




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 11 February 2014

CRIMINAL CODE AND ANOTHER ACT (STOCK) AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.04 pm): I present a bill for an act to amend the Criminal Code in relation to the disposal of stock seized in connection with a charge and to increase penalties for particular offences, and to amend the Police Powers and Responsibilities Act 2000 to provide for the forced muster of stray stock and for other particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Code and Another Act (Stock) Amendment Bill 2014 [4460].

Tabled paper: Criminal Code and Another Act (Stock) Amendment Bill 2014, explanatory notes [4461].

I am pleased to introduce the Criminal Code and Another Act (Stock) Amendment Bill. The bill implements the recommendations of the stock working group chaired by the Hon. John Jerrard QC, a former justice of the Queensland Court of Appeal. The stock working group was made up of the Director of Public Prosecutions and officers from the Queensland Police Service Stock and Rural Crime Investigation Squad as well as representatives from the Queensland Law Society, AgForce, the Royal Society for the Prevention of Cruelty to Animals and Biosecurity Queensland within the Department of Agriculture, Fisheries and Forestry.

The first key recommendation of the stock working group was the overhaul of legislation dealing with how police handle stock animals which are seized in connection with an offence, for example, stock stealing. For the information of honourable members, our Criminal Code defines stock as horses, asses, mules, camels, sheep, swine, deer and goats.

This bill delivers on the reforms recommended by the stock working group by amending the Criminal Code to replace existing problematic provisions about retaining and returning or disposing of animals with a stock disposal order regime. This is a court based regime which provides the police with the authority to sell the animal at auction and pay the net proceeds into court for payment out of court as ordered by the court at the end of the criminal proceedings. Before an animal can be sold, it must be visually recorded, for example, by video and photography. That visual record then becomes the evidence of the animal and its condition and markings and can be relied upon at trial as such.

The second key recommendation was the introduction of a court sanctioned forced muster regime. This recommendation is delivered by proposed amendments to the Police Powers and Responsibilities Act 2000 which enable a stock owner to apply to the court for an order permitting the owner, accompanied and supervised by police, to enter onto another person's land to retrieve their strayed stock in circumstances where that landowner is refusing access. These provisions will address the current lack of legislative authority for a stock owner or police officer to retrieve stock that has strayed onto the property of another person. Stock owners are reliant on the goodwill of neighbours to return the stock or allow the owner to enter onto the property to locate and retrieve the stock.

The bill also contains amendments to the Police Powers and Responsibilities Act 2000 to assist police in executing search warrants for offences relating to stock. It does this in two ways: by increasing the duration of the search warrants relating to stock and by legislating for the police to be able to require the use of facilities such as cut-out yards in executing a stock warrant.

At my direction, in 2013 the Department of Justice and Attorney-General reviewed current penalty levels for stock offences in the Criminal Code. As a result of the review, which included consultation with stakeholders, the bill increases the minimum mandatory fines that exist for certain relevant offences. The Criminal Code contains a unique punishment regime for stock offences. Where the court chooses to fine, then the fine per animal must be the minimum of either the value of the animal or the amount stated in the offence section, whichever is the higher. The bill also converts from dollar amounts to penalty units the fine amounts for stock offences in the Criminal Code, resulting in a slight overall increase in amounts.

Finally, the Animal Valuers Tribunal is renamed by the bill as the Animal Valuers Panel to better reflect the advisory rather than judicial nature of animal valuers' work. Animal valuers are appointed under the Criminal Code and are called upon from time to time to identify and value stock which is the subject of offences. These expert valuers play a vital role in the criminal justice system and I would like to take the opportunity to thank them for this.

My hope is that this bill brings a measure of equity and efficiency to stock offence proceedings and investigations. These cases are not common within the context of all cases proceeding through our courts each year, but their impact is undoubtedly felt by our hardworking primary producers. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.07 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.