



Speech by


# Stephen Bennett

MEMBER FOR BURNETT

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## CRIMINAL LAW AMENDMENT BILL

 **Mr BENNETT** (Burnett—LNP) (4.07 pm): I rise to support the bill and to make a contribution to the debate on the Criminal Law Amendment Bill 2012. One of the important issues we have, especially with this government's mandate, is the enormous challenge we have inherited. Graciously, we have been charged with this great honour and responsibility by the people of Queensland. They have placed their trust in us. We will be, and we are, delivering.

Many constituents in my electorate of Burnett have been lobbying for tougher sentencing, particularly for evading police and serious assaults on emergency workers, including those serving the Queensland Police Service. Surprisingly, this is a difficult issue, but it is a credit to a strong government that we have immediately addressed it. There is a real difference in a conservative government. We are not afraid to implement tougher sentencing measures. We will not shy away from the real and meaningful impacts on crime. We will respond to the concerns of the greater silent majority of our community.

The feedback from my community's meetings, in particular the Neighbourhood Watch meetings in the Burnett, is that this legislation is long overdue. The provisions of clear legislation will leave no doubt in public and criminal sentencing. I have received good feedback from my electorate in relation to this legislation. The feedback is that for crimes that are referenced in the bill certainty is what we are seeking, and that is what is being delivered—that is certainty that offenders will be adequately punished for their offences, certainty that there is now a deterrent to others from committing similar offences, certainty that the community will be safer from these offenders and certainty that offenders will be held accountable for their actions.

I have a special interest in the implementation of our pre-election commitment to strengthen sentences for serious offences. I endorse the LNP's pre-election commitments. This legislation amends the Criminal Code and the Corrective Services Act 2006 to increase the non-parole period for murder from 15 years to 20 years imprisonment for a single murder and from 20 years to 30 years imprisonment for multiple murders. It ensures that offenders are adequately punished for these offences. We as a society want punishments to prevent reoffending or, more importantly, to act as a deterrent.

In my electorate we have seen an increase in the number of assaults on police officers. Every time, the community outcry is loud and clear. As a result of this bill, sentencing laws will be clearer and easier for sentencing judges to apply. They will be better understood by all parties, including the general public. The Police Powers and Responsibilities Act 2000 will be amended to introduce the mandatory minimum penalty of a fine of \$5,000 and a two-year licence disqualification for the offence of evading police.

There are many reasons why society wants offenders punished. Members of the public generally want stronger sentencing. I am repeatedly reminded by my constituents that punishments must reflect the seriousness of the offences committed. This bill will prevent crime by making a public statement that these offences will not be tolerated. We are saying that we want to reflect consistency in the policy that we are being asked to deliver in legislation. In making stronger decisions in government we are delivering for our communities. Our communities have spoken. These crimes will not be tolerated.

Firstly, this bill ensures that the punishment fits the severity of the crime and promotes community safety and protection from serious offenders. The effective operation of the criminal justice system in relation to the murder of a police officer allows this bill to deliver on the government's pledge that Queensland's criminal laws will provide strengthened protection to police officers acting in the performance of their duties. The public confidence in our hardworking emergency services workers, in particular police, needs to be supported. This legislation will allow the government to support these front-line officers.

Police officers are unique in terms of the dangers faced by them in their line of duty. In contrast to other front-line professionals, police officers carry out their duties in an inherently dangerous environment and are vital to maintaining law and order. Appropriate deterrents against fatal harm are justified and expected. The offences in the Criminal Code involving serious assault cover a wide range of criminal conduct, from a verbal threat, a single punch or scuffle and blows causing bodily harm to biting and spitting where the assault carries the risk of an officer contracting an infectious disease. Just this week in my electorate another incident of an offender spitting on police was reported. We need to send a strong message. We only need to review the media to see the ongoing emerging trend of criminals assaulting emergency workers, including police—examples like that of a Gold Coast police officer who contracted a disease after being bitten and spat on during an arrest and who may no longer be able to have children of his own, or of my local sergeant in Bargara who suffered horrific injuries while trying to deal with a violent man resisting arrest.

There is an extensive list of criminal conduct covered by section 340 of the Criminal Code, which details many examples of serious assault. This bill restricts the penalty increase to the more serious category of assaults of police officers. My local paper this week reported another alleged assault of a police officer. The report alleges that the police officer, in the course of performing his duties, was tackled by six teenagers who held him down and bashed him.

Finally, regarding specific provisions of the bill, this bill proposes that an assault of a police officer under section 340 will attract a maximum penalty of seven years imprisonment. This is a significant statement addressing deterrence. Deterrence works through several mechanisms: likelihood of getting caught, severity of punishment and perceived public disapproval. The sentences proposed in this bill increase the effectiveness of severity as a deterrent. If potential criminals know that a mild sentence is possible, they are more likely to commit a crime in the hope that they might be able to charm a judge into sympathetically lowering their sentence. By establishing a set minimum punishment, a potential criminal with any knowledge of the penal code will know that, if caught, he or she will face substantial punishment for his or her crime. The people in my electorate want the law to have a reasonable deterrent effect which will reduce crime and therefore improve the overall standard of living. Do we need deterrence? Surely.

Between 2000 and 2009, 22 people died and 689 people were injured during or following police pursuits in Queensland. We need deterrents to stop the often tragic events that flow from engaging in a police pursuit. High-speed pursuits of evaders are some of the most dangerous activities in which police can become involved. It gets worse, because the statistics are getting even more tragic. Between June 2005 and July 2008, 10 people died in Queensland while police, attempting to intercept a vehicle, were directly engaged in pursuit or soon after the pursuit was abandoned. The alternative to police engaging in pursuit is to take enforcement action against offenders who elect to evade police and fail to stop when directed. It is important to remember that police do not start police chases; the criminals and evaders start the sometimes tragic pursuits. We have a duty to protect our community.

The proposed stronger penalties for those convicted of evading police will help police officers in doing their job of keeping our community safe. They are much preferred to high-speed chases of criminals on our streets. In 2010 the Queensland Coroner, Michael Barnes, made 13 recommendations relating to how police handle pursuits on public roads. Among his recommendations were the end to police pursuits of drunk or drug affected drivers and the increasing of penalties for those who evade police. Mr Barnes investigated the deaths of all 10 people killed during police pursuits between 2005 and 2008. Among the victims were a 13-year-old killed outside her Redcliffe school by a car driven by a drug driver being chased by police, and a married couple who died when the speeding vehicle trying to evade police struck their car from behind. It is no secret that recorded offences of evading police have risen significantly. With a growing awareness by offenders that police will not engage in pursuits when attempts to intercept fail, something has to give, and we have to weight that in the favour of the police.

Two of the components which deter individuals from engaging in criminal behaviour are apprehension and adequate punishment. The offence of evading police can only operate effectively if its deterrent value is maintained through the imposition of sentences that reflect the inherently dangerous nature of the conduct involved. The proposed amendments ensure that sentences imposed on offenders who commit the offence of evading police reflect the serious nature of the conduct and the risks that it poses and are in line with community expectations.

In short, the Criminal Law Amendment Bill proposes to keep criminals out of society for a longer period of time, thereby reducing their window of opportunity to commit crime. The community have waited for legislation like this for many years. They want to be safe and they also want to ensure the safety of hardworking police officers in doing their jobs. These maximum penalties are justified, if nothing else, to deter offenders. It is a pleasure for me to commend the bill to the House.