




Speech by

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CRIMINAL LAW AMENDMENT BILL

 **Mr WATTS** (Toowoomba North—LNP) (5.14 pm): I rise to support the Criminal Law Amendment Bill 2012. This bill implements the LNP's pre-election commitment to strengthen sentences for evading police, murder, murder of a police officer and serious assaults on police officers. It will also cut some red tape by abolishing the Queensland Sentencing Advisory Council. I wish to address some comments just made by my colleague on the committee. I appreciate very much the Attorney-General standing up and quickly implementing our election promises. I think those groups who feel they were not given adequate time need to look very clearly at how long we said we were going to do this for the people of Queensland in the lead-up to the election. We clearly stated that we would be strengthening law and we clearly stated that we would be bringing these things in, and that is what we have done. So any groups that suggest for a moment that they did not have time to prepare a submission clearly did not hear about the election on 24 March.

I will now move to the objectives of the bill. The bill itself delivers on our pre-election commitments, as I said. It will amend the Criminal Code and the Corrective Services Act 2006 to increase the non-parole period for murder from 15 to 20 years imprisonment for a single murder and from 20 to 30 years imprisonment for multiple murders. It will amend the Criminal Code to insert a new minimum non-parole period of 25 years imprisonment for the offence of murder where the victim was a police officer. It will amend the Criminal Code to increase the maximum penalty for the offence of serious assault of a police officer from seven years to 14 years imprisonment. It will also amend section 754 of the Police Powers and Responsibilities Act 2000 to introduce a mandatory minimum penalty of \$5,000 and two-year licence disqualification for the offence of evading police.

I will now address some of these parts of the bill. Firstly, with regard to the offence of murder, obviously murder is the most serious crime that someone can commit and the state needs to treat it as such. The constituents out there whom I have spoken to had for a long time been disturbed at the growing trend of Labor being soft on crime. We are sending a clear message that we will not be soft on crime.

A government member interjected.

Mr WATTS: I take the interjection: it is a strong message and it is a message that people who commit these crimes should be listening to loud and clear—those people who are thinking of committing crimes and who do not want to be held accountable for their behaviour.

Further to this, with regard to the offence of murder, the Criminal Code will be read in conjunction with the Corrective Services Act 2006, which prescribes the minimum non-parole period for the offence of murder—that is, the minimum period an offender must spend in prison before they become eligible for parole. Often we hear about a sentence that may have been imposed by a court for a murder and that there is a family out there who is missing a loved one. Then, several years later, the person who committed that offence gets out on parole but the family does not have their loved one back in their lives. I believe that a minimum mandatory sentence in this case is warranted and I support the Attorney-General for introducing it. The bill ensures that the punishment for murder fits the severity of the crime and it promotes community safety and protection from these serious offenders.

With reference to the murder of a police officer, we have heard some comment from those opposite in regard to police officers and other emergency services officers and people being treated equally. Police officers are there to uphold the law and to maintain civil authority. They do not have the discretionary capability to refuse to go into a dangerous situation. They have to manage a dangerous situation and they have to put their lives in danger. Other emergency services officers often find themselves in danger but they do have some discretion. When considering this, we need to look at the police officer as a special category, and I agree with the Attorney-General for doing this and I welcome the fact that he will monitor it going forward.

Police officers who put themselves in danger deserve the full protection of this legislature. The reason we have a civil society is that this legislature creates laws and the police then enforce those laws. Why should their loved ones have to sit at home and wonder what would happen if something were to happen to their loved ones, whether it be an assault, which I will address later, or murder, the most heinous crime? What kind of society would we have if we did not protect those people who protect our society? I believe that this amendment and increase in penalty is wholly justified. I support the Attorney-General in introducing it.

Mr Bleijie: Hear, hear!

Mr WATTS: Thank you, Attorney-General. I will go through a little bit of the detail. The bill inserts into the existing punishment regime, under section 305 of the Criminal Code, a new and specific minimum non-parole period of 25 years imprisonment for the murder of a police officer where the offender did the act or made the omission that caused the police officer's death. This applies when the police officer was acting in the performance of their duty and the offender knew or ought reasonably to have known that they were a police officer. It also applies when the act occurs because the police officer is a police officer. This ensures that an offender who kills a person for no other reason than that they are a police officer will be captured by this amendment. I think that is critically important. I think we need to think about that for a moment. Think about a police officer who goes and does their job, whether it be against a bikie gang, a drug dealer or whatever else. I absolutely believe that we should be catching someone who specifically targets a police officer because they have been an undercover operative or because they have gone out there and done some of the dirtiest heavy lifting that needs to be done in this state to protect our society. I would suggest the penalty should be higher, but I will agree with the Attorney-General on 25 years imprisonment on this occasion.

The last category of this crime is where the act occurs because of, or in retaliation to, the actions of the police officer or another police officer in the performance of their duty. I think it is important to understand the context here. We are not talking about handing out these sentences willy-nilly; these are people who have been found guilty of murdering a police officer in the circumstances I have just outlined. I believe police officers deserve the full protection of this legislature. I absolutely support that position.

