




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 17 October 2013

**CRIMINAL LAW AMENDMENT (PUBLIC INTEREST DECLARATIONS)
AMENDMENT BILL**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (1.10 am), in reply: This would be one of the most important debates that this parliament will probably have in this term—

Mr KNUTH: I rise to a point of order, Madam Speaker. We had two speakers on their feet.

Madam SPEAKER: Member for Dalrymple, there were numerous speakers who jumped to their feet, but the first one who jumped up and called that I heard was the Attorney-General. Please take your seat. I call the Attorney-General.

Hon. JP BLEIJIE: It is one of the most important debates because we are dealing with the most vulnerable people in our community, and that is our children. I am saddened tonight to see the level of immaturity displayed by the Leader of the Opposition and her colleagues this evening in this debate. As I said, this would be one of the most important bills this parliament will debate, and the level of immaturity exhibited tonight by the Leader of the Opposition and the members for South Brisbane and Bundamba will go down in history. I think it will be a matter of interest to their constituents at the next election when they observe the low level to which the honourable members opposite have sunk during the debate tonight.

The members opposite have forgotten one thing about this debate. This bill amends the Criminal Law Amendment Act 1945. That act allowed the courts to sentence someone indefinitely, to be released only by the Governor in Council. The Governor in Council could release someone without the judiciary having any say and without the discretion of the court. That legislation was introduced by the Australian Labor Party. In 1945 the Australian Labor Party introduced the bill that I am amending this evening. It meant that prisoners would be detained at Her Majesty's pleasure and would not be released unless the Governor in Council said so.

I found the debate interesting tonight when the honourable members opposite spoke of the separation of powers, considering that they were in fact the ones who introduced the 1945 legislation which detained people indefinitely. What we are doing in this debate is amending the legislation to ensure that we are getting the worst of the worst sex offenders off our streets. I make this commitment to honourable members tonight: I hope I never have to use this legislation. I hope we never have to invoke the declarations under this legislation, because if we do it means that an innocent child is likely to have been sexually abused by one of these predators in our community. As Attorney-General, I will do whatever I can to stand up for the most vulnerable in our community. I will always stick up for the rights of children in this state.

Over the last 1½ years we have seen this government take an unapologetically strong view on sex offenders. We have introduced the first two-strike legislation in the country which means that an offender, if convicted of a second offence, will receive mandatory life imprisonment—which is equal only to a murder sentence in this state—with a non-parole period of 20 years. That is about making

sure that sex offenders, these predators who groom our young people, never see the light of day outside of a prison cell again. These people, by their own admission, are hardly ever rehabilitated. These people, by their own admission, hardly ever change. That is why we have got to make sure that this parliament does whatever it can to make sure that we protect our young people.

If the 1945 legislation that was introduced by a former Labor government was so bad, why didn't the Labor Party repeal the legislation? The act was sitting there and there were prisoners. No, they did not repeal it. They let it sit on the statute book and we are debating it tonight. We are not proposing new legislation; we are amending current Labor Party legislation. If the bill was so repulsive, why did they let it sit on the statute? In the early 2000s they knew they could not politically repeal the legislation, so they tinkered at the edges and allowed a parole provision to come in. But they discovered that parole boards have never given parole to three prisoners under the current legislation. In the hearts and minds of the Labor Party they know they do not want to release sex offenders on our streets either, but they cannot bring themselves to vote for this legislation tonight for whatever reason.

Ms Palaszczuk: Because it is about the separation of powers!

Mr BLEIJIE: I take the interjection from the Leader of the Opposition, who has spoken a lot about the separation of powers. I did interject on the opposition leader to ask, 'Who wrote the separation of powers?' I interjected on the member for Bundamba and asked, 'Who wrote the separation of powers?' None of them knew. None of them could answer when the first philosopher, the first theorist, wrote about the separation of powers. It does not surprise me, but they actually would not know and appreciate that there is no strict separation of powers in the state of Queensland. The separation of powers attaches to the Commonwealth. There is no strict separation of powers in the state.

The earliest theorist in terms of the separation of powers, of course, was Baron de Montesquieu, who wrote the first theories on the doctrine of the separation of powers in *The Spirit of the Laws* in 1748.

Opposition members interjected.

