



Speech by

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CRIMINAL LAW (TWO STRIKE CHILD SEX OFFENDERS) AMENDMENT BILL

Mr WATTS (Toowoomba North—LNP) (8.01 pm): I rise to support the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill 2012. The bill amends the Penalties and Sentences Act 1992 and the Corrective Services Act 2006 to insert a new mandatory sentencing regime of life imprisonment with a 20-year minimum non-parole period for certain categories of repeat child offenders. In considering this bill I would like to acknowledge the work of the committee, the staff who support the committee and those who put submissions in to the committee for consideration. Several of those submissions talked about the rights and liberties of individuals and that the creation of a mandatory sentencing regime impacts on those rights and liberties and should never be entered into lightly. I believe that the Attorney-General has considered this in great detail and has not entered into this lightly. I believe that the two-strike element of this bill takes care of the rights and liberties of the individuals.

The protection of the young and innocent from repeat predatory sexual offenders is a priority of this government. We have been in a situation where the Labor element has been soft on crime on many levels. The sentences that have been handed out have reflected the legislation that has been put forward. I believe this bill will send a clear and strong message to the judiciary as to where we in the LNP stand. We will be tough on crime. I thank the Attorney-General for that.

The new sentencing regime represents a significantly greater punishment than is authorised under the current law, an increase that I support wholeheartedly. I have carefully considered the arguments put before the committee in light of the policy objective of the bill and endorse the recommendations of the committee and encourage the Attorney-General to consider those recommendations. Through the deliberations the committee noted the Liberal National Party's pre-election commitment—a commitment that I supported publicly and will always support—to toughen sentences for repeat child sex offenders. This bill balances their rights with those of the most vulnerable and innocent in our society, the children who have these heinous crimes inflicted upon them. I will always support the protection of children as a priority for the community.

The policy objective is clear. It is to amend the Penalties and Sentences Act to ensure that there is a regime of life imprisonment for certain repeat child sex offenders and to amend the Corrective Services Act 2006 to prescribe a minimum non-parole period of 20 years imprisonment for an offender sentenced to mandatory life imprisonment under the new repeat child sex offender sentencing regime.

The community has been outraged at the level of sentences imposed on people who sexually offend against our children. Community concerns have often centred around how insufficient the sentences that are being imposed are for this unlawful conduct. We at the LNP will be tough on crime and there can be few crimes that are more important to stop and be tough on than the nature of this crime.

Several of the submissions talked about the difficulties of imposing a non-parole period. One of those submissions was from the QPS. The submission proposed that a 20-year non-parole period may

actually encourage the offender to consider killing the child victim to evade punishment, the rationale being there is little incentive to leave a child witness alive. I thought long and hard about this submission. I do not believe the argument should be that we reduce the punishment for a repeat offender, but maybe this argument makes a case for increasing the sentence for murder of a child after committing a sexual offence on that child.

The QPS further submitted that there may be a reduction in reporting of child sex offences. I acknowledge the minister who just gave us the statistics on how low the reporting is currently. In particular, the QPS said, there may be a reduction in reporting where a witness makes a complaint with the aim of seeking to stop the offending conduct rather than to have the offender facing mandatory punishment. This is particularly relevant to families.

The QPS also submitted that there was a likelihood that more matters will be contested in court, leading to an additional impact on victims being subjected to more intense cross-examination and a greater impact on the courts and possible delays in matters being heard. Again I considered these things that were put forward to the committee and the implications for our courts and for the Queensland Police Service. I believe the non-reporting of offences and the nature of our legal system, however difficult, are no reason to allow lighter sentences. My recommendation to the Attorney-General is to monitor the situation whilst protecting the most vulnerable in our society from repeat offenders.

There were also submissions that talked about the negative effect on a child victim and removing the incentive for offenders to plead guilty and this leading to more children being required to submit to extensive cross-examination by the defence and that this may also result in an increased number of appeals against conviction leading to further trauma of the victim. If this consequence manifests itself, we must remember the trauma that continued repeat offending would cause for that innocent child. However difficult it may be to go through an appeal and to be cross-examined extensively, I put it to the House that there would be far greater trauma if we allowed an offender to continue repeating the offence.

The QPS submitted that there is an assumption that children are inherently ill-equipped to protect themselves from such predation. The Queensland government and non-government agencies provide a range of programs educating children and their parents about protective behaviours. Child sex offenders victimise one of the most vulnerable groups in our community, our young children. It is therefore incumbent upon the community to provide children with adequate protection from harm as they are inherently ill-equipped to adequately protect themselves from such predation and exploitation. The impact of the new regime and associated impacts on judicial discretion must be balanced against the need for community protection and the need to denounce repeat child sex offenders.

Again I would contend that the negative implications for a child victim from extensive cross-examination and family pressure would not outweigh the negative effects that they would suffer from repeated sexual offences such as would be dealt with under this bill. I encourage the Attorney-General to ensure that both the prosecution and the courts have the resources to minimise the implications of forecast delays on child victims and the criminal justice system. Further to some of the implications and estimated costs, some of the submissions recognised that we do have the legislative power to enact mandatory sentences and a minimum non-parole period. By their nature, such laws limit the sentencing discretion of judges. They have other implications as well. For example, the increase in the non-parole period for murder from 15 to 20 years imprisonment may have resource implications for the Department of Communities, Child Safety and Disability Services. Mandatory life sentences will have resourcing implications as well. I note the earlier comments of the Attorney-General with regard to resourcing. The costs flowing from this bill will be met from existing agency resources, the allocation of which will be determined through the normal budgetary process. I accept that from the Attorney-General. It will be something for him to watch going forward to make sure that we are resourcing this area well enough. I cannot imagine a society that would put the costs associated with implementing this bill above the safety of our most innocent and vulnerable children.

Some feedback was given to the committee on the retrospective nature of the bill. The explanatory notes address the partial retrospective effect of the bill. The new mandatory sentencing regime operates with partial retrospective effect to the extent that a serious child sex offence conviction that occurred before the commencement of the bill will be recognised as the first child sex offence for the purpose of the new regime. I have considered the retrospective nature of the proposed amendment and the policy that the bill affects. I believe this bill implements the Liberal National Party's pre-election commitment to toughen sentences on repeat child sex offenders and I absolutely support that position. As far as I am concerned, to the extent that there is any retrospectivity in this bill it is wholly justified in protecting the innocent children of Queensland from repeated attack by the most heinous of offenders.

I wrap up my comments with a final comment about being tough on crime. The LNP will be tough on crime and no apologies will be made to offenders for that position. The Attorney-General is to be

congratulated on his swift action to protect our children. In his introductory speech, the Attorney-General and Minister for Justice explained that the bill provides that in sentencing the offenders for a second serious child sex offence the court must impose life imprisonment, which cannot be mitigated or varied. Of course, the court retains the discretion to impose an indefinite sentence under part 10 of the Penalties and Sentences Act, but the bill makes it clear that a sentence of life imprisonment must be set as the nominal sentence and the finite sentence under that regime. This government will make no apologies for being tough on crime. We will make no apologies for this tough new sentencing regime. Certainly I make no apologies for it. I congratulate the Attorney-General for the bill and I commend it to the House.