




Speech By
Trevor Watts

MEMBER FOR TOOWOOMBA NORTH

CRIMINAL LAW AMENDMENT BILL (NO. 2)

 **Mr WATTS** (Toowoomba North—LNP) (4.58 pm): I rise to make a contribution to the Criminal Law Amendment Bill (No. 2) 2012. This bill fulfils the Queensland government's pre-election pledge to ensure that drug traffickers serve at least 80 per cent of their sentence before being eligible for parole; to toughen sentencing laws for drug traffickers who target children; to ensure that victim impact statements may be read out in a court if the victim wishes to do so; and to ensure that all graffiti offenders remove graffiti to strengthen the maximum penalties for graffiti crime. I will talk to each one of these areas individually.

First I mention an amendment to the Bail Act. Clause 4 of the bill amends section 11(9) of the Bail Act 1980 in order to provide magistrates with greater flexibility to refer a defendant to suitable rehabilitative treatment or to other intervention programs without the current red tape involved to prescribe the program.

Clause 5 of the bill creates the offence of noncompliance with a condition of bail, providing for the penalty of two years imprisonment or 40 penalty units. Explaining the introduction of a penalty, the department advised the committee—

The proposed reform is intended to send a clear message to defendants that all conditions of a bail undertaking, including educational, therapeutic and rehabilitative conditions, must be complied with.

It is very important to understand for a moment that we seem to have had a situation up until now that when a bail condition is put on it has been seen as optional by the offender in terms of their compliance with that bail and there has not been clear guidance as to what should happen. I commend the Attorney-General for bringing this issue forward to ensure that there is compliance with bail going forward. Before I continue I thank the committee and the secretariat of the committee for all of the work that was done and note that the Legal Affairs and Community Safety Committee only had one recommendation in relation to this bill—that is, that it be passed in its entirety.

I now turn briefly to tougher sentencing for drug traffickers. The bill increases the sentences for drug traffickers who target children and requires convicted drug traffickers to serve 80 per cent of their sentence before eligibility for parole, and we need to think about that for a moment. There are several communities in Toowoomba North where there is a fair amount of family dysfunction and a fair number of people who are truant from school and generally causing some problems in the community.

It has been noted by some of the community groups that are working to try to help these kids stay in school and to see if they can build some resilience and some self-reliance that there are people arriving into those communities driving flash cars and big-noting themselves and splashing some money around and the sole reason they are arriving in the community is to find people who will distribute their drugs. Unfortunately, quite often the people they are finding are young—certainly below the age of 16—and they are misleading them. They are sending them down a path of drug distribution and drug use. The methodology to find someone who will run their drugs for them in that local community is in fact to create an addict first by providing samples for them to get addicted and

then when they cannot afford to feed their addiction to send them out in the community to traffic these drugs on their behalf.

I see the harm that this is causing in my electorate of Toowoomba North and I certainly support the Attorney-General in dealing with these drug traffickers, particularly the ones who are preying on children, in a harsh and firm way. It is important to note the submission from the Commission for Children and Young People and Child Guardian. It stated that bringing these penalties in was an important factor in recognising the significant and often long-term harm caused to children by the supply of an expanding variety of dangerous drugs. It is important to understand that everybody working in this space can see the harm. Certainly the Attorney-General has seen the harm and has moved to ensure that Queensland is tough on drugs and as harsh as we can be on the people who would prey on children by distributing these drugs. The committee considered it very important that a strong deterrent message is sent to persons who are trafficking drugs and the committee supported the penalties as outlined in the bill, and so do I.

As I have said, as these people travel into my community from further afield they are doing it for profit. I note that we have already passed legislation that addresses some of those areas of unexplained wealth and other things, but what they are really doing when they arrive in societies such as Toowoomba North is tearing at the fabric of that society. Introducing these poisons into our society starts to cause families to be dysfunctional and starts to cause people to become dysfunctional and it certainly has far-reaching and devastating effects on a community. I certainly endorse the increased punishments that are provided for in the bill for people who would traffic drugs and supply drugs to minors and those under 16.

