the Great Barrier Reef protected from dredging. I am not quite sure how 260,000 people equate to 80 per cent of Australia’s population which, according to the Bureau of Statistics, is over 23.5 million. The maths do not quite add up there; it is more like one per cent. His hands must have been firmly clasped around a tree that day and he was not able to hold them up to count properly. I am not sure of his maths and of the coercion involved in these kinds of hysteria-whipping petitions.

The Mackay Conservation Group has also weighed in. This crowd held a so-called ‘information session’ in the Burdekin electorate peddling misinformation. My office received tearful phone calls from Merinda townsfolk who had been doorknocked and told their homes were in jeopardy, and this was after the Deputy Premier had allayed their fears on the state development area—shameful tactics. As at the end of 2013 the Queensland resource sector directly employed 64,000 people. Of these, nearly 29,000 were employed within the coal industry and 27,250 employed within the gas industry. The scaremongering is absurd. You really have to wonder about the real motives of these people, especially if banks are also being pressured not to lend to companies associated with mining and coal seam gas.

I am a shareholder and a strong supporter of community banking, being on the steering committee for what today is the very successful Home Hill Community Bank. I am well aware of the Bendigo and Adelaide banks’ affinity for community; however, I am deeply disappointed by the banks’ stance on resource sector funding. These communities directly and indirectly rely on mining to exist and for individuals to save and fund their mortgage payments at banks. It really does give a whole new meaning to the term ‘green bank’ if banks are also being coerced. Our regions—regions like the Burdekin—are sick and tired of being held to ransom by extremist groups who are hell-bent on the destruction of Queensland’s regional economies.

Mr DEPUTY SPEAKER: The time for matters of public interest has expired.

**CRIMINAL LAW AMENDMENT BILL**

Resumed from 8 May (see p. 1467).

**Second Reading**

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.03 pm): I move—

That the bill be now read a second time.

On 8 May 2014, the Criminal Law Amendment Bill was introduced into the Queensland parliament. Parliament referred the bill to the Legal Affairs and Community Safety Committee for consideration and requested the committee table its report on its consideration of the bill by 28 July 2014. I note the committee tabled its report on 28 July 2014. The only recommendation made by the committee is that the bill be passed. The government thanks the committee for its timely and detailed consideration and notes its recommendation. At the time the opposition notified the committee that it had reservations about aspects of the report but that it would detail the reasons for its concern during debate on the bill.

As I outlined at the time of the introduction of the bill into the Legislative Assembly, this bill is yet another demonstration of this government’s ongoing commitment to get tough on the criminal element of society in terms of where victim and community sentiment is at the moment and to make this state the safest place to live, work and raise a family. The bill makes miscellaneous amendments to a number of criminal law and criminal law related statutes. I will briefly touch on some of the more significant amendments and the issues that have drawn comment during the committee process.

The retrospective application of Queensland’s double jeopardy exception regime raised comment from some legal stakeholders in their submissions to the committee. Current exceptions to the rules against double jeopardy can only be applied to acquittals that occur after October 2007—a point in time when forensic and scientific technology was already significantly advanced. It also means that Queensland is the only state that does not apply its double jeopardy exception regime retrospectively. I acknowledge and recognise that the ability to challenge the finality of concluded proceedings is an infringement of fundamental legislative principles. However, in the context of certain serious offending this must be viewed against powerful factors to counter that position: in particular the significant advances in forensic and scientific technology, the high quality and reliability of this subsequent evidence and the very strong public interest in pursuing convictions for
Queensland’s most heinous unsolved crimes where the prime suspect was acquitted. There are a number of safeguards provided in chapter 68 of the Criminal Code, and the bill’s amendments do not weaken or remove any of these.

I would like to thank RSPCA Queensland, Brisbane Lawyers Educating and Advocating for Tougher Sentences (BLEATS) and others in the community for the support expressed for the new offence of serious animal cruelty that the bill will introduce into the Criminal Code. This new offence will target those persons who intentionally inflict severe pain and suffering on an animal. This type of offending is abhorrent and cruel, and this new offence sends a very strong message that such behaviour will not be tolerated. Some concerns were expressed to the committee by the Queensland Law Society about the impact that the new offence may have on legitimate farming and veterinary activities and also the appropriateness of RSPCA Queensland’s role in enforcing the new serious animal cruelty offence.

I can confirm that the new offence is directed at a narrow cohort of offenders who intentionally torture animals. A person will not be liable if their conduct is authorised, justified or excused under the Animal Care and Protection Act 2001 or another law other than section 458 of the Criminal Code. For example, part 6 of the Animal Care and Protection Act provides a number of exceptions to offences.

Submissions made by the RSPCA Queensland and BLEATS contain detailed information about the expertise and experience of RSPCA inspectors and the representation provided in prosecutions and appeals by a pro bono panel, including a number of prominent Queen’s Counsel.

The government is of the view that RSPCA Queensland has in recent years established itself as a credible prosecutorial body and has over 200 barristers and solicitors throughout Queensland on its pro bono panel. While RSPCA officers will be able to commence proceedings and have carriage of the committal hearing for a new indictable offence, the Director of Public Prosecutions will continue to have the sole responsibility of preparing, instituting and conducting animal cruelty proceedings on indictment on behalf of the state. This is consistent with all other types of offences charged by the Queensland Police Service under the Criminal Code once they reach the higher courts.

To protect the integrity of sports betting and protect the wagering market from those who try to corrupt sport for their own profit, the bill introduces six new offences into the Criminal Code that target match-fixing conduct. These new offences support the government’s commitment to the National Policy on Match-Fixing in Sport. As observed by the committee, Queensland will benefit from the introduction of these laws and have the support of the Australian Wagering Council.

To ensure looters are adequately punished if they steal property from a declared area under the Disaster Management Act 2003, the bill amends the existing offence of stealing by looting in the Criminal Code to ensure that an increased penalty applies in these circumstances. This amendment implements the Legal Affairs and Community Safety Committee’s recommendation No. 2 in its Report No. 40 on the Criminal Code (Looting in Declared Areas) Amendment Bill 2013.

The bill amends the Bail Act 1980 to insert a new condition for a court or police officer to consider when determining if bail should be granted to a nonresident, that is, a person who is not an Australian citizen or permanent resident. The amendment provides that the bail granting authority must consider imposing a condition for the surrender of an accused person’s passport and a prohibition on applying for a new passport. The bill also inserts a new section to mandate that where a surrender passport condition is imposed on any defendant, the person must be detained in custody until the passport is surrendered. The amendments to the Bail Act will help ensure that defendants who pose a flight risk are not inadvertently released from custody and able to use their passports to abscond from the jurisdiction before their court matter has been dealt with. Where an offender has fled the jurisdiction and is able to be located overseas, extradition proceedings may be lengthy and costly. I am advised that since 1 July 2011, warrants have been issued for 47 international tourists who have been granted bail but failed to appear in court for offences including: serious assault, fraud, drug and good order offences.

The bill increases the maximum penalty for the offence of procuring engagement in prostitution in section 229G(2) of the Criminal Code where the person procured is a child or a person with an impairment of the mind. The increase in the maximum penalty from 14 to 20 years imprisonment and the inclusion of this offence in the schedule of serious violent offences in the Penalties and Sentences Act 1992 will ensure the adequate punishment of offenders who prey and exploit the young and vulnerable in our community.

I note the support for these amendments from Protect All Children Today. I also note that Family Voice Australia expressed some concerns about the legalisation of prostitution generally to the committee. However, I can confirm that the amendments in the bill do not seek to significantly or
fundamentally alter the current law governing prostitution and are simply about ensuring consistency in the overall approach in the Criminal Code to protecting the young and vulnerable from sexual depravity.

To strengthen the community protection regime provided by the Dangerous Prisoners (Sexual Offenders) Act 2003, the bill amends the offence provision under the act to bolster the offence and insert a new circumstance of aggravation to target dangerous prisoners who tamper or interfere with their monitoring device for the purpose of avoiding their location being monitored. The new aggravated offence carries a maximum penalty of five years imprisonment with a mandatory minimum penalty of one year imprisonment to be served in actual jail. I note the comments made by some legal stakeholders to the committee regarding this mandatory punishment requirement. However, this type of behaviour by the prisoner strikes at the very heart of the community protection regime and requires harsh sanctions to deter and condemn such behaviour against our children.

The bill amends the Evidence Act 1977 to establish a rebuttable presumption that an expert witness is to give their testimony in a court proceeding by audio or audiovisual link. This amendment aims to encourage greater participation in the justice system by skilled witnesses and may reduce the cost and disruption to them as a result of having to give evidence in court. As has been seen in a number of high-profile trials this year alone, expert witnesses play an important role in assisting court proceedings.

Further, the bill contains amendments to complement introduction of a new system for electronic pleas of guilty in Queensland magistrates courts. While the Justices Act 1886 already allows written pleas of guilty in certain circumstances and the amendments in the bill do not contain any substantive changes to existing provisions, the new electronic system is an important initiative to further improve the efficiency of our state’s courts and provide a more professional and user-friendly interface as well as provide more standardised and consistent information to all parties. I note that the legal profession has expressed some concerns about the need to ensure the new system does not lead to potential injustices and can confirm that all existing safeguards, including provisions for a reopening and withdrawal of a plea of guilty, will continue to apply to the new e-pleas system.

This government is committed to a fundamental reform of the Queensland youth justice system and the bill provides several amendments to the Youth Justice Act 1992. I note that comment was made on the amendments to increase boot camp safety and security by providing a head of power to enable youth detention centre employees to be engaged at a sentenced youth boot camp to use, if necessary, practices such as force, restraint, separation and personal searches. It is important to note that the use of these practices will be subject to strict regulatory and operational limitations. Clear regulatory guidelines—similar to those currently governing the use of these practices in detention centres—will be inserted in the Youth Justice Regulation 2003, including the requirement to record details of each instance of the practices’ use.

I again thank the Legal Affairs and Community Safety Committee for its consideration of this bill and acknowledge the very valuable contribution of those who have made submissions to the committee.

