




Speech By
Hon. David Crisafulli

MEMBER FOR MUNDINGBURRA

CRIMINAL LAW (CHILD EXPLOITATION AND DANGEROUS DRUGS) AMENDMENT BILL

 **Hon. DF CRISAFULLI** (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (5.16 pm): I rise to speak in support of the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012. I make the point very clearly that when the government came into office it said it was determined to protect the innocent and punish the guilty. This bill is yet another step towards achieving that goal. It changes the definition of child exploitation material to include animated or virtual images of children and increases the maximum penalty for possession of such material from five to 14 years. It also increases the maximum penalty for distributing and making child pornography from 10 to 14 years.

The beauty and strength of our democratic system must be safeguarded by a strong legal system that punishes the evil and serves as a warning to those who attempt to hurt our young. Offences ranging from taking advantage of children with mental disabilities to grooming a child for sex will now have stricter sentencing. The member for Broadwater mentioned that she looks forward to the day that she has children. As somebody who does have two young daughters I can say that it changes the way in which you view the world. In hospital a couple of days after the birth of our first daughter my wife and I saw something reported on the news. It was one of the most disgusting crimes against a child. I will not go into it here in this House. My view of the world had changed so much as a result of that experience. As a former journalist it is sometimes easy to become immune to those sorts of things. You see them all the time. You see the best and worst of society. It changed me in a way that I will never forget.

History and Mother Nature have taught us that a society or species that fails to protect its young is doomed and we must do all we can. The government will work to better protect kids and the vulnerable in society. With the introduction of this bill, the government is helping to build a society where people who want to hurt our children will have no place to hide.

I move onto another great part of this bill, which is something that has not been discussed in a lot of detail in recent times, but it is something that is of great importance to my electorate of Mundingburra. It is the use of synthetic drugs. The legislation will introduce some wonderful changes that will genuinely clamp down on that. During the height of the problem in my home city of Townsville, up to one dozen stores were selling things such as Kronic, or whatever nonsense they are calling it. I will give a bit of history based on research I have done through my local newspaper. It shows that, whilst we were trying to play catch up, we never seemed to get there through the changes to the regulations that we were making.

On 18 October 2011 in the *Townsville Bulletin*, under the headline, 'Kronic concerns: Police crack down on synthetic drug', the journalist has written—

Townsville businesses still selling synthetic cannabis have been warned there are no more loopholes to slip through when it comes to selling the product.

On 16 November 2011—less than a month later—the first paragraph of another article reads—

Townsville businesses are still selling illegal synthetic drugs despite repeated police warnings and changes to Queensland laws.

At the risk of sounding critical, it shows that at times you can tinker at the edges, but you will not get the desired effect unless you make monumental change. I think this is monumental change because the definition of 'dangerous drug' will now address synthetic drugs. The current definition encompasses analogues of scheduled substances. Under the definition, a substance is an analogue of a scheduled substance if it has a similar chemical structure and a similar pharmacological effect to the scheduled substance. The second limb is difficult to prove, as most seized substances are new and yet to be tested. The amendment will modify the second limb to enable the prosecution to prove the offender intended the seized substance to have a similar effect. Both limbs still need to be proved.

The article of 16 November goes on to say—

An informal poll ... has found it was still easy to buy the now-illegal 'fake' drugs, such as Kronik—

It is spelt with a 'K', which I am sure pleases the Attorney-General—

around the city with some shops claiming selling the products wasn't illegal.

Members should remember that this was written in November 2011. It goes on—

'Fake pot' has now been labelled potpourri with warnings recommending the product not be used for human consumption.

If people go into stores and buy it from an esteemed gentleman who is peddling utensils that do not look like poppa's old pipe, I would suggest they are not going to use it for potpourri. The joy of the changes that the Attorney is putting forward is that it can remove that nonsense. I repeat what I have said: it is what the offender intended, so it is an objective test. The bill will provide the District Court with the power to make forfeiture orders under the DMA in relation to drugs, precursor chemicals, drug paraphernalia and proceeds derived from drugs. This amendment will operate retrospectively to ensure past orders are valid.

There we have it. Is it perfect? Is it the end of the road? I am sure that it is not. There will always be somebody who dreams up something different and we will always need this place to move against such things. However, this is the biggest step we have taken in this journey. I commend the Attorney-General on the work. I commend the resolve of this place for getting on top of two things that mean so much to my electorate, that is, those who seek harm against our youth and those who seek to alter the minds of our youth. It is with great pleasure that I support the bill.