




Speech By  
**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

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**CRIMINAL LAW AMENDMENT BILL (NO. 2)**

**Second Reading**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.50 pm): I move—

That the bill be now read a second time.

Prior to speaking can I thank you, Madam Speaker, for your ruling. For honourable members, essentially what the Speaker has ruled on is the Drug Court provisions contained in the Criminal Law Amendment Bill that were debated last sitting. We had to bring forward those particular amendments. We debated those in a previous bill. The House cannot debate them twice. Honourable members, do not talk about the Drug Court because it was legislatively abolished in the last sitting of parliament and will not be in this bill.

I thank the Legal Affairs and Community Safety Committee for its timely consideration of the Criminal Law Amendment Bill (No. 2) 2012. I note the committee tabled its report on the bill on 8 April 2013 recommending that the bill be passed. The committee made no other recommendation. The government, of course, accepts that recommendation. Can I briefly address the statement of reservation of the honourable member for Rockhampton as it relates to the creation of a mandatory minimum non-parole period regime for drug traffickers. Believe it or not, honourable colleagues, the member for Rockhampton, the opposition shadow police spokesman, has put in a statement of reservation in relation to this bill dealing with a mandatory minimum non-parole period for drug traffickers—drug traffickers who kill children in Queensland, drug traffickers who are the scourge of our community. The opposition puts in a statement of reservation to this House through this bill on that particular mandatory sentence. I think that is absolutely shameful and a testament to laws that we have had—soft laws—on drug traffickers under the Labor Party in the last 10 years.

The member for Rockhampton and the opposition are opposed to the mandatory nature of the new regime and advocate for the retention of judicial discretion in the sentencing process for drug trafficking. This government is taking a hard-line approach against drug traffickers and we are unapologetic in relation to that hard-line approach. This is consistent with the commitment we made during the election campaign. Our resolve to ensure drug traffickers serve at least 80 per cent of their sentence before parole eligibility was further reiterated in our six-month action plan for July to December 2012. While the amendment narrows judicial discretion, the new regime is confined to convicted drug traffickers who are sentenced to an immediate period of full-time imprisonment. This bill does not alter the sentencing judge's discretion to impose a range of other sentencing orders where the circumstances are appropriate. So the judge has the discretion to have a range of sentencing options, but when one drug trafficker is sentenced to a term of imprisonment what we are saying is they should mandatorily serve 80 per cent of their sentence before being eligible for parole. The opposition do not believe that. It believes drug traffickers should be out roaming our streets and not in jail.

While the amendment, as I said, did narrow the judicial discretion, it does not alter the fact that judges can still decide, in terms of sentencing options, what they want to do and, of course, if the circumstances are appropriate. The impact of the amendment, including its impact on judicial discretion, must be balanced against the need for community protection and the need to denounce those who traffic in dangerous drugs. This bill recognises the far reaching and often devastating consequences of drug use. I am satisfied an amendment to the bill is not required in this regard.

The second issue raised by the member for Rockhampton concerns the decision to end the Drug Court. These reforms were debated and passed as part of the Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013. It has been and gone so we are not, in fact, debating it now. To that end, in the consideration in detail I was going to propose certain amendments. That is not necessary now that we have had the Speaker's ruling on that issue, therefore no debate ensues.

I will also be proposing amendments to the Workers' Compensation Rehabilitation Act 2003 to implement recommendation 30 of the Finance and Administration Committee's report of the inquiry into the operation of Queensland's workers' compensation scheme, namely that the act be amended to give the minister flexibility to grant an extension of self-insurance arrangements for a further period of existing self-insurance. It is proposed to adopt the committee's recommendation and extend it to provide the workers' compensation regulatory authority, Q-Comp, with the discretion to issue or renew a self-insurance licence in circumstances where an employer does not meet one or more of the strict criteria for self-insurance if Q-Comp is satisfied that special circumstances exist that warrant the employer being issued a licence or warrant the renewal of a licence.

Essentially, there has been no consultation on that particular amendment other than through the workers' compensation review that went for 12 months. However, we do have businesses in Queensland, large businesses that are under the self-insurance scheme, that have renewals coming up that have now fallen below the required number of employees. They are good corporate citizens. There is no legislative scope, that we are aware of, to allow renewals to take place. It is a mandatory cessation of their renewal process for self-insurance. I think it is good that we have people on self-insurance. If we do not they would be back into the WorkCover scheme. This amendment gives Q-Comp the ability to have that discretion. The reason we need to have an urgent amendment through the passage of this legislation is because some of the businesses' renewals are this year, particularly in September, so it is important that we get the amendment through as soon as possible.

Further, members will be interested to learn that I am going to be proposing amendments during the consideration in detail stage of the bill to the Industrial Relations Act 1999, firstly, to ensure industrial organisations cannot avoid their obligations in regard to the requirements for spending for political purposes and, secondly, to make consequential and technical amendments. The requirements to ballot for authorisation to spend industrial organisation funds for political purposes were, as members know, introduced in the Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013. The requirements were introduced to ensure that members of industrial organisations had the opportunity to be heard on how their funds were being spent and for what purposes their funds—their union member funds, their industrial organisation funds—were spent. Organisations must report the outcomes of the ballot. There has been an attempt by some to bypass these lawful requirements.