Finally, I would like to foreshadow that I will be seeking to amend the bill during the consideration in detail stage of the debate to include amendments to the Crime and Corruption Act 2001. This government has listened to the people of Queensland and, in response to the concerns raised, the proposed amendments will reintroduce the requirement of bipartisan parliamentary committee support for the appointment of the Crime and Corruption Commission chairman, deputy chairman and ordinary commissioners. This was the appointment process that existed prior to the provisions of the amendment act commencing. As no new permanent commissioner appointments have been made to the CCC, the bipartisan parliamentary committee support requirement will apply to any new permanent appointments made to these positions. The amendment will not apply to the chief executive officer, given this is a new, separate position created by the amendment act and the bipartisan parliamentary committee support requirement therefore did not previously apply to the chief executive officer.

Since the election of this government we have seen crime reduce by 10 per cent across the whole state. The reforms contained in this bill are part of this government’s strong plan to make Queensland the safest place to work, live and raise a family. It is only under this government that Queenslanders can look forward to that bright future that awaits. I commend the bill to the House.
Mrs D’ATH (Redcliffe—ALP) (12.13 pm): I rise to make a contribution to the debate of the Criminal Law Amendment Bill 2014. At the outset I wish to advise that the opposition will not be opposing this bill, but I will be raising a number of issues with which we have some concerns.

This is an omnibus bill that contains amendments to a vast array of legislation covering multiple subject areas. Omnibus bills are not unusual in the parliament. They are often used to bring together amendments to many acts that are of a technical or non-contentious nature, and departments often have at least one such bill each year. Certainly this has long been the case for the Department of Justice and Attorney-General. For example, the explanatory notes to the Treasury Legislation Amendment Bill 2002 state—

The Treasury Department approved the implementation of a program of omnibus legislation in order to make a number of technical amendments to Acts administered by the Department on a regular basis. The amendments which will be included in the omnibus Bills will generally be of a technical nature ...

The Legal Affairs and Community Safety Committee has on a number of occasions referred to the omnibus nature of bills in its reports. In report No. 16 on the Guardianship and Administration and Other Legislation Amendment Bill 2012 the committee said—

Arguably omnibus Bills may breach the fundamental legislative principle in ss.4(2)(b) of the Legislative Standards Act 1992 because they fail to have sufficient regard to Parliament, forcing members to support or oppose a Bill in its entirety when that (omnibus) Bill may contain a number of significant unrelated amendments to existing Acts that would more appropriately have been presented in topic-specific stand-alone Bills.

The committee then went on to comment ‘that the amendments to the range of acts contained in the bill, while diverse, are relatively non-controversial and would not appear to constrain members' consideration of the bill when debate occurs in the House’. The committee had a different attitude in relation to the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012. It said—

The Committee’s concerns with omnibus bills relate primarily to Members’ feeling their ability to vote for or against such a bill in its entirety, as limiting their actions. These issues arise when bills such as this are presented containing a number of unrelated matters and unrelated amendments of varying significance, some of which a Member may agree with and others the Member may disagree.

There is nothing uncontroversial about the Bill. As outlined later in this part 2, there have been many submissions provided to the Committee raising substantial issues with both the youth justice component of the Bill and also the anti-discrimination aspects.

This is the case with the bill currently before the House. It is not merely of a technical nature—it contains some quite controversial amendments—and submissions have been received which are quite critical of certain aspects of the bill. To include amendments to a diverse range of acts over a diverse range of subject matter forces members to vote for or against the bill in its entirety, even though they may have a range of opinions on the separate parts of the bill.

There was an incident in the Canadian parliament in 1982 where the opposition parties were able to take a significant stand against such a piece of legislation. There was a dispute over whether an omnibus bill should be split and the parts voted on separately. The government would not agree. At that time it was the case that when there was a division in the Canadian House of Commons the bells rang for either 15 or 20 minutes, depending on the nature of the division. When the bell-ringing time had elapsed, the government and opposition whips advanced side by side to the Speaker and bowed, indicating that all was well and the bells could stop and the division begin. Because of the disagreement, the opposition whip refused to make the ceremonial entry. The bells rang for 15 days, until the government agreed to split the bill. As honourable members could imagine, the standing orders were promptly changed after that, but it was an extreme measure taken to illustrate how important it is that members of parliament are given the freedom to vote separately on individual contentious issues.

In its report on the youth justice bill the committee recommended that—

The Attorney-General and Minister for Justice limit the use of omnibus bills and ensure that substantive policy issues which are deserving of their own consideration by the Legislative Assembly be brought forward in stand-alone bills.

This is a recommendation which has considerable merit and one that I, again, urge the Attorney-General to adopt.
I note that the Attorney-General has circulated amendments to be moved during consideration in detail to restore the requirements for the chair of the Crime and Corruption Commission to only be appointed if they have the bipartisan support of the Parliamentary Crime and Corruption Committee. The amendment is in line with the statement by the Premier that he recognised his mistake in making that change and that he would reverse the decision. This backflip was in response to the absolute trouncing that the LNP received at the Stafford by-election, which resulted in us having the pleasure of witnessing Anthony Lynham being sworn in this morning as the new member for Stafford.

The Attorney-General has had the added embarrassment of the Premier acknowledging that virtually all of the mistakes he identified as having been rejected by the people of Queensland were decisions of the Attorney-General in this portfolio. The opposition is pleased that this amendment has been made. We consider it a start. The changes to the accountability and integrity measures in this state that have been made by this government are breathtaking and I suggest that the Premier and the Attorney-General look further than this limited—

Mr RICKUSS: I rise to a point of order. What is the relevance of this?

Mr DEPUTY SPEAKER (Mr Ruthenberg): Is your point of order relevance?

Mr RICKUSS: Yes.

Mr DEPUTY SPEAKER: Member, I am listening and I think the member for Redcliffe is sticking within the broader intent or parameters of the bill and I am going to allow her to continue at this point.

Mrs D’ATH: Thank you, Mr Deputy Speaker. I suggest that the Premier and Attorney-General look further than this limited change in order to win back some semblance of support from the Queensland public. In relation to the amendments that have been put forward by the Attorney-General today, the Attorney-General has taken the House to the fact that the chief executive position—a new position—with the Crime and Corruption Commission does not attract the requirement for bipartisan support and the explanation given by the Attorney-General is that, because it did not attract bipartisan support in the past because such a position did not exist, there is no need for it now. We certainly disagree with this position and would call on the Attorney-General when it comes to the appointments of the body that the bipartisan support required for the appointments should extend to the chief executive—the new position—as well as the commissioners, as has been outlined.

The most significant amendment contained in this bill is the change to the double jeopardy laws giving them retrospective application. The previous Labor government worked with the member for Nicklin to introduce a bill that received the support of every member in this House in 2007. Queensland was the second jurisdiction in Australia to make changes to this aspect of the law. That bill balanced the public desire for changes to double jeopardy to allow an acquitted person to be tried again where fresh and compelling evidence that was not available at trial later became available with the need for there to be finality of criminal proceedings. The bill did not operate retrospectively but applied to all persons acquitted after the date the amendments commenced. During the debate of the bill the then opposition supported the bill as it stood. The member for Gladstone did mention the issue of retrospectivity, although she fell short of saying she would prefer the act to be retrospective. Her concern, as she expressed it, was that this meant it will not be an answer for the Kennedy family. She was of course referring to the family of little Deidre Kennedy whose brutal death captured the outrage of the entire Queensland community. It was the failed reprosecution for perjury of her alleged killer, Raymond Carroll, that sparked much of the call for changes to the double jeopardy laws. However, it is highly unlikely that there is any possibility that Raymond Carroll could ever be tried again for murder even if these amendments were to be passed and the law had retrospective operation. As the then Attorney-General, the then member for Toowoomba North, said during the debate of that bill—

'It is noteworthy Carroll was not a DNA case. It is undoubtedly the virtually utter reliability of DNA analysis which gives teeth to push for this change.'
This view was repeated by the member for Caloundra—

I can certainly envisage that the immediate catalyst for this bill was in fact the tragic and very sad murder of Deidre Kennedy and the acquittal of Raymond John Carroll in a series of trials and appeals to the High Court and beyond. Concern in relation to this bill is that the bill itself will never attach to Carroll because all of the evidence had been put before the initial courts and therefore would not fit the definition of ‘fresh’ as contained in the bill presented here tonight.

It is disappointing that when the Attorney-General announced the proposed change to make the law retrospective that announcement was reported as—

The man accused of one of Queensland’s most shocking murders could be retried under proposed changes to the state’s double jeopardy laws.

Police would be able to again pursue former RAAF recruit Raymond Carroll for the alleged abduction, rape, and strangling death of Ipswich toddler Deidre Kennedy.

This gives false hope to the family of Deidre Kennedy and others who expect that Carroll will again be tried under these law changes. That could only occur if fresh and compelling new evidence became available that was not available in the original trial and could not have been ascertained with proper diligence.

In his speech on the bill, the then independent member for Maryborough said that he was pleased that the amendment has not been made retrospective. The member for Lockyer described it as a good balance of the double jeopardy law. The retrospective application of these laws is opposed by the legal stakeholders that made submissions on the bill. The Queensland Law Society, the Bar Association of Queensland, the Queensland Council for Civil Liberties and the Aboriginal and Torres Strait Islander Legal Service all opposed the amendments. The Law Society in its submission said—

The Society is concerned that the double jeopardy exception will now apply retrospectively. We particularly note that section 4(3)(g) of the Legislative Standards Act 1992 states that legislation should not ‘adversely affect rights and liberties, or impose obligations, retrospectively’. The Society submits that it is not an appropriate answer to this breach of legislative standards to state that Queensland will otherwise be the only state which does not have a regime operating retrospectively.

An accused may have conducted his or her previous trial in a particular way (such as making a decision to give evidence or not) understanding that the law as it then stood provided that an acquittal prevented a retrial. It would be unconscionable for this to be altered by retrospective application of this provision. In this regard, we note that such an approach would not accord with the principles of natural justice and procedural fairness.

