




Speech by

Peter Wellington

MEMBER FOR NICKLIN

Hansard Wednesday, 1 August 2012

PENALTIES AND SENTENCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WELLINGTON** (Nicklin—Ind) (3.45 pm): It gives me a great deal of pleasure to rise to participate in the debate on the Penalties and Sentences and Other Legislation Amendment Bill 2012. I note that my dissenting report is included in the committee's report for members to consider. The Attorney-General's opening sentence in his introductory speech states—

The Penalties and Sentences and Other Legislation Amendment Bill 2012 delivers on two of the government's key pre-election commitments.

That may be the case, but the concern for me is that the devil is always in the detail. I think the facts speak for themselves. The bill was introduced into parliament on 11 July. It was given a reporting date in *Hansard* the next day, 12 July, and the government set submissions to be received from interested groups within five days, by 17 July, which led to the bill now being debated in the chamber. I think that short time frame is a sham. It is a disgrace when this government has such a massive majority. This government can introduce legislation whenever it chooses without any fear of objection or interference and yet it chose to set such a ridiculously short time frame to push this bill through so there was not the capacity for Queenslanders and interested parties to scrutinise the detail.

We know what the Premier said and we know the pre-election commitments. That is on the record. What has not been on the record until the bill was introduced was the detail. In the previous parliament we saw significant change to the way the committee system operated. The then opposition spoke in glowing terms about how this was a new way forward, how the new committee system would allow Queenslanders, interested groups and members of parliament from government, the crossbenches and the opposition to really be involved and to be apprised of information after a genuine investigation of the proposed bill.

I will quote from the comments of the member for Callide, Mr Seeney, then an opposition member and now Deputy Premier, at the time the debate was occurring—

What is included in this legislation was a fundamental change in the way in which legislation is introduced into this House, a fundamental change in the way in which legislation is considered in this place, a fundamental change in the role of members of parliament who serve in this parliament and a fundamental change in the way in which the general public are given opportunities to respond to legislation before it becomes law.

These are the Deputy Premier's own words. He then went on to state—

It has long been the criticism of people, sometimes within this chamber, in commentating on the Queensland parliament that there is no proper system of review. Given that this is one of the few parliaments that does not have an upper house, that criticism can often be seen as having some justification. One of the points that I think is important to make about the changes to the legislative process that this bill seeks to put in place is the review processes that it will bring to the consideration of legislation.

The Deputy Premier went on to say that it was all about ensuring that the legislative process was changed so that there was a capacity for genuine consideration of the fine detail. Can I say that what we have seen with the way the Attorney-General has introduced this bill and pushed it through is a total sham. I think it is an appalling example of how this government is abusing the mandate Queenslanders gave it such a short time ago.

I will move to the issue of consultation. We can ask whether the government genuinely wants to have consultation or whether it just wants to go through the motions. Does it just want to say that it has had consultation and then move on? I note the detailed report that the committee produced is on the record and I hope members have a chance to read it. The Queensland Law Society made a submission. Yes, the committee contacted interested groups and asked them whether they could make a submission. What did the Queensland Law Society say? They stated—

While we acknowledge that the setting of reporting dates is not within the control of the Committee, we wish to note the Society's deep concern over the exceptionally short reporting timeframes. This Bill was introduced on 11 July 2012, reported in Hansard on 12 July 2012, with submissions due by 17 July 2012. Therefore, only four business days were provided for responses to this omnibus Bill which proposes amendments to several pieces of legislation. This is concerning especially because the Explanatory Notes to the Bill state that there has been no public consultation on the amendments in the Bill. In addition, we have received reports that other legal practitioners would have been minded to make submissions, had the consultation timeframe been longer.

This is the Queensland Law Society. Does this government genuinely want people who are busy in their own right to make comments, or is it simply more tokenism from this government? We know clearly that this government can control when bills are introduced and how long Queenslanders have to comment on them. So the Queensland Law Society is wondering whether it is worth their while: 'We'll do the best we can. We're busy people in our own right but we're keen to make a contribution if the government genuinely wants to engage with us. Or is this just more tokenism?' Is this the tokenism that was so often raised in the last parliament by the then opposition and now the government? It is amazing how quickly the tide can turn.

I take members to the Queensland Council for Civil Liberties. What did they say? They made similar comments, and this is all in the report if members are interested. They stated—

The complete lack of consultation is further compounded by the fact that the Bill was introduced on 11 July 2012. We were advised of the inquiry at 3:17pm on 12 July 2012 and submissions closed on 17 July 2012.

The Queensland Council for Civil Liberties, whether you like them or not, are a purely voluntary organisation. Like all other volunteer organisations, they do not have the resources to address complicated issues in such a short period of time. They stated—

The committee report also said that the lack of consultation was also highlighted by the Queensland Council of Unions.

I know some people do not like the Queensland Council of Unions but, by crikey, does the government want to consult or not? Is this a government for all Queenslanders or a government for vested interests?

Mr Bleijie: All Queenslanders.

Mr WELLINGTON: Well, actions speak louder than words, Mr Deputy Speaker. The way that this bill was introduced and pushed through this parliament shows clearly that this government's actions do not represent the words the Attorney-General is saying.

I also note that the committee's report referred to the Bar Association of Queensland. The Bar Association of Queensland considered that an inadequate consultation period had been allowed in which to make submissions to the bill. I do not know how genuine the government is when it says that it wants to consult with Queenslanders. Does it just want to go through the motions?

I note the committee's recommendations and, yes, it recommended that this all be passed. On the final page of the report before the recommendations section, the committee stated—

In relation to the period for consultation which the Committee has been able to provide with stakeholders and members of the public, after the introduction of the Bill into the House—the Committee also considers that this process would have been enhanced if greater time was allocated for consultation.

I believe that this is a very polite way of saying that the committee needed more time. I also note that further in the committee's report on page 25 it talked about the cost consideration and the distribution of the levy. This is the levy that we have heard a lot about, the offender levy. What did the Supreme Court say about the possible implications? The Supreme Court of Queensland said—and again it is in the report—

The introduction of the 'Offender levy' will have resource implications for court registries.

I do not know how many people have rocked up at a court registry and then how long it has taken them to be served and how long the registries are able to turn material around in. I get back to the Supreme Court's response. They said—

The introduction of the 'Offender levy' will have resource implications for court registries. The proposed section 179F of the Penalties and Sentences Act requires the 'proper officer of the court' to provide particulars in relation to the levy to the State Penalties Enforcement Registry.

They continued—

The Offender levy is expected to generate substantial revenue for the State, but this will come at a cost in terms of human and other resources in our registries.

The committee noted—

In response the Department provided that *'resourcing for this function will be a matter for consideration in the context of departmental allocations as part of the 2012-2013 State Budget'*.

Members, do you really think the government is going to give the court some more resources to process this? Can I say that I think this is a sham. I think the Attorney-General should be disgusted with the way he has introduced this bill. I think the Attorney-General can do better and I think Queenslanders expect this government to do better. I am not going to comment further on my dissenting report; it speaks for itself. All I can say is that if we see more of this the day will come when key stakeholders in Queensland will say, 'What's the use of commenting on the government's proposed bills if the government is not even going to give us a reasonable amount of time to make informed comments in?'