Mr BLEIJIE: I can understand why those opposite are discussing this, because they probably do not know who Baron de Montesquieu is. They have talked a lot about the separation of powers, but I do not think any of them actually know where it came from, what it means and who wrote the early theories. There is some debate about whether Baron de Montesquieu got it all correct in the first instance, but then it developed over the years. The separation of powers deals with the executive, the legislature and the judiciary.

We on this side the House fully appreciate and understand that, but what we have to also understand is that we are in modern times. We are dealing with modern criminals that breed like no other; modern criminals who are so entrenched and ingrained in our system that it calls for tough measures. We have debated about criminals a lot this week. We have debated about the worst of the worst. We have debated about criminal motorcycle gangs. I heard those opposite whinging and moaning in this debate tonight about the new laws—new laws that they supported 24 hours ago. I know they supported it so that at the next election they can tick the box to say that they supported the government of the day, but let the record of what they said stand. Last night they essentially opposed the reform, they opposed this tonight—

Ms PALASZCZUK: I rise to a point of order on relevance. The Attorney is talking about a previous bill. He is not addressing the bill currently before the House, and I ask you to please rule on relevance.

Mr BLEIJIE: I am referring to the debate instigated by the Leader of the Opposition when she referred to the—

Mr DEPUTY SPEAKER (Dr Robinson): Order! I did not hear specifically what the Attorney-General said. I do ask the Attorney-General to address the bill in his summing-up.

Mr BLEIJIE: Baron de Montesquieu wrote about the separation of powers. We are dealing with modern criminals. Many members would not have experienced the inside of a jail cell. When I was shadow corrections minister, I had the unfortunate experience of going to jail cells in Queensland. They do have protection units at jails, and that is where they house the worst of the worst sex offenders. I note the opposition leader laughing again during this serious debate, just as she was in her contribution tonight. They keep the worst of the worst sex offenders—

Ms PALASZCZUK: Mr Deputy Speaker, I rise to a point of order. I find his comments offensive and I ask him to withdraw.

Mr DEPUTY SPEAKER (Dr Robinson): The Attorney has been asked to withdraw.

Mr BLEIJIE: You were laughing.

Ms Palaszczuk: Not at that!

Mr BLEIJIE: I withdraw.

Mr Newman interjected.

Ms Palaszczuk interjected.

Mr DEPUTY SPEAKER: Who would like to leave first? Attorney, you have been asked to withdraw.

Mr BLEIJIE: I withdrew. We are dealing with a modern criminal. This week we have debated legislation relating to criminal motorcycle gang members. Sex offenders are like no other criminal in this state or around the world. They prey on the most weak and vulnerable in our communities. It is the legislator's job to ensure we put in place all the protective mechanisms we have at our disposal to make sure these people are kept behind bars.

The Premier and I both said yesterday that we are reluctant to do this. We are reluctant to introduce these types of laws. As I also said in my contribution earlier this evening, I hope that I never have to use them. I hope that I never have to make a declaration. I hope that the Governor in Council never has to sentence someone to indefinite detention. But when we consider the likes of Ms Tomlinson, the victim of a serious sex offender who has to live year in, year out this hellish nightmare, as other sex attack victims do, we owe it to them to do all we can to protect them from these types of people in our community.

These people are amongst us—everywhere. You would not recognise them in the street. I mentioned that I had been to a protection unit at a jail. I can say that these people look like you or me. They do not look like the criminal motorcycle gang member. That is why they are able to prey—and they get away with it a lot of the time—on the young and vulnerable in our community.

Parliaments have a responsibility to ensure the community is protected. The parliament thought that in 1945 when it passed the Criminal Law Amendment Act, introduced by the Labor Party. They saw a need to ensure that people who could not alleviate their sexual instincts were kept behind bars and virtually never released. The Labor Party in 1945 understood that. In this bill, in this serious debate tonight, we are adding provisions.

We have seen criminals adapt to our modern society and modern world. We have to ensure we have in place appropriate laws to deal with these people. We have the dangerous prisoners sex offenders law, but we have seen time and time again Attorneys-General of both political persuasions having to, year in and year out, apply to have these people deemed a serious risk to our community and kept behind bars. It is not just me who has done it as Attorney-General; Paul Lucas did it as Attorney-General and other Labor Attorneys-General have done it. There is nothing new in this. We owe something stronger to the victims in our community. It is a fact that these sex offenders get released into our communities. It upsets communities and it upsets the victims, particularly when those offenders have no remorse or have shown no sign of rehabilitation—taken no courses or had no work to do outside of the jail.