No-one can help but be moved by the case of Deidre Kennedy. No-one can help but be moved by the courage and tenacity of Faye Kennedy, who has pursued her desire for law changes to this point. There are undoubtedly Queensland families whose immeasurable pain in losing a loved one to an horrific crime has been compounded by the person charged with their murder having been acquitted and no person having been held responsible. I could not even begin to imagine their pain and their heartache and would not pretend to be able to. In the same way I could not expect that they would understand how anyone could not support a change to the law that gave them some hope, however intangible, of justice. As has been said, the rule against double jeopardy is not a rule designed to protect the guilty but to protect the innocent. The state with all its resources and powers has many advantages over the defendant in a criminal trial. That advantage is compounded after the passage of time. The prosecution in a criminal offence starts from the advantage that many jurors will say, ‘If there was nothing in this case the police would never have brought it.’ The criminal justice system rectifies those imbalances by the presumption of innocence and placing the burden on the prosecution. In addition, this attempt to correct the imbalance is supported by the rule against double jeopardy.

Bringing a person to trial many years after they have already been acquitted means that they are also at a disadvantage in respect of any evidence that might adduce in their defence or to explain any new evidence. They might have disposed of evidence after their previous trial believing they would never again have need for it. Because of the time that has elapsed, potential witnesses might have died or they might have lost contact with them, not realising they were required until they were acquainted with the new evidence. Anyone convicted after the 2007 amendments knew their position at the time they were convicted. They were aware of what the law was. Making the laws retrospective means that the position of acquitted persons changes when the laws are passed. The decision therefore as to whether to support the retrospective of these amendments is a complex one. It is necessary to balance the overwhelming desire to ensure that persons who have committed horrific crimes are held accountable for those crimes with the reluctance to overturn legal positions that have stood the test of time for over 800 years.
When Queensland introduced the exceptions to the rule against double jeopardy in 2007, we were, as I said, the second jurisdiction to do so. Since then, all of the other states have done so. The original position was rightly very cautious. Overturning 800 years of legal principles should be approached with caution. Since those changes, there have been no cases where these laws have been used in Australia. I have found three cases in the UK, which has utilised its changed double jeopardy laws to reprosecute murderers. There has not, however, been a surge of cases using the laws. The approach has been cautious and only cases where the fresh evidence has been compelling can be entertained by the courts. Being mindful of the concerns expressed about making these laws retrospective but also being mindful of the strong community support for the changes, the opposition will not be opposing these amendments.

In relation to the terms ‘chair’ and ‘deputy chair’, these amendments allow chairs and deputy chairs of various government boards, tribunals and similar entities established under an act to choose their preferred title—whether it be chair, chairperson, chairman or chairwoman or another similar chair title, irrespective of what chair title is used in the act.

These amendments are in response to community concerns expressed in consideration of the amendments made to the crime and misconduct act, where the head of the CCC was renamed chairman. They are virtually identical to section 18B of the Commonwealth Acts Interpretation Act. The Attorney-General said during his speech to the CMC bill that the changing of the term ‘chairperson’ to ‘chairman’ was the subject of concern in 12 of the submissions to the committee on that bill and had also been raised in media reports. He said further—

The government’s position is that the term ‘chairman’ does not refer to any gender and given section 32B of the Acts Interpretation Act 1954, words indicating a gender includes each other gender. The use of the term ‘chairman’ will not prevent an appropriately qualified woman from being appointed a chairman of the commission. However, having listened to the concerns of the community, in a bill to be introduced into the parliament in the not-to-distant future we will move amendments to the Acts Interpretation Act to ensure in future people who take on positions in government on any board or body can use their preferred title. That way we are not individually addressing each particular piece of legislation, we are addressing it through the Acts Interpretation Act and people can refer to themselves as they wish in the future.

In its submission to the bill the Queensland Law Society did not support the change and queried whether the public expenditure related to the introduction of this amendment is needed when a gender-neutral option is currently in place. In fact, section 24 of the Reprints Act 1992 provides the following—

If the name of an office established by a law uses a word indicating a gender or that could be taken to indicate a gender, the name of the office may be changed.

It is the government’s rationale that the proposed amendment will avoid the matter being addressed in a fragmented fashion in individual pieces of legislation. However, since 1992 it has been possible to address the issue in any reprint of legislation. There is no similar provision in Commonwealth legislation. The gender-neutral form of legislative drafting has been in place since 1992 and there is no need to change the position now. If the government is true to its word, it would change the title of head of the CCC back to ‘chair’ and then this section, which allows anyone to call themselves their preferred title, could apply. It would also give an undertaking to stop any further changes that change the titles of government positions from their current gender-neutral terms.

The bill also amends the Bail Act to require a court or a police officer, when deciding whether to grant bail to a nonresident, to consider whether to make it a condition of the bail that they surrender their passport. Currently, under the act if the court or police officer is considering that the imposition of special conditions is necessary to secure that a person, for example, appears in accordance with their bail, they are required to impose such conditions as they think fit to achieve that purpose. This could include the surrender of a passport.

In 1992, the Queensland Law Reform Commission released a working paper on the Bail Act, which stated—

The Act also enables more specific bail conditions to be imposed. For example, the defendant may be required to … surrender a passport.

A further amendment contained in the bill requires that, if a passport surrender condition is imposed, whether on a resident or nonresident, the person may be detained in custody until they physically surrender their passport. None of the submissions to the committee addressed this amendment in any substantive way. However, there has been some criticism in the media.
The issue raised is in relation to people who cannot immediately put their hands on their passport. If a person is detained in custody, how can they gain access to their passport in order to surrender it? Unless they have a friend or a family member who can gain access to their home and search for the passport, they will be detained in custody. This will often mean a night or a few days in the watch-house before being released. This problem is amplified when a person is arrested when in Queensland on holiday and their passport is at a home, which one would imagine it usually would be. Until someone searches their home and then sends the passport by some means to Queensland, this person will be detained in custody. There must be some way that the federal immigration authorities can be advised when an offender is released on bail so that their name is placed on an alert for immigration officials at all ports and airports.

I would like the Attorney-General to please explain what steps he has taken to investigate the action that could be taken to prevent persons released on bail from leaving the country without requiring their detention in custody until they physically surrender their passport. Also, what will happen if the passport has been stolen? A person can send their friend or family member to search their house for their passport only to be unable to locate it. This could be because the passport had been stolen earlier and no-one realises until they look for the passport. People could also have two passports. Australian authorities would not necessarily know whether a person has a passport from another country. Notification to immigration officials would be a much more effective method of restricting someone leaving the country, because it would not matter what passport they were travelling on.

In relation to match fixing, in June 2011 the anticorruption working party formed by the Coalition of Major Professional and Participation Sports, the body representing the seven major sports codes in Australia in respect of which betting takes place, released its working paper. The state and territory sports ministers subsequently agreed to implement nationally consistent legislation. Phil Reeves, the then minister for sport in Queensland, announced Queensland’s intention to participate in this model. New South Wales, South Australia, Victoria, the Australian Capital Territory and the Northern Territory have subsequently enacted laws relating to match-fixing issues. However, following the election of the Newman government Queensland dropped the ball and failed to introduce legislation in a timely fashion like many of its counterpart states and territories did. That led the leading national newspaper in 2013 to describe Queensland as—

... the weak link in Australia’s defensive line against match-fixing and a ‘soft target’ for organised crime gangs looking to capitalise on international sports events, according to officials in Canberra.

We were told the following—

Documents obtained under Freedom of Information laws reveal officials are concerned that the lack of consistent match-fixing laws will lead astute crime bosses to focus on games held in jurisdictions where they could avoid a conventional fraud prosecution.

The officials noted that Victoria, NSW, South Australia, the Northern Territory and ACT had introduced tougher laws but Western Australia and Queensland had decided to stick with their existing laws. Queensland was also holding out on the introduction of new sports betting regulations.

The Australian Crime Commission report titled Organised crime and drugs in sport identified an increasing level of association between professional athletes and organised criminal identities in Australia, leaving athletes vulnerable to corrupt practices such as match fixing. Late last year the member for Yeerongpilly introduced the Criminal Code (Cheating at Gambling) Amendment Bill 2013. His bill is similar to Victoria’s legislation, but did not include some aspects of that other state’s legislation. He subsequently wrote to the committee advising that he would introduce a number of amendments during the consideration in detail. This bill adopts his recommendations and is largely consistent with the national legislation.

The previous Labor government commenced the process that resulted in the national legislation and the Newman government has been embarrassed into introducing these amendments by the bill introduced by the member for Yeerongpilly. The opposition supports these amendments and is pleased that eventually the Newman government has been brought kicking and screaming to the table before Australia hosts the Cricket World Cup and the Asian Football Confederation’s Asian Cup in 2015.

This bill also introduces a new offence of serious animal cruelty. At present, there is an animal cruelty offence in the Animal Care and Protection Act 2001 and section 468, titled ‘Injuring animals’ provides the following—

Any person who wilfully and unlawfully kills, maims, or wounds, any animal capable of being stolen is guilty of an indictable offence.
The offence carries up to three years imprisonment in the case of domestic animals and seven years if the animal in question is stock. There has been much discussion in recent times that these existing offences do not provide adequately for the case where a person intentionally inflicts severe pain and suffering on an animal—in effect, the torture of an animal. On 13 October 2011 the then Attorney-General, Paul Lucas, introduced the Criminal and Other Legislation Amendment Bill 2011 into the House. It included an offence of serious animal cruelty for which the penalty was seven years imprisonment. This offence was identical to the offence contained in this bill. That bill also contained identical provisions relating to an extension of the powers of RSPCA inspectors and the granting of interim prohibition orders.

There is provision to make a prohibition order on conviction and an interim prohibition order where a person is charged. There have been cases, especially puppy-farming cases, in which the defendant has funded their prosecution by continuing their puppy-farming business between being charged and the charges being finally determined. The interim order will prevent this occurring in future. Brisbane Lawyers Educating and Advocating for Tougher Sentences—BLEATS—is concerned that there must be a prosecution launched before a prohibition order or interim prohibition order can be made. BLEATS suggests that, in some cases where a person has serious mental health issues that means that they cannot be prosecuted because they are of unsound mind and unfit for trial, even though there is evidence of animal cruelty no prohibition order could be made.

The department advised the committee in its correspondence that it has referred the issue back to the Department of Agriculture, Fisheries and Forestry for consideration. I would ask the Attorney-General if he might update the House on the progress of this matter and whether that department has provided any advice in relation to this aspect.