With reference to serious assault, as many members would know, I have been involved in pubs and clubs around Queensland. I have seen many people exhibit poor behaviour on the street. When these people have to be dealt with, when ultimately security cannot control the situation, when the situation gets really out of control, the police are called. When the police arrive they have no choice but to go in and maintain civil order. When these police go in, by definition, they are putting themselves in harm's way if it is an aggressive situation. Quite often these police may be bitten, spat upon or assaulted and all of these categories need to be captured. Can honourable members imagine being a police officer who gets spat on by someone who has been in a fight and who has blood spraying out of their mouth as they do so? Imagine if that blood lands all over the police officer's face—in their eyes and everything else. When that officer goes home that night he then has to tell his wife that for the next six months he will need to keep his distance. When he goes home that night and he wants to hug his children he needs to understand that he may have contracted a serious disease from that person who committed the assault on him, the police officer. I think it is fundamentally important that we protect the police whilst they are out there protecting us. They absolutely should not have to go home and explain to their families that they have to wait six months for blood test results and other tests to come back. If they are put in that situation by someone, then that should be considered a serious assault and it should have a 14-year sentence attributed to it. I do not think seven years is long enough. I have stood there and watched people spit blood at and assault police. I think it is absolutely disgusting behaviour and I think the community of Queensland want us to be strong on law and order, and this bill certainly achieves some of that.

The increased maximum penalty of 14 years imprisonment will apply in the following circumstances: if the offender bites, spits on or applies bodily fluids or faeces to the police officer. Just think about that for a moment. These days people casually think that spitting is not such a big deal. As I said, it is a big deal, particularly if someone has already been involved in a fight and they have blood all around their mouth while they are spitting. I believe that, in those circumstances, a maximum penalty of 14 years sends a strong message. There will be judicial discretion such that, potentially, 14 years is not the punishment

handed down. The fact that that is the maximum sends a strong and clear message both to the community and to the judiciary that we are serious about being tough on crime.

Another situation where this would apply is where the assault involves bodily harm as defined under section 1 of the Criminal Code. This penalty would also apply if the offender is, or pretends to be, armed with a dangerous or offensive weapon or instrument. In the absence of any of these circumstances, under section 340 an assault of a police officer will attract the maximum penalty of seven years. So if those circumstances do not exist, we are talking about seven years, which is the current situation. I think that increase sends a strong message to the community, it sends a strong message to people who fear crime, it sends a strong message to perpetrators of crime and it sends a strong message to the police that we will support them in maintaining civil and good order in our society.

The bill restricts the penalty increase to such crimes against police officers rather than extending it to other front-line officers to reflect the prevalence of these forms of assaults against police officers as a profession. I think that is important. I am not saying that others might not be deserving of this, but in the first instance we need to consider the police officers and we need to ensure that they are protected to the full extent of the law. I think 14 years is a good improvement on the current situation.

Regarding the 'evade police' provisions, we all know how dangerous it is for cars to speed through suburban streets and hoon around. We also know that the best way to stop that is to have police out there enforcing the laws, stopping those cars and preventing those kinds of actions. I can tell honourable members now that if, when my kids are walking home, a car goes screaming past chased by a police car and the guy is found guilty and goes to court and receives a \$300 fine, I certainly would not consider that serious protection of the streets of Toowoomba. I would not consider it serious protection of my children and other children as they walk those streets. I think this particular amendment is an excellent improvement. It sends an absolutely crystal clear message that, if people run when they are caught doing the wrong thing the punishment will be severe—far worse than the punishment would have been if they had stopped and allowed the police to deal with the initial offence. We need to think about that for a moment. If people know that it is \$5,000 if they run but it is only a couple of hundred bucks for the offence they might have committed in the vehicle that they had just stolen or whatever else, then they should pull over and not endanger every other road user. That is incredibly important for us to consider.

I am mindful of the time, so I will move on to the abolition of the Sentencing Advisory Council. There has been some chatter that this was not one of our election promises, which makes me concerned that those opposite did not understand what we were talking about when we said we were going to reduce red tape, duplication, excess bureaucracy and other kinds of facilities that they had set up in their pursuit of spending all of the Queensland taxpayers' money. The council was set up in December 2010. To date, the main focus of the council's work has been to provide advice to the Attorney-General on sentencing matters. This function effectively duplicates the law review functions of the Queensland Law Reform Commission. This bill dissolves that council to enable a more efficient use of limited resources. For those who are not sure what 'efficient use' means, it means we will not waste the taxpayers' money duplicating processes.

I would like to thank the departmental staff. I would like to thank the Attorney-General. I would like to thank the committee and the support staff who helped members of the committee to get across some of these things in a very short time frame. I think this is a well-drafted bill. I think it is a good bill to put forward. It provides protection to our community. I commend the bill to the House.