I turn now to graffiti, increasing the penalty for graffiti offenders, introducing the forfeiture provisions and having graffiti removal orders. It is important to note that the forfeiture provisions are important, because often these offenders would very much like to spread their work on the internet and other means. The fact that they can have various devices that they have used to promote their work taken off them is a good and sensible punishment. I also believe that removal orders are particularly important.

As members would be aware, I have been involved in the hospitality industry and let me assure you that pubs and nightclubs suffer plenty of graffiti, plenty of tagging and plenty of marking. I have spent thousands and thousands of dollars over my time in the industry cleaning up these tags and marks all over businesses. They lower the tone of the business, scare away good customers and in fact encourage other customers to come in and tag along with the other person's tag. Removal orders are a great opportunity to punish offenders appropriately who may see this as a bit of fun or something where they like to make sure everybody can see their tag in the community. I would like to see everybody watching these offenders wear a hi-viz shirt and scrubbing tags off on a regular basis.

I should also compliment the local government minister for his GraffitiSTOP program. The Toowoomba council has grabbed with both hands the opportunity to implement GraffitiSTOP. It has a trailer that is fully loaded with the various cleaning devices and chemicals that are required to get these tags and marks off. Certainly, Mr Geoff Holmes, someone in our community who does a lot of volunteering and is involved in a lot of community groups, has worked very hard to make sure that the community of Toowoomba does not have to put up with this scourge of tagging and graffiti and the costs that are involved with that.

In a community like mine, the Carnival of Flowers is a great opportunity for people to come and visit Toowoomba and see the beautiful parks and gardens we have and for people to come up with their children, take them into the parks and play and be involved in those parks. The very last thing they want to see is offensive tagging and offensive graffiti all over a children's playground, a children's park or the public amenities that people will use when they come to visit our great town of Toowoomba.

I certainly agree very much with the increase in the maximum penalties, but there are those who have said that these penalties are very severe and obviously that is at the judiciary's discretion. I have actually met someone who was a prolific graffiti offender in and around the south-east corner. He had an absolutely marked talent and was a brilliant artist, but he had caused hundreds and hundreds of thousands of dollars of damage to other people's property. Sofles is his name. He had also put his own life in danger on many occasions to provide his art.

What was interesting was that, upon being caught and upon being appropriately punished, he now has a career pretty much travelling the world decorating and providing street art in a legal way. So it was a good outcome from a bad situation for him. I paid him several thousand dollars to

decorate a nightclub that I was running and he did a fantastic job. So once caught and punished, he realised that there was an opportunity for him to express himself in a legal way. It is important to note that wilful damage and the unwanted marking of businesses and premises will not be tolerated and will be punished. The graffiti removal orders will send a clear message to young offenders. The severe punishments will send a clear message to those repeat offenders who have no respect for other people's property.

I will now turn briefly to victim impact statements. I think it is very important that, when sentencing is taking place, the victim has a voice in the process, particularly if there has been a guilty plea. The victim may often feel that their opportunity for expressing the impact that that offence has had on them has been taken away. The Attorney-General is to be commended for giving victims a voice in the justice process if they choose to take it. It is important that a victim be able to set out the details of harm that had been caused to them by the offence and able to provide the various documentation, medical reports and photographs that might go along with that so that a judge can fully understand the consequences of someone's actions in regard to how it has affected them.

I will talk very briefly to the amendment that relates to ultimately enforcing accountability and transparency. It is very important for people to understand that in this House are the people who were duly elected democratically by the people of Queensland. When they pass a piece of legislation, it should not be the case that organisations will then look for loopholes or play clever tricks to try to avoid the will of the people of Queensland. This House expresses the will of the people of Queensland and accountability and transparency is very important to the people of Queensland. I certainly congratulate the Attorney-General on bringing forward a mechanism that will ensure that accountability and transparency.

What is it that the union movement is afraid of? Is it afraid of asking its members whether they agree with the decisions it is making? Or is it afraid of telling its members how much money it plans to spend on things that they may or may not support? If the union movement is not afraid of those things, why would it try to circumnavigate the will of this House, which represents the people of Queensland? I certainly commend the Attorney-General for bringing forward that amendment. I would be interested to hear from those opposite, who think that people should be allowed to circumnavigate legislation that is passed in this House by representatives of the people of Queensland. With that, I commend the bill to the House. I thank the Attorney-General for bringing it forward.