In relation to stealing by looting, on 21 March 2013 the member for Yeerongpilly introduced the Criminal Code (Looting in Declared Areas) Amendment Bill 2013 to extend the existing looting provisions in the Criminal Code to situations where a declaration has been made under the Disaster Management Act. The existing looting provision increased the penalty from five years to 10 years where the offence was committed during a natural disaster, civil unrest or an industrial dispute or if the thing stolen is left unattended by the death or incapacity of the person in possession of the property.

The committee, in considering the 2013 amendment, recommended that the issue be referred to the Attorney-General to consider whether an amendment was necessary. He advised the committee in correspondence that such an amendment would be beneficial and that he would progress the amendment during the next appropriate bill. It is unfortunate that the committee, which is meant to be bipartisan, cannot accept a private member’s bill such as that introduced by the member for Yeerongpilly on its merits. This bill had considerable merit yet the committee could not support that the bill be passed. Instead it referred the issue to the Attorney-General who introduced his own bill. If the Attorney felt there could be refinements made to the bill there was a process that would allow him to move amendments during consideration in detail. To simply reject the private member’s bill and introduce his own legislation is churlish and a sad indictment on the independence of the committee.

On the issue of procuring engagement in prostitution, I turn now to the amendments relating to that matter. The Criminal Code currently provides for an offence of procuring engagement in prostitution. This bill increases the maximum penalty for the offence from 14 years to 20 years where the person procured is a child or a person with an impairment of the mind. The bill also adds the offence to the schedule of serious violent offences in the Penalties and Sentences Act 1992. An SVO means an offender must serve 80 per cent of their sentence if sentenced to 10 years or more. The opposition supports these amendments.

The bill also amends the Criminal Code in relation to dangerous driving offences. Under the Criminal Code there are a number of offences where a person can be convicted of an alternative charge where the evidence does not prove the offence charged but if no alternative is charged on the indictment. For example, a person charged with murder could be found guilty of manslaughter if the evidence did not satisfy the jury as to murder. Similarly, a person charged with an offence arising from the driving of a motor vehicle, for example vehicular manslaughter, can be convicted of dangerous driving of a motor vehicle causing grievous bodily harm or death. The code has an offence of dangerous operation of a vehicle. This applies to a person who is operating a vehicle and is not restricted to someone driving the vehicle, for example, if a passenger in a vehicle pulls on the handbrake causing the vehicle to go out of control. It also applies to all vehicles, not just motor vehicles. ‘Vehicle’ is defined in the code to include a motor vehicle, train, aircraft, vessel or anything else used or to be used to carry persons or goods from one place to another. This bill amends the code to
ensure that the wider definition of ‘dangerous operation of a vehicle’ applies to the alternative verdict provision rather than the more limited dangerous driving of a motor vehicle. There is also a corresponding amendment to the Penalties and Sentences Act to allow a court to order a licence disqualification where the offence is committed in connection with the operation of a vehicle rather than just driving. The opposition supports these amendments.

This bill also contains amendments to give increased power to the Attorney-General to appeal certain matters. Under the Criminal Code the Attorney-General has standing to appeal sentences imposed for indictable offences dealt with either on indictment or dealt with summarily. This bill amends the Justices Act 1886 to provide the Attorney-General with the standing to appeal sentences for simple offences disposed of summarily. According to the Attorney-General, the proposed amendment is complementary to the Attorney-General’s existing appeal powers. No further explanation has been given for the amendment. This amendment is entirely unnecessary. The Queensland Police Service that prosecutes summary matters in the Magistrates Court has a right of appeal. They often seek the assistance of the DPP in exercising that power. No further appeal right is necessary. The real reason the Attorney proposed this appeal is that he was professionally embarrassed when he attempted to appeal a decision of a summary offence in the Magistrates Court when he had no standing and the Court of Appeal ridiculed him—in a very polite way, of course. He became the butt of quite a few jokes. Samantha Macey, who raised $23,341 by telling people the money would go towards the 2011 Premier’s flood disaster appeal, was sentenced to a partly suspended jail term for fraud offences, together with 240 hours community service and restitution. She appealed to the District Court. The District Court judge allowed that appeal, rendering the term of imprisonment fully suspended and setting aside the order for payment of restitution. The Attorney-General purported to lodge an appeal to the Court of Appeal and was forced to abandon it when he had no standing and the Court of Appeal ridiculed him—in a very polite way, of course. He

Unsurprisingly, the Attorney-General has this morning abandoned that proceeding and we ordered that the ‘purported’ notice of appeal, I suppose it should be called, filed on the 7th of January 2013, be struck out. Any appeal in this situation would need to have been instituted by the complainant, Christine Price, if granted leave to appeal under s 118(3) of the District Court of Queensland Act 1967.

The opposition does not support this amendment. The Attorney-General has provided no explanation at all for its inclusion in this bill and the current provisions are perfectly adequate.

The Criminal Proceeds Confiscation Act 2002 makes provision for interstate confiscation orders and warrants that are issued in other states and territories to be recognised in Queensland and vice versa. By way of example, if the department is advised that a confiscation order has been made in New South Wales in respect of a certain person and that person has property in Queensland, the courts in Queensland can recognise the interstate order and action can be taken against the Queensland property. Currently, these mutual recognition provisions require a criminal charge or conviction before such an order can be recognised under the scheme. This bill amends the Criminal Proceeds Confiscation Act 2002 to remove the requirement that interstate restraining orders and pecuniary penalty orders must be based on a criminal charge or conviction. Queensland has expanded its criminal proceeds scheme to include the ability to restrain property without necessarily relying on a charge or a conviction, such as through the unexplained wealth laws. Attacking the proceeds of crime is a major factor in attacking organised crime. The opposition supports these laws which strengthen the criminal proceeds scheme in Queensland.

On GPS tracking devices, under the Dangerous Prisoner (Sexual Offender) Act 2003 there is an offence of breaching a supervision order, punishable by a maximum term of imprisonment of two years. This bill changes the offence under the DPSOA ofbreaching a supervision order from a summary offence to an indictable offence. It then creates an aggravated offence of contravening the relevant order without a reasonable excuse by removing or tampering with a stated device, for example a global positioning system tracking device, for the purpose of preventing the location of the released prisoner being monitored. The new aggravated offence is a crime punishable by a maximum penalty of five years imprisonment with a mandatory minimum period of one year’s imprisonment to be served wholly in a Corrective Services facility. Indictable offences can still be dealt with in the Magistrates Court if the penalty that can be imposed is sufficient. The maximum that a magistrate can impose is three years imprisonment. These offences follow the procedure normally adopted for dealing with indictable offences in the Magistrates Court. The opposition is not opposed to the change in the nature of the offence from summary to indictable and is not opposed to the increase in the maximum penalty from two years to five years. We do not, however, support mandatory sentencing and are opposed to the minimum penalty of one year’s imprisonment to be served wholly in a Corrective Services facility.
It is important to retain a discretion in the sentencing court. All offences are different and all offenders are different and there may just be a case where exceptional circumstances and the interests of justice dictate that the penalty is not appropriate and it would be an injustice to impose it. Both the BAQ and the QLS expressed opposition to the mandatory nature of the minimum penalty. The opposition has always maintained an opposition to mandatory sentencing and has always proposed an amendment during consideration in detail that retains a discretion in the sentencing court. I would like to foreshadow that I will be doing so again.

The bill also contains further amendments to the DPSOA. These amendments clarify the definition of serious sexual offence under the schedule to ensure that the regime applies where an offender has been convicted of an offence of a sexual nature and the person against whom the offence was committed is not necessarily a real person but they were represented to the offender as a real person and the offender believed them to be a child. For example, they might be a police officer posing as a child. The explanatory notes explain that the amendment is to overcome the challenges confronted in Dodge v. Attorney- General for the State of Queensland and ensures that the regime extends to prisoners convicted of offences such as section 218A of the Criminal Code, using the internet to procure children under 16, or section 218B, grooming children under 16, even where the conviction is based upon a fictitious child rather than an actual child, for example, a police officer posing as a child but the prisoner believed them to be a child. These are important amendments that ensure persons envisaged to be captured under this regime are so captured and strengthen the toughest sexual offender laws in the country, which were introduced by the previous Labor government.

Now, I turn to a favourite topic for the opposition: the Attorney-General and the boot camps. This bill contains amendments that will allow staff from the youth detention centres to work in the sentenced boot camp at Lincoln Springs in order to ‘provide services to maintain good order and discipline at a boot camp centre’. In his introductory speech, the Attorney-General stated that youth detention centre workers will be engaged at the Lincoln Springs sentenced youth boot camp centre to supervise young offenders so as to better protect staff, offenders and property. Queensland Corrective Services officers are currently engaged in supervising offenders at the Lincoln Springs centre. Concerns have been raised with the opposition about the legal implications of this practice.

I ask the Attorney-General to please explain why adequate security has not been able to be provided by the successful tenderer. Surely the provision of security would have been an important component of any expression of interest. Would the Attorney-General also please explain what powers those Corrective Services officers have been exercising at Lincoln Springs? It is curious that youth detention workers require legislative amendment to be able to exercise their powers at Lincoln Springs, but Corrective Services officers have been working there without any legislative support. These amendments again expose the bungling that has been a characteristic of the bungling-boot-camp Attorney-General.

The explanatory notes sugarcoat what has happened and explain this amendment as addressing an emergent issue. The Attorney-General might like to explain to the House how this issue is an emergent issue, because although it might be emergent now it was entirely predictable and any person who has any idea about maintaining good order in youth detention facilities would have identified the issue and put measures in place before the situation become emergent. The Attorney-General is aware that his first boot camp experiment failed when the youths escaped and used weapons to threaten neighbours and staff within the boot camp. He would have been well aware of the need to maintain good order for the safety of staff, other participants and the community. To fix that particular bungle, the Attorney-General closed the boot camp and issued a new tender. He then chose not to award the tender to the best qualified organisation as selected by his own expert panel. Questions are flying around the place as to why the expert panel was ignored and why the Attorney-General met with the eventual winners during the tender process.

Mr BERRY: I rise to a point of order.

Mr DEPUTY SPEAKER (Mr Ruthenberg): What is your point of order, member for Ipswich?

Mr BERRY: Relevance.

