



Speech by


**Jo-Ann Miller**

**MEMBER FOR BUNDAMBA**

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## **CRIMINAL LAW AMENDMENT BILL**

 **Mrs MILLER** (Bundamba—ALP) (3.13 pm): I rise to contribute to the debate on the Criminal Law Amendment Bill 2012. As the Leader of the Opposition has indicated, we will not be opposing this bill but we have a number of concerns about some of the matters contained in it. The bill contains a number of increases to the mandatory minimum non-parole period for murder. Since 1922 in Queensland, when the Theodore Labor government showed that it was more than 30 years ahead of any other state and abolished the death penalty, the penalty for murder has been life imprisonment. Currently, the Corrective Services Act 2006 mandates that a person convicted of murder will not be eligible for parole for at least 15 years. This bill amends that act to increase the mandatory non-parole period to at least 20 years. This is a standard provision and applies equally to everyone.

The committee received a number of submissions in relation to this bill. Many of those submissions expressed concerns about the increase in the mandatory minimum non-parole period. The Leader of the Opposition spoke of the Chief Justice making a submission on behalf of the Supreme Court and mentioned that this was, and I quote, 'unusual'. That caused an amazing outburst from the Attorney-General, who questioned the Chief Justice's observance of the doctrine of the separation of powers. In my view, the submission from the Chief Justice was totally appropriate and it is a shame that the Attorney-General had not acquainted himself fully with its contents before his outburst. The Chief Justice said—

The Judges adopt the position that it is generally inappropriate for them to comment on matters of policy. The determination of government policy and the content of legislation are the provinces of the executive and legislative branches respectively. It is inappropriate for the courts and their members to be involved in debates about the merits of legislation and executive action. However, on occasions I will make submissions to a Minister, Parliamentary Committee or Law Reform Commission where proposed legislation or executive action affects the institutional workings or integrity of the courts, or has implications for their resources.

The following submission is limited to such matters.

The Chief Justice then went on to outline—

... the increase in the—

mandatory—

non-parole period for murder ... may have resource implications for the Department of Community Safety.

He was concerned that—

... any additional resources required to accommodate prisoners for longer periods will not be at the expense of the courts and services which support the courts in the administration of the criminal justice system, such as probation and parole services which assist in the rehabilitation of offenders and thereby enhance community safety.

As he pointed out—

The Explanatory Memoranda for the Bills state, 'Any costs in relation to the amendments will be met from existing agency resources'.

I urge the Attorney-General to consider this point raised by the Chief Justice and to ensure that the courts are not adversely impacted by such changes.

The Queensland Law Society, in its submission to the committee, outlined a number of concerns about mandatory sentencing in particular—and there are three points—

... mandatory sentencing encourages judges, prosecutors and juries to circumvent mandatory sentencing when they consider the result unjust. In some circumstances when an offender is faced with a mandatory penalty, juries have refused to convict. Furthermore, prosecutors have deliberately charged people with lesser offences than the conduct would warrant to avoid the imposition of a mandatory sentence. In effect, this shifts sentencing discretion from an appropriately trained and paid judicial officer to a prosecutor. This process is called 'de-mandatorising'.

The inevitable increase in prison population as a result of the mandatory sentencing is one of many additional costs to the community without any commensurate benefit.

Mandatory sentencing reduces the proportion of pleas of guilty, thus increasing court costs, court delays, prosecution costs, defence costs and the stress upon victims and other witnesses.

The possibility that an offender may plead not guilty in the hope that they may be convicted of a lesser offence of manslaughter may lead to increases in delays for trials. This causes undue hardship for families and friends of victims, for witnesses, and may lead to increased backlogs in the courts. I urge the Attorney-General to monitor this to ensure that this is not an unintended consequence of these proposed changes.

The proposal to increase the mandatory minimum non-parole period for multiple murders to 30 years is also not opposed, although the same concerns remain. Again, I urge the Attorney-General to monitor this. However, the increase in the mandatory minimum non-parole period for murder of a police officer in the execution of their duty causes some concern for the opposition.

We consider all life to be sacred. Every person has an inherent dignity. The murder of an individual in our society can only be regarded as the most heinous of all crimes. The murder of a person as they go about their work is something that fills us with absolute horror. Earning a living, having the capacity to provide for yourself and your family without fear of harm, is one of the most fundamental human rights that should be recognised by governments everywhere. But we can see no justification for drawing any distinction between police officers killed in the execution of their duty and any other public officer who is killed in similar circumstances.

The disgraceful interjection from the member for Stretton, who last sittings accused the Leader of the Opposition, when she raised this issue, of saying it was all right to kill her son was a complete embarrassment to everybody in this parliament. How she could have discerned that from the Leader of the Opposition's speech defies logic. However, I challenge the Minister for Communities, Child Safety and Disability Services to explain to this House why a person who kills a child safety officer who is trying to rescue a child from an armed parent should receive any lesser penalty than someone who kills a police officer in the execution of their duty. I also challenge the Minister for Health to stand in this House and explain why someone who kills a psychiatric nurse in a mental health unit at one of our hospitals should receive a lesser penalty than someone who kills a police officer. I challenge the Minister for Police and Community Safety to stand in this House and explain why a prisoner who kills a Corrective Services officer in one of our jails should receive a lesser penalty than someone who kills a police officer, or someone who kills a paramedic or one of our great ambos trying to give assistance to a victim of a crime should receive a lesser penalty. I challenge the Minister for Police and Community Safety to explain why someone convicted of abducting a young child from the side of the road, torturing them and committing gross acts of sexual depravity on them should receive a lesser penalty than someone who kills a police officer, or someone who kills a mother of three children and disposes of their body in bushland near their home should receive a lesser penalty than someone who kills a police officer.

Before the member for Stretton bleats and screeches the way she did the last time—deary me, what a oncer we have in the member for Stretton!—this does not make the killing of a police officer any less serious. This does not demean in any way the dangerous work that they do and the fact that some police officers take their lives into their own hands every time they don their uniform and go out to work. It just says that the taking of any human life is abhorrent and should be treated in the same way. In relation to the fires and the ambos, who had a protest out in front of the parliament this morning—

**Ms Bates** interjected.

**Mrs MILLER:** Dear, oh dear! Here we have the parrot spruiking again.

**Madam DEPUTY SPEAKER** (Mrs Cunningham): Order!

**Mrs MILLER:** Thank you for your protection. They had to protest out in front of the parliament this morning because you lot in the LNP are just making their lives horrendous. None of you went out there because you are absolutely gutless.

**Madam DEPUTY SPEAKER:** Member for Bundamba, would you please direct your comments through the chair.

**Mrs MILLER:** Tell Bob, Russell, Jason, John, Sean, Kerry Henderson, United Voice ambos and Webby, and hundreds of our fires across the state that their lives are worth less. What did the Deputy Premier, this shameful man, have to say about the hundreds if not thousands of ambos and fires outside the front? Jeff Seeney was reported on Twitter as saying, 'Those people are really wasting their time.' How dare he! Shame on the lot of you. You are a disgrace!