would still attract a minimum non-parole period of 20 years.

I thank the Minister for Police and Community Safety for his support for this sort of bill which addresses two issues, one in the Department of Justice and Attorney-General and one in the Department of Police and Community Safety. I thank the Minister for Police for that.

The member for Capalaba related a personal story of his wife's father. I think this is what parliament is all about. People elected to this place come from different political persuasions, have different beliefs and backgrounds and have different personal lives. We are all challenged in some way or another with personal circumstances. I thank the member for Capalaba for his contribution. I recall last year going to the Queensland Homicide Victims Support Group event where they lay out the shoes of murder victims. It is really compelling and sad. In fact, that is what spurred me a year ago, when I was shadow Attorney-General—and meeting Ross Thompson from the Queensland Homicide Victims Support Group—to really start looking at these laws and how we could toughen up the non-parole periods and make sure that criminals serve more time in prison than they currently do.

We know that under the current law a person convicted of murder is given a mandatory sentence of life imprisonment but they are eligible for parole after 15 years. This bill changes that non-parole period from 15 to 20 years. It abolishes the Sentencing Advisory Council. It introduces a mandatory minimum penalty of \$5,000 and a two-year licence disqualification for the offence of evading police under section 754 of the Criminal Code. Also, the bill increases the non-parole period for multiple murders from 20 years to 30 years and inserts a new minimum non-parole period of 25 years for the offence of murder if the victim was a police officer in the line of duty. Finally, the bill confirms the government's commitment to increase the maximum penalty for the offence of serious assault of a police officer from seven years to 14 years imprisonment.

I thank all honourable members for their contributions. I think the passage of this bill tonight is a great news story for Queensland. I think it is a great news story for regional Queensland. It is great news for our police officers—men and women who are on the front line working very hard to ensure that the communities we serve are protected and safe from criminals and would-be criminals. I think it is a just law in terms of giving police the appropriate protection and setting a deterrent that they require and so deserve.

I think it is appropriate that murderers serve more time in prison. I think the community expects more from legislation in terms of mandatory life imprisonment. The issue is always raised that life imprisonment

is not really life when there is non-parole period of 15 years. We are not changing that; however, we are increasing the non-parole period. So the upshot is that murderers will serve more time in Queensland prisons. People who commit double murders will serve at least 30 years without parole and those who murder a police officer in the line of duty will serve at least 25 years without parole.

I thank all members on the government side for supporting these tough initiatives. I thank their constituents who support these initiatives. This all goes to making sure we get Queensland back on track and support the victims of crime, as opposed to the Labor Party's stance of always supporting the offenders over the victims.