Mr DEPUTY SPEAKER: Member for Ipswich, again the member for Redcliffe is developing an argument. I am listening quite carefully. I ask the member for Redcliffe to continue.

Mrs D’ATH: Thank you, Mr Deputy Speaker. The Attorney-General has never provided an adequate explanation of this. Therefore, it is not surprising that the capacity of Beyond Billabong to deliver the necessary security and protective services seems to have been found wanting, which has
led to the Attorney-General seconding Corrective Services officers to the boot camp to try to maintain good order. The opposition does not believe that this was provided for in the boot camp contract and that the taxpayer is supplementing the private organisation to effect government policy. In effect, the taxpayer is paying twice: once to the private provider and then in the provision of staff to the boot camp. The boot camp amendments are required to address what the explanatory notes describe as—

The lack of a head of power to use proportionate force has prevented appropriate measures being taken to address several recent incidents at the Lincoln Springs boot camp centre.

The problem has always been that Corrective Services, youth justice and boot camp operators have lacked sufficient powers to use force against young people in the boot camp. The first 10 youths were volunteers, many simply removed from the Cleveland Youth Detention Centre. That is right: sentenced youths were removed from youth detention and put in the boot camp. The estimates process revealed that eight out of the 10 have already reoffended since being released. This amendment fixes up the issue that, if they had remained inside the youth detention centre, the staff could have used appropriate and reasonable force to deal with unrest, but the boot camp staff are powerless to act. I have already described how staff could not act in the Cairns boot camp debacle to stop neighbours being threatened and the behavioural issues have obviously not abated if the explanatory notes are accurate when they describe the measures as being necessary ‘to address several recent incidents at the Lincoln Springs boot camp centre’. Can the minister fully explain the incidents that require these emergent amendments? We can only assume that the reports to the opposition office of youths on roofs staging protests with staff going to bed instead of dealing with the issue are accurate.

The explanatory notes state—

Youth detention centre officers are specially trained and experienced in working with young offenders and are able to appropriately employ a range of practices such as use of force, restraint, separation and personal searches.

The amendments are fairly general in nature and regulations will be made that we are told will restrict the practices that a youth detention centre officer may employ in maintaining good order and discipline at a boot camp centre. The explanatory notes state—

Clear guidelines around the use of practices such as use of force, restraint, separation and personal searches will be prescribed in the Youth Justice Regulation 2003, as well as the obligation to record all instances of their use.

This bill also contains amendments that allow information identifying a child as the subject of the Child Protection Act 1999 to be used in preparing and providing presentence reports ordered by the Children’s Court. The QLS has expressed concerns that, as some youth justice matters will now be heard in open court, this information may be made public through this process. The department advises that restrictions under the Child Protection Act 1999 on the publication of this information will remain in force. Further, the use and disclosure of the information is subject to the relevant court’s power to limit the disclosure of the presentence report.

The then Chief Magistrate and now Chief Justice, Tim Carmody, wrote to the committee seeking clarification as to whether the confidentiality provisions, especially section 189, are breached if a member of the legal profession or an officer of a government department discloses to the court that an application is about to be made (a) to close the court; and/or (b) for a publication prohibition order because the child or young person is a person to whom the CPA is relevant. The department provided clarification to the committee on this issue. However, the views expressed where just a single view and, as the then Chief Magistrate identified, he had consulted with the President of the Children’s Court, Judge Michael Shanahan, and the Children’s Court Magistrate, Leanne O’Shea, who both supported his view that these issues could benefit from clarification. I still hold some concerns about the issue, despite the committee report.

There is another amendment in the bill that I would like the Attorney-General’s clarification on. This bill seeks to amend both the Criminal Code and the Justices Act to provide that when sentencing an offender the court may treat a prior conviction as a circumstance of aggravation for the purposes of the Penalties and Sentences Act, even if it is not alleged. If the prosecution wishes to rely on prior convictions as a circumstance of aggravation, which increases the maximum penalty applicable for an offence, in the case of identifiable offences the allegation must be included in an indictment and in the Magistrates Court a defendant must be served with a notice alleging a prior conviction as a circumstance of aggravation. This allows the defendant to consider whether the allegation is correct and challenge it where it is not. Whilst certainly not common, it is not unheard of for police to allege a prior conviction where charges were dropped before trial or where it has been entered against someone with the same name.
In the case of Miers v Blewett (2013) QCA 23, a person was charged with breaching a domestic violence order. Under the domestic violence act, if a person has been convicted twice in the past three years the penalty is increased. As I have said, under the Justices Act if the prosecution seeks to rely on a prior conviction as evidence of a circumstance of aggravation they must serve notice on the defendant. In this case, the defendant was not served notice and the Court of Appeal held that the two prior convictions could not be relied on in sentencing, either to increase the maximum penalty applicable or under the provisions of the Penalties and Sentences Act which require a court to take into account prior convictions. Prior convictions for other offences were able to be taken into account, however.

The Court of Criminal Appeal overturned a prior decision of Washband v Queensland Police Service, which held that the entire criminal history could not be relied upon in sentencing because no notice had not been given. The Court of Criminal Appeal in Miers v Blewett relied on the 1981 High Court decision of the Queen v De Simoni. These amendments seek to amend the law so that, where prior convictions are not alleged in the charge or indictment, they may not be relied upon to increase the maximum penalty as a circumstance of aggravation, but they can be relied upon to be considered by the sentencing judge or magistrate in considering whether higher penalties should be imposed, provided they are not higher than the maximum. The explanatory notes and the committee report both state that the amendment reinstates the understanding of the position prior to the judgement in Miers v Blewett. However, my understanding is that the position prior to Miers v Blewett was the decision of the High Court in Di Simoni and Washband, which was overturned by the Court of Appeal, went even wider.

Debate, on motion of Mrs D’Ath, adjourned.

Sitting suspended from 12.59 pm to 2.30 pm.

FAMILY RESPONSIBILITIES COMMISSION AMENDMENT BILL

Introduction

Hon. GW ELMES (Noosa—LNP) (Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs and Minister Assisting the Premier) (2.30 pm): I present a bill for an act to amend the Family Responsibilities Commission Act 2008 for particular purposes. I table the bill and the explanatory notes. I nominate the Health and Community Services Committee to consider the bill.

Tabled paper: Family Responsibilities Commission Amendment Bill 2014 [5626].
Tabled paper: Family Responsibilities Commission Amendment Bill 2014, explanatory notes [5627].

I am pleased to introduce the Family Responsibilities Commission Amendment Bill 2014 to ensure that welfare reform and the operations of the Family Responsibilities Commission are extended into the future for Aboriginal and Torres Strait Islander communities. The Family Responsibilities Commission is established under the Family Responsibilities Commission Act 2008. The main objects of the act are: to support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and to help people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community. The proposed amendments are: removing the sunset clause, with the act currently due to expire on 1 January 2015; adding further justice triggers to notifications to the commission from District, Supreme and Children’s courts; and moving from the act to the Family Responsibilities Commission Regulation the description of welfare reform communities.

The need for an integrated government framework to address disadvantage in discrete communities is clear. All have poorer outcomes than the rest of Queensland on most measures of social and economic development. The challenges facing these communities are significant, and it must be recognised that resolving disadvantage will take time.

Welfare reform efforts in Hope Vale, Aurukun, Coen, and Mossman Gorge commenced in 2008 as the Cape York Welfare Reform Trial—a tripartite initiative of the Queensland and Australian governments and the Cape York Institute. The legislative changes, if passed, will allow us to build on the benefits achieved by Cape York Welfare Reform. They will provide flexibility to extend welfare reform to other Aboriginal and Torres Strait Islander communities to address dysfunction and disadvantage. The community of Doomadgee is under active consideration as the first new community to join welfare reform. It is anticipated that other communities will be considered for inclusion once the new legislation comes into force. Which communities might be included and when will be based on regular assessment of need.
I look forward to continuing to work with the commission, the welfare reform communities and our partners to ensure that Aboriginal and Torres Strait Islander people have the same opportunities as other Queenslanders to fulfil their aspirations and reach their full potential. The Family Responsibilities Commission Amendment Bill 2014 is a necessary precondition for extending the act to support welfare reform. I commend the bill to the House.

First Reading

Hon. GW ELMES (Noosa—LNP) (Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs and Minister Assisting the Premier) (2.43 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 Health and Community Services Committee

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! In accordance with standing order 131, the bill is now referred to the Health and Community Services Committee.

CRIMINAL LAW AMENDMENT BILL

Second Reading

Resumed from p. 2364, on motion of Mr Bleijie—

Mrs D’ATH (Redcliffe—ALP) (2.44 pm), continuing: Before the debate was adjourned, I was taking the House to amendments to the Criminal Law Amendment Bill and particularly the explanatory notes and the committee report, both stating that the amendment reinstates the understanding of the position prior to the judgement in Miers v Blewett. However, my understanding is that the position prior to Miers v Blewett was that of the decision of the High Court and De Simoni. Washband, which was overturned by the Court of Appeal, went even wider and did not allow any prior convictions to be taken into account.

I would ask the Attorney-General to please explain whether these amendments change the law as enunciated by the High Court in De Simoni in 1981. If they do, then the statement in the explanatory notes that the amendment reinstates the understanding of the position prior to the judgement in Miers v Blewett cannot be accurate. The opposition does not necessarily oppose the amendments, but we do have some considerable concern about the accuracy of the explanatory notes.

It is imperative that explanatory notes accurately reflect the content of legislation because explanatory notes are referred to by the courts as an aid to statutory interpretation. This is perfectly illustrated in the Washband decision that I have referred to earlier. The District Court, in hearing the appeal from the magistrate, referred extensively to the explanatory notes to the amendments moved to the Justices Act in 1997 and 2003. Those explanatory notes assisted the court in discerning the intention of the legislature.

These explanatory notes would not be able to assist a court in interpreting these amendments because they are not an accurate reflection of the effect of the amendments. They also do not provide any assistance to persons seeking to make a submission to the committee on the effect of the legislation. This is not the first time the opposition has had to raise inaccuracies in the explanatory notes as a significant issue. During debate on the Child Protection (Offender Reporting) Act, the member for Rockhampton raised the issue that the description of the effect of the amendments contained in the explanatory notes was misleading.