Other jurisdictions are not immune from this issue. Every jurisdiction and every government deals with this. We have taken a tough stance on criminal motorcycle gangs. I note that the *Courier-Mail* just issued already talks about the fact that, in the space of 48 hours since this parliament passed the toughest laws in the country, the criminal motorcycle gangs are running scared. That is because this parliament passed legislation 48 hours ago with severe penalties. It has the criminal gangs running. That is what this parliament is about.

I would hope that the legislation this parliament debates tonight will send a message to serial sex offenders in this state that this parliament takes the matter seriously, just as the parliament in 1945 did, that this parliament takes the issue of child safety seriously, just as the parliament in 1945 did, and that this parliament understands that these measures are necessary.

I make a commitment to the people of Queensland tonight that these laws will be used only in the most extreme of circumstances. These laws will not be abused by anyone, either by me as Attorney-General or when another first law officer serves as Attorney-General. They are powers that should be reserved for the most extreme cases and for the worst of the worst sex offenders in this state. That is why we took the position we did.

The honourable member opposite talked about the separation of powers. I have dealt with that by explaining to the honourable Leader of the Opposition where the separation of powers came from—Baron de Montesquieu. None of them, when questioned, actually knew where the separation of

powers came from. They all espoused it in their speeches but none of them could say where it actually came from. I guess Wikipedia may have assisted them somewhat.

Ms Palaszczuk: You can't explain it.

Mr BLEIJIE: I have explained it. You have the three levels in the state parliament—the judiciary, the legislature and of course the executive. The High Court has said that the executive and the legislature can be treated as one and the judiciary separate. We are not taking a power from the courts. The courts maintain the jurisdiction, as the member for Gladstone said, under the dangerous prisoners legislation. But this is about what happens when one of the worst of the worst sex offenders is released into our community. I am asking parliament to act tonight by passing this legislation. Parliament has a responsibility. Governments have a responsibility to the people.

Ms Palaszczuk interjected.

Mr Newman interjected.

Mr BLEIJIE: I take the interjection of the honourable Premier. A few weeks ago, when I applied for a stay in a particular matter—I will not talk about it because it is before the Court of Appeal—the opposition leader made a comment on the news. She said, 'This Attorney-General is more worried about naming and shaming young juvenile offenders than he is keeping serial sex offenders behind bars.' That was only two weeks ago. I remember it because of the hypocrisy of it. I remember it because of the hypocrisy of the statement back then and where we are tonight. Just like with the criminal motorcycle gangs: police state, support it, tough, we don't like it, okay, we're going to support it. They flip-flopped last night in relation to criminal motorcycle gangs. The member for Rockhampton said that the Labor Party would never, ever support mandatory sentencing. He voted for mandatory sentencing last night. Likewise, the opposition leader said on TV two weeks ago that I was not doing enough to keep sex offenders behind bars. Here is her chance to support this government in doing something to keep sex offenders behind bars.

Ms Palaszczuk: No way—not when it breaches the doctrine of the separation of powers.

Mr BLEIJIE: The member again talks about the doctrine of the separation of powers, which she could not articulate. She mentioned it a lot in her speech but she never actually explained what it was. None of the opposition members did. The member ought to read a case called Kirk. The member is a lawyer. Has she read Kirk?

Ms Palaszczuk: It is not question time. You are on your feet. You raised it.

Mr BLEIJIE: The member has not read Kirk and would not understand it. The judgement in Kirk categorically said that the Supreme Court has the power to judicially review jurisdictional error at every available opportunity, just as this bill does tonight. Nothing can negative that. The Supreme Court has already held that for jurisdictional error purposes the Supreme Court will always hold judicial power to review, and nothing changes in this debate tonight.

This is a reluctant exercise that we are doing, and we understand that there is some community concern amongst the legal profession with respect to these tough laws. We understand that these are tough measures. We understand the legal profession—

Mr Cripps: Mums and dads are concerned.

Mr BLEIJIE: I take the interjection from the Minister for Natural Resources. We understand what mums and dads in our community expect of us as parliamentarians—people with or without children expect of us as parliamentarians. This is a historic night for this parliament if it passes this legislation, because this will protect our children in our state. This will protect our children. We have made sure that our responsibility to our most vulnerable in our community is being upheld, but I stress again in conclusion that these laws will be used on the most rarest of occasions for the worst of the worst sex offender. If we can keep sex offenders behind bars, that means fewer children in this state will be sexually abused.