The Together union, a major union representing public sector employees, has established, believe it or not, a stand-alone corporation, a union established corporation—I know it is hard to believe, but they have—a stand-alone company not registered under the state industrial relations system to undertake their spending for political purposes. This measure has been taken with the clear intention of avoiding having to ballot union members to gauge their support for spending or not spending on particular political purposes. The industrial relations laws apply to organisations registered in the state industrial relations system. To ensure the integrity of the laws around political purpose spending, the government will introduce anti-avoidance provisions to cover entities associated with an industrial organisation. An associated entity is a related body corporate entity of an industrial organisation. The relationship may exist because of the control or influence the entity has over the principal or as a result of assets or other material interest shared between the two organisations. These changes will ensure that industrial organisations cannot avoid being accountable to their members about how their members' vital funds are spent. The measures will stop an industrial organisation from bypassing its obligation to give its members a direct say in the purpose to which their funds are being put. The change demonstrates that this government is determined to ensure transparency and accountability of industrial organisations. This amendment that I will be moving in consideration in detail is to ensure that the union heavyweight thugs are spending the union fees of hardworking men and women—who have every right to be a member of the Together union—

as the members see fit. Mr Alex Scott and the Together union have set up a corporation to bypass their members. This parliament passed laws to ensure that their members had a direct say where they spent their money. The union said, 'We still don't want our members to know where we spend our money so we are going to set up a company and syphon the members' money to the company.' They did that so they would not be accountable under the Queensland legislation.

**Ms Trad:** That is such rubbish. That is rubbish.

**Mr BLEIJIE:** I hear the member for South Brisbane squawking away. I look forward to her contribution to this important debate. Because we know of the heavy union background that the member for South Brisbane has, I look forward to her standing up here and speaking for and on behalf of all the hardworking Queensland men and women who are members of the union, who ought to know where their hard earned money is spent, rather than the top 10 officials of the union movement deciding when, where and how their union money will be spent without a direct say from the people who are paying the money.

These anti-avoidance laws will ensure transparency and accountability. They will ensure that grassroots union members finally have their say, because for 12 years in this state under the Labor Party they were denied their say. They were denied by members such as the member for South Brisbane and the Leader of the Opposition. This government has given them the opportunity to have a direct say in where they pay their oversubscribed union membership fees and dues. I look forward to their contributions and to their support for making sure that, when it comes to union dues paid by hardworking Queenslanders, those Queenslanders know where their money is being spent. Given her heavy union militant involvement, I can understand the member for South Brisbane not wanting members to know where their money is spent. The member for South Brisbane is from the Old Guard that says, 'Trust the union officials; we'll spend your money wisely'. No more! We are amending this legislation to make sure that we have anti-avoidance legislation in place this week.

For the benefit of all honourable members, I note that the remaining amendments are technical in nature and either correct minor drafting errors and unintentional omissions or provide clarification on sections of the Industrial Relations Act 1999 that were recently amended by the Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013. These include: an amendment to allow the Governor in Council, by gazette notice, to appoint a person to act as vice-president; an amendment to section 341(1) to clarify that a determination means a determination under section 149 of the act; an amendment that makes clear that an inspector can require the production of any document when investigating suspected breaches of chapter 12 matters; an amendment to the right of entry provisions to clarify the employer may use the employer's notice to respond to entry notices by union officials and direct the union official to go to a certain room for discussions or to take a certain route; a provision to clarify that the term 'spouse' for the purposes of the statement of interest made by an officer of an industrial organisation does not include a former spouse; a provision that the statement of interest of officers holding management positions is only available for inspection by the registrar or another person permitted by law, that is, an inspector; an amendment to section 570 of the act to include a reference to a management committee meeting; an amendment to make it clear that an associate may be appointed to the president; and consequential amendments to the dictionary. These amendments have been circulated in my name, accompanied by the explanatory notes.

In closing, I note that the bill fulfils the government's clear commitment and pledge leading into the election to take a hard-line approach against drug offenders and drug traffickers. I note that again the opposition seems to have a reservation about cracking down on such offenders. We are also cracking down on graffiti crime and I will be interested to see if the opposition supports that. We are forcing people to clean up their graffiti mess. The bill will ensure that victim impact statements can be read out in court if the victim wishes. For a long time now, previous Labor governments denied victims the right to have their victim impact statements read out in court. I will be interested to see if the member for South Brisbane speaks up for the victims of Queensland and speaks to that particular provision, or whether she will contain her entire contribution to unions and political-purpose campaigning. We will see.

This bill is about victim impact statements. It is about ensuring that we crack down on graffiti crime by making offenders accountable because right around Queensland offenders as young as 12 will have to clean up their mess. Of course, the bill will crack down on drug traffickers. I note that the opposition has already put in a statement of reservation about the government cracking down on drug traffickers. That will be a very interesting contribution and I look forward to hearing it. As I said, the debate deals with many issues of importance to Queenslanders. I look forward to the debate. In particular, I look forward to summing up at the end of the contributions from all honourable members.