I ask the Attorney-General to please clarify whether the explanatory notes contain an accurate statement as to the effect of the amendments and, if not, if he could clarify that fact for the parliamentary record so that any future court seeking to discern the intention of the legislature has an accurate record on which to rely.
In conclusion, there are various other uncontentious amendments contained in the bill which I do not intend to specifically address. These are matters which are rightly contained in an omnibus bill because they are of a technical nature or they clarify or simplify procedural matters.

Mr BERRY (Ipswich—LNP) (2.47 pm): It is certainly a pleasure for me to be able to stand here today and not only espouse the reasons it is important for this bill to proceed through this House unhindered but also make some comment upon the shadow Attorney-General’s summation of some of the important matters relating to the bill. Perhaps I might start with the story.

About six or seven years ago I was a solicitor for a young man. He was slightly built, probably 50 or 60 kilograms, probably five foot five. He went out with a friend to Tinbilly’s in Brisbane. His object for the night as a young man of 18 or 19 was simply to enjoy himself. So he went there and he had been there for a little while when a dispute happened between him and the duty manager. Whether the duty manager was off duty or on duty one does not really know. But effectively an altercation occurred to the point where the person involved took him to a place where he would be not seen by video cameras and he absolutely pummelled this young man wantonly and without any respect for his person. It just so happened though that outside Tinbilly’s—and this is probably at 11 o’clock at night—there was a bus driver having his lunch and he recorded it all. So ultimately the man was arrested. But that is where the story finished because the bar manager was an Irish national. He went to court I think once, maybe twice, but he left for Ireland and was never seen again. So that is justice unresolved.

This is six or seven years ago. This is not uncommon. I have heard of a couple of instances in my short history in dealing with these sorts of matters where accused offenders have returned to their home country. I wonder why this law was not made six years ago or five years ago. Clearly, there was a need for it, but it did not happen because the previous government was asleep at the wheel. It did not understand that there needed to be a mechanism in place for this sort of conduct to desist. We need to bring perpetrators to justice and to do that we need for them to be in person in court.

The member for Redcliffe indicated that perhaps other measures should be used. For instance, why not simply have a mechanism in place where we block all the airports outside the country—for that matter, maybe the shipping terminals as well? That was open to the opposition. They could have done that if they saw fit, keeping in mind of course that the Queensland parliament only has the jurisdiction to deal with Queensland law. But you could have done it through SCAG. The next member for Woodridge, Cameron Dick, could have made that law. Nothing prevented him from doing it. In a unicameral parliament he had the power to do it, but they slept at the wheel. They did not know what options they had available. They could have drafted this simple amendment that we have done but they opted not to do so.

There is the other argument that an offender could have two passports so if he surrenders a passport he might only surrender one and not the other. If any level of investigation occurred you would realise from the police check whether there is one, two or three passports. It just so happens that my daughter has three passports. But they check and as a result of that check they will find out whether or not there are two passports and he would be required to produce two.

There seems to be an anomaly here, because we are saying it is pretty tough to spend two or three days in incarceration while a passport is found. A passport is a valuable document. If it is around it would be brought in. That is a very simple matter and such a simple solution. To suggest otherwise is to again adopt red tape and convoluted processes. It is virtually using a sledgehammer to crack a nut. It is implausible to suggest that they are reasonable suggestions for why this procedure ought not to happen.

With regard to the rule against double jeopardy, there seems to be a conflict, to my way of thinking, against mandatory sentencing. On the one hand, the opposition is against mandatory sentencing on the basis that there could be so many occurrences for which the magistrate or judge will not have a solution but he must give 12 months even though that might be the appropriate sentence. But, on the other hand, with regard to the double jeopardy law we cannot make it retrospective because it is going to cover things that we are not sure about. I cannot quite understand the reasoning. I notice in reading the report, for which I congratulate my members of the committee, the member for Nicklin introduced retrospectivity back in 2006 or 2007. Perhaps not necessarily being a favourite son of the Labor Party it was not adopted. The reality is that we do not know what happens in a rule against double jeopardy. We do not know whether that hair that was lost in the Carroll case will ever show up. We do not know whether there is a confession or something that was
made that might come to light. Who knows? The reason this rule needs to be put in place is, with the way that science and technology is advancing today, the courts ought to have an open system allowing for justice to be done.

After all, the Director of Public Prosecutions needs to have the available evidence. It is for him to decide whether there is sufficient evidence for a charge to be laid and that will be assessed. If he says yes and it goes to court, it is then for the jury or a judge alone, however that may proceed. It is for them to determine whether there is sufficient evidence for there to be a conviction. Our justice system has many measures of checks and balances. As a result, there is no justifiable reason for this not to be double jeopardy. Quite frankly, an opportunity has been lost. I certainly feel very much for the Kennedy family for what they have gone through but this law is for other matters, not only the Kennedy case. It is for those matters where science will dictate as to whether charges can be laid, whether there is sufficient evidence to prosecute a case. For instance, in terms of the progress of DNA I remember in Wisconsin the Governor called a moratorium on the death penalty. I think there were 40 people ready to be put to death, but DNA found out that for probably 20 or 30 the DNA was against those people being convicted. The reality of life is that we do not know how science is going to progress. What is beyond DNA only time will tell. It is a measured view and one which could have been adopted a number of years ago if the then Labor government thought about the situation and put some faith in the juries and judges in our system.

It is for me a welcome stand for there to be serious animal cruelty laws put in place and not before long. After all, we have had the commemoration day of World War I. My grandfather was in the 2nd Light Horse Regiment and I remember the story where they put their horses to death—this is in Palestine—because they did not want the horses to fall into the hands of Arabs because they were particularly cruel. The thing about animals in our psyche in Australia is that we have a different approach. This country was built on animals and still is if we take into account sheep and cattle. It is important for that psyche to continue. I have been involved in a few cases in my legal career concerning cruelty to animals. Quite frankly, it is sad to see and hear that through the last 20 or 30 years we have instances of animal cruelty. I am talking about those on a mass scale. I remember at Lone Pine when somebody went in and started clubbing kangaroos. I do not know whether anybody in the House remembers that, but I clearly remember because the carnage was quite severe. I remember a cat was strung up at Chelmer station. I remember the bloodying of greyhounds. These things are not tolerated, certainly not in today's community, and I do not think they have been tolerated for quite some time. It really is against our moral fibre to condone something such as that. These laws are really doing what the public requires of us. They want people to be fair to animals, and this simply enforces what the people of Queensland have asked for and have been asking for a number of years.

Some criticism was made of the match-fixing laws in the sense that every other state has done it except us. Maybe the reason for that is that we have not really had any instance of match fixing of which I am aware. I know there was a soccer team or soccer teams in Melbourne, in Victoria. I know there was the Fine Cotton affair in Sydney and many other instances about match conditions and so forth.

The reality of life is that this government is reacting at an appropriate time. We do not want these matters to occur in Queensland. We are taking it to the point that we are taking preventive measures not because we have the evidence to suggest that it needs to be done, but that the evidence from other states clearly indicates that it is on the rise and steps need to be taken.

I want to touch upon two matters which really are the lesser gain, the minor league, compared to the real thrust of what this bill is doing. They need to be mentioned because the member for Redcliffe just mentioned them. One is the omnibus approach to the bill. If the approach using omnibus bills is so undemocratic or unfair, then why the heck did the previous Labor government do it for 20 years? I cannot believe that the member opposite can actually stand up here and put up an argument to say, 'I'm against omnibus bills,' when they had them down to an art form. Unbelievable! I suppose arguments are arguments and you have to put up whatever you can if you are a bit short on them.

The other thing is the ‘chairperson’ argument. I cannot understand why such a small topic absorbs so much time in the media. It was certainly one of the first topics that the shadow Attorney-General mentioned. Personally, I would have put it last in the argument because, quite frankly, the substance of it is fairly minor. Call it what you will. I like ‘chair’, but do I want to impose my values on others? It was ‘chairman’ at one stage but somebody changed the law. What happens in reality is that people change the language. It is not parliamentarians; people change the language.
Hon. Jarrod Bleijie, for his efforts in introducing another bill that delivers on this government's commitment to get tough on crime. This bill is about ensuring that Queensland criminal law reflects the standards of justice that the people of Queensland demand. There are many sections of this bill to express my support for the Criminal Law Amendment Bill 2014. I applaud the Attorney-General, the Hon. Jarrod Bleijie, for his efforts in introducing another bill that delivers on this government's commitment to get tough on crime. This bill is about ensuring that Queensland criminal law reflects the standards of justice that the people of Queensland demand. There are many sections of this bill and I will attempt to touch on some of them.

The bill does a number of things to put in perspective the policy of this Newman government in getting on with the business of making sure that Queenslanders are safe. This is only one part of the bill that really has to be mentioned, but it does a lot of good work and, quite frankly, not before time. I wish to pay my compliments to my committee. I think this was a report of 81 pages. I know it was a long one. Quite frankly, the detail of it is really quite succinct. On that point, I wish to make a particular point of thanking my secretariat. They have been working tremendously hard over the last two years. The amount of work they are doing as well as the fact that we now have the crime inquiry up and running proves that they are doing a tremendous job. I think they ought to be congratulated and publicly acknowledged as punching above their weight when it comes to the commitment to producing the amount of work that they do and for getting these reports out. I support the bill.

Hon. DF Crisafulli (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (3.02 pm): I might start by saying that I will be speaking in support of the Criminal Law Amendment Bill. I do not intend to go into it in depth. I think the chairman of the committee did an outstanding job in summarising the valuable work that his committee did in ploughing through the detail. I do wish to speak to one part of it, and that is the changes that remove any doubt and extends the offence of stealing by looting to include stealing committed in an area post its declaration as a disaster zone. As someone who has lived and breathed those sorts of conditions for a large part of my time in public life and certainly in my current role as Minister for Community Recovery, I really want to make a contribution to this and applaud the Attorney as well as the committee for pushing ahead with this, boots and all. When we are in a disaster situation or are recovering from a disaster situation, we see the very best of the Queensland spirit. We see the very best of community spirit. We see the very best of our emergency services, of neighbours helping neighbours, strangers helping strangers, but we also see the very worst of mankind from a very small portion of the community. I have a couple of things in my mind that I always remember.

Those members in this House will remember well that, after the 2011 floods in South-East Queensland, over 10 people were found to have offended in terms of looting. I remember several examples in Bundaberg including one person from Millbank. I certainly will not call him a gentleman. There are many other terms I would like to use, but they are unparliamentary. When somebody goes and steals a refrigerator, which is the only piece of working equipment, from somebody’s house and they take it when it is the only thing that is still running because they see some value for themselves in being a leach, in being a parasite, at a time when the owner is in their hour of need, that is disgusting and we as a community must act. I saw the best of mankind during this disaster of 2013 and the one in 2014. I saw SES volunteers who were prepared to leave their houses to the wrath of Mother Nature while they went and helped their fellow man. To know that there were those whose own property was high and dry but who chose to prey on their fellow man, quite frankly, is a disgrace.

These changes give people like that nowhere to hide. There is a penalty of 10 years imprisonment that already applies to stealing and looting. That is punishment in special cases, proposed new section 13, but this bill extends the offence of stealing by looting to include stealing committed in an area that is, or was immediately before the offence was committed, a declared area for a disaster situation. This clears up any ambiguity. It sends the clearest of messages, and the message is simple: we as a community will rally behind the vast majority of people who are there to get on with their lives, but we will be prepared to come down like a tonne of bricks on those who do the wrong thing.

In closing, I will say that the government has done a fantastic job in the 2½ years it has been in office in reversing the record of the previous government of being soft on crime and soft on law and order. We have changed the Youth Justice Act. We have made several changes to make sure that the scales of justice have swung back towards the innocent, away from the criminal. This bill does further good work in that space. I throw my wholehearted support behind the Attorney-General’s bill.

Mr Gulley (Murrumba—LNP) (3.07 pm): I rise to represent the good people of Murrumba and to express my support for the Criminal Law Amendment Bill 2014. I applaud the Attorney-General, the Hon. Jarrod Bleijie, for his efforts in introducing another bill that delivers on this government’s commitment to get tough on crime. This bill is about ensuring that Queensland criminal law reflects the standards of justice that the people of Queensland demand. There are many sections of this bill and I will attempt to touch on some of them.
Part 4 of the bill amends the Bail Act 1980. Clause 20 inserts new subsection 4A into section 11 to provide for a court or police officer to consider imposing a special condition for the surrender of a defendant’s passport and prohibiting an application for a new passport when granting bail to a nonresident. This change reduces flight risk and makes it more difficult for individuals to abscond their jurisdiction to escape penalty.

I move to part 5 of the bill, being the amendment of the Criminal Code. This part amends the Criminal Code on a number of very important topics as outlined by the Attorney-General in his explanatory speech. These changes to the Criminal Code address, amongst other items, match fixing. We Queenslanders love our sport. We will not allow dishonest groups or individuals to interfere or to cheat in relation to sporting events. A person found guilty of an offence under proposed new section 443 will face a maximum penalty of 10 years imprisonment for the match-fixing conduct offence and two years imprisonment for using insider knowledge. Procuring engagement in prostitution where a person is a child or is mentally impaired is a disgraceful act. The offence outlined in proposed section 229G(2) is horrific. Increasing the penalty for this crime from 14 years to 20 years under clause 26 is well in line with community expectations.

In relation to looting laws, I applaud the prior comments from the member for Mundingburra. Clause 29 of the bill extends item 13 under section 398 so that stealing immediately before or after a devastated area is declared is included as an offence of looting. As Queensland faces disaster almost every year, I along with many other Queenslanders welcome this change.

In relation to animal torture laws, clause 27 makes another change to the Criminal Code by introducing a new section 242, making it an offence to cause serious or prolonged suffering to an animal. The maximum penalty for this new offence is seven years imprisonment, which is justified by the moral importance of animals and the standards of justice for animals that the people of Queensland demand. At this point I refer to part 3 of the bill, which proposes changes to the Animal Care and Protection Act 2001 that are incidental to part 5.

I move to part 6, Amendment of Criminal Proceeds Confiscation Act 2002. Clause 38 amends section 237, Charge on property subject to filed interstate restraining order. This removes the requirement that interstate restraining orders and pecuniary penalty orders be based on a criminal charge or conviction.

Part 7 of the bill amends the Dangerous Prisoners (Sexual Offenders) Act 2003. The monitoring of sex offenders is very important to the safety of Queenslanders and requires a strong response to deter offenders from contravening a condition of a supervised release order. Clause 40 replaces section 43AA, and under this section the maximum penalty for tampering or removing a tracking device will be five years imprisonment with a mandatory minimum period of one year’s imprisonment to be served wholly in a corrective service facility. I note that I have had many conversations with my wife—and, importantly, the mother of my three daughters—who is not alone in our community in welcoming the Attorney’s tough action in protecting society from these dangerous sex offenders.

Clause 47 in part 9 of the bill amends section 134A of the Drugs Misuse Act 1986 to insert a new subsection allowing the minister to declare a drug as dangerous if immediate action is necessary. This is so the government can respond immediately to any drug related dangers rather than being slowed by the process of section 134A.

Part 10 of this bill amends the Evidence Act 1977 by establishing a rebuttable presumption that expert witnesses may give their testimony in a court proceeding by audio or audio visual link. This is a modern law for a modern society by a modern government. This will result in reduced costs and disruption to court proceedings as well as allow a greater participation by skilled witnesses in the justice system.

Part 11 of the bill amends the Justices Act 1886 and will greatly improve the efficiency and processing of minor offences by allowing the courts to better allocate resources and manage their schedules. The bill’s amendments are made to complement the implementation of web based portals for electronic pleas of guilty in the Magistrates Court. This is a modern change by a modern government for a modern society.

Finally, I would like to quickly address the amendments in part 13 to the Youth Justice Act 1992. Staff at youth detention centres are currently only permitted to give directions to maintain order. Clause 74 inserts a new section permitting staff to use proportionate force, and I stress that this is not being taken lightly.
Before closing, I would like to acknowledge my colleagues on the Legal Affairs and Community Safety Committee, and I thank them for their hard work in regards to this bill. I acknowledge the fine work of the Attorney-General and Minister for Justice, the Hon. Jarrod Bleijie.

I represent Murrumba, the Aboriginal word for ‘good place’. Each morning I wake and challenge myself to make Murrumba a great place. I believe this bill supports my objective. Thank you, Madam Deputy Speaker, and I commend the bill to the House.

Mr CHOAT (Ipswich West—LNP) (3.14 pm): I rise also to contribute to this important debate on the Criminal Law Amendment Bill 2014. The bill represents a continuation of the government’s law reform agenda to ensure that Queensland has a system of law and justice that is fair and just, but is also reflective of the expectations of Queenslanders, including those in my community of Ipswich West. Indeed, this government has made a genuine commitment to reverse Labor’s record of being soft on crime, to tip the scales of justice back in favour the victim and to reflect the ideals of everyday people.

The government has already done much to achieve this including: increasing the mandatory non-parole period for murder from 15 years to 20 years imprisonment; introducing the ‘two strikes’ policy for repeat child sex offenders; ensuring drug traffickers serve at least 80 per cent of their sentence; ensuring that a court must allow a victim to read their victim impact statement if they wish; and providing a free copy of court transcripts to victims of violent crime. Indeed, I could list many more reforms that are delivering unprecedented reductions in crime and seeing more criminals brought to account. Within my own community we have seen dramatic decreases in crime and some very effective clear-up rates by local police.

Queensland is a much safer place today than it was three years ago. As an electorate with a number of major road networks, the news to my people in Ipswich West that we are in the midst of the largest reduction in the road toll in history means a great deal. I note indeed we have also seen a reduction in illegal mobile phone usage, which I know is a comfort to the many parents of young drivers such as me. The reforms contained in this bill continue the important work of this government to make Queensland the safest place in Australia to live, work and, importantly, raise a family. I will speak briefly on just a few areas addressed by the bill which are of interest and concern to my community.

The bill amends 12 pieces of legislation with productive changes which will modernise aspects of Queensland’s legal system to enable the state to better deal with crime and criminals. A significant roadblock to justice will be removed under reforms to Queensland’s double jeopardy defence. I heard my colleague, the member for Ipswich, make references to the Deidre Kennedy case and many, many people across Ipswich have a great deal of respect and compassion for the Kennedy family and what they have had to endure. The reforms will stop offenders from potentially and actually getting away with murder. The double jeopardy rule prevents a defendant from being tried again on the same or similar charges following an acquittal or conviction, even if new evidence becomes available. With modern advances in science and technology, particularly DNA testing, this means that crucial additional evidence can become available years after a trial. It would be a serious injustice if such new evidence could not be considered by the courts. Up until now Queensland has been the only jurisdiction in Australia to not make its amendments retrospective. Hypothetically it means that a criminal who got away with committing a serious crime some years ago would not face justice, even if new forensic evidence came to light. This bill removes that barrier to justice for victims and their families. Through provisions, a retrial will be allowed for a past charge of murder when there is fresh and compelling evidence. As is appropriate, the Queensland Police Service and the Director of Public Prosecutions will be responsible for assessing the merits of any proposed retrial application and decisions on reinvestigation.

Another area my people—and indeed all Queenslanders—will be pleased to see changes in is the area concerning penalties for those convicted of cruelty to animals. As a result of the passing of this legislation, animal torturers will face up to seven years jail under a tough new offence designed to protect those who cannot speak up for themselves: Queensland’s animals and other creatures. As the keeper of many animals myself, I know that they experience fear and pain just like people do, and purposely inflicting suffering on them is inexcusable. I know it is condemned strongly in my community. As with many thousands of families across Queensland, our family pets—be they our dogs, poultry, livestock, and of course my beloved pigeons—are part of the family and deserve to be protected from people who think it is acceptable to kill and maim them for pleasure or just through neglect.
Government members interjected.

Mr CHOAT: I take all of those interjections in the faith and spirit that they were offered.

Under the bill an indictable offence of serious animal cruelty will carry a maximum penalty of seven years imprisonment. It will target people who intentionally inflict severe pain and suffering upon an animal. The government has shared the community's frustration at seeing offenders who have done terrible things to animals walking from court without serving any jail time. I am sure that, sadly, we can all recall news stories of callous cruelty inflicted on helpless animals by what can only be referred to as monsters. These new laws will send a clear message to these monsters that serious animal cruelty will not be tolerated. The new offence is built upon already increased penalties for existing animal cruelty offences, as late last year the Newman government increased the maximum penalty for animal cruelty from two years imprisonment or a $110,000 fine to four years imprisonment or a $220,000 fine.

Earlier today I had the pleasure of speaking with Mr Michael Beatty, whom Queenslanders know well as the face of the Queensland RSPCA. Michael related to me that the RSPCA was relieved to see serious laws enacted to help protect animals. Michael brought Jasmine, a lovely dog, for me to meet. Sadly, through neglect, and possibly direct mistreatment, Jasmine has lost a leg. Thanks to the great work of the RSPCA she has learned to get along on three legs and is now looking for a loving home. We already have three dogs, so unfortunately Jasmine will not be the latest addition to our menagerie. The RSPCA and the wider community have said that violence against animals is abhorrent and should not be tolerated. Indeed, the government has listened and acted.

The final area of the bill I want to talk about today is the aspect which will see dangerous sex offenders face mandatory jail time if they remove or tamper with their electronic monitoring bracelet. These tough new laws are designed to prevent the worst of the worst from reoffending. I have spoken many times in this House about the likes of Mr Fardon and others who were inflicted—I use that word deliberately—on my community of Ipswich West in the past. As a parent of three children I worry, just as I am sure other parents do, about my own children coming to harm. I just cannot imagine the anguish of parents who have discovered that their children have fallen victim to a child sex predator.

This legislative change is about protecting families in our community and coming down hard on dangerous offenders who think they can escape the supervision and scrutiny the bracelet devices represent. Dangerous sex offenders who are released on supervision orders are fitted with GPS bracelets for very good reasons. The devices enable us to keep a close eye on them—24 hours a day, seven days a week—to ensure the community, and indeed some of the most vulnerable in our community, are kept safe. Under the bill's reforms, sex offenders who remove or tamper with their bracelets will be sentenced to one year’s mandatory jail time, with a maximum penalty of five years in prison. This will be a strong deterrent for offenders who abscond, and it will ensure those who break the conditions of their orders will go back to prison. This bill sends a strong message to sex offenders that we are watching them and that we will not tolerate any attempts to breach their conditions.

There are other aspects of the bill which will ensure a safer, more secure Queensland for all of us, so I am pleased to lend my support to its passage through the House today. I thank the Attorney-General and his staff, along with my committee colleagues and the secretariat for the great work they have done to prepare the report and to review this legislation, which I believe will make a big difference.

Mr DILLAWAY (Bulimba—LNP) (3.23 pm): I rise this afternoon to contribute to the debate on the Criminal Law Amendment Bill 2014. I congratulate the Attorney-General on the introduction of this bill, reinforcing our government's tough stance on crime prevention and community safety and ensuring that Queensland is the safest place to live, work and raise a family. I acknowledge the work of my colleagues on the Legal Affairs and Community Safety Committee on the examination of this bill and thank all who were part of the reporting process.

This bill contains a number of amendments to the Criminal Code and other acts and is a reflection of the Newman government's continuing commitment to get tough on crime. Today I will focus mainly on the more significant changes that will ensue.

The bill provides for the double jeopardy exception regime to be applied retrospectively, thus aligning Queensland with other Australian jurisdictions. With technology forever evolving, new evidence can come to light in long-term investigations, in complex cases or in cases that have gone cold. This amendment is made in light of allowing for the exception regime to be applied to all acquittals of relevant offences, irrespective of when the alleged offence was committed and irrespective of the timing of the acquittal.
The bill introduces six new offences of match fixing as part of the government’s commitment to the National Policy on Match-Fixing in Sport. These changes will mean that cheats may face up to 10 years imprisonment. The introduction of match-fixing offences in the Criminal Code is an important step to ensure the maintenance of a lawful and transparent online-betting market across Australia and to discourage criminal activity in relation to match-fixing activities and cheating at gambling. These amendments will result in greater public confidence in the integrity of sporting outcomes and the expectation that having a bet on a sporting event will be unencumbered by corrupt influences.

With the growing sports-betting market, particularly online betting, the preservation of a safe and lawful market is imperative. This new set of offences removes any current ambiguity surrounding the application of existing offences to types of match-fixing conduct, allowing for the courts and enforcement agencies to address such behaviours efficiently and effectively.

The bill also and rightly introduces the new offence of serious animal cruelty under the Animal Care and Protection Act 2001, the Criminal Code and the Justices Act 1886. This offence carries a maximum penalty of seven years imprisonment, targeting persons who torture an animal. I note that it is designed to protect all of Queensland’s creatures, great and small. Animal cruelty is inexcusable, and this is a clear message that it will not be tolerated in this state.

The reforms will also see the RSPCA play a vital role in bringing offenders to justice. Inspectors will be able to investigate and begin proceedings against someone accused of serious animal cruelty. The creation of this new offence was seen as necessary in order to meet community expectations with respect to animal cruelty offending. Far too often we have seen such behaviour, and it must be stamped out.

The Bail Act 1980 is amended to introduce the surrender of an accused person’s passport as a bail condition. This is supported by the Queensland police union who, in their submission to the Legal Affairs and Community Safety Committee, stated that the change appropriately recognises the community’s expectation that alleged offenders comply with the conditions of their bail and remain in the jurisdiction until the completion of their matter.

The maximum penalty for procuring a child for engagement in prostitution will increase from 14 years to 20 years imprisonment when that child or person has an impairment of mind to better reflect the seriousness of the offence. This increase is warranted due to the significant depravity and gross breach of trust experienced by the victim. This amendment is consistent with the overall approach contained in the Criminal Code to protect the young and vulnerable from sexual predators and from exploitation and is consistent with our government’s objective to make our communities the safest places to live, work and raise a family.

Continuing with this objective, recently our government introduced changes to the reporting requirements of child sex offenders. The Criminal Law Amendment Bill, in addition to these recent changes, amends the Dangerous Prisoners (Sexual Offenders) Act 2003 to increase the penalty for offences of contravening a condition of a supervised release order. It creates a new circumstance of aggravation where a prisoner removes or tampers with a monitoring device such as a GPS tracking monitor. The maximum penalty for this offence will be five years imprisonment and will involve a mandatory minimum penalty of one year’s actual imprisonment.

The bill also extends the Dangerous Prisoners (Sexual Offenders) Act 2003 to apply to a child sex offence involving a fictitious child. This amendment will allow offenders to be convicted if they use the internet for the procurement of a child under 16 where the ‘child’ is in fact an undercover police officer. This proactive approach will allow our Police Service to further protect our children from online threats and enhance overall internet safety.

I note that the bill has the support of the Queensland police union, who recognise that its implementation will expand the rights of victims of crime and their families as well as improve overall community safety. It once again exemplifies the government’s unwavering commitment to protecting the most vulnerable of our community—our children—and ensuring Queensland is the safest place to live, work and raise a family.

I once again congratulate our Attorney-General for listening to the community and for bringing this bill to the House. I commend the bill to the House.
issues I wanted to touch on briefly, and the first issue that I want to speak about is the change to the Bail Act that will allow courts to mandate the surrendering of a passport for a nonresident as a condition of bail. One of the things that is often said to first-year law students when they are doing their introduction to law subject is that one of the most important things about justice is that it must be seen to be done. Unfortunately in the past we have seen that, in circumstances where a passport is not surrendered, an accused absconds and victims and their families do not get the opportunity to see justice be done. It is not only devastating for the community to not see justice be done, but it is of course particularly devastating to the victims and their families. One thing that I am particularly keen to see out of this legislation is not only that justice is seen to be done but that it is seen to be done effectively. I am sure that many in the community will support this particular amendment.

Another issue I want to quickly and briefly touch on relates to changes to match-fixing provisions. I am sure we would all agree that cheating at any level of sport is abhorrent. Whether it is the local under-10s football game or whether it is the Wallabies playing the All Blacks, there must be integrity maintained in sport, particularly when people place bets on serious high-level international games and particularly when we consider that a number of professional sportspeople are role models for young boys and girls as they grow up. Last night I was at a school event at Coombabah State High School and one student who had won an award was talking about who one of her role models was, and her role model was Billy Slater. That just goes to show how much these professional sportspeople—whatever code they play and whatever sport they play—really do have an impact on the lives of young people. Anything that we can do to ensure that integrity is maintained particularly at that high level of sport is a good thing. It is also important to note that this is just completing what is now, in effect, uniform legislation across all Commonwealth jurisdictions.

Another issue I want to briefly touch on is the changes with regard to the animal cruelty provisions. The chair of the Legal Affairs and Community Safety Committee and member for Ipswich spoke about a particular incident at the Lone Pine sanctuary where there was a horrific incident involving kangaroos. Of course I am sure we would all remember that about 18 months ago there was an horrific incident involving—I believe they were—llamas, and I am sure the Attorney-General would remember because he appealed the sentence in the case. Many in the community were absolutely outraged that where there was intentional cruelty and torture and really quite disgusting behaviour that is abhorred by all members of the community there was not really an effective punishment measure available. By ensuring that we have an appropriate measure and an appropriate punishment and penalty, not only will it send a strong message about our view when it comes to animal cruelty and what it means but it sends a very strong message to the community. One of the things that the Legal Affairs and Community Safety Committee has been hearing as part of its crime inquiry is the importance of sentencing and appropriate sentencing when it comes to deterrents, and making this an aggravated offence will certainly go a long way towards that. I note that the RSPCA visited Parliament House earlier today so that it could talk about the importance of the changes contained in this legislation and share its support for the changes in the law that are coming hopefully this afternoon.

There are two other issues that I want to quickly touch on, and the first is the definitional change when it comes to what a serious sexual offence is. Often times we see police officers use new and emerging technologies like the internet and social media to engage with people who would intend to groom young children. Unfortunately because of the way the legislation was worded and defined previously, there was a loophole that someone had sought to take advantage of when it came to the grooming of a child under 13 where the person who is effectively the respondent is a police officer and not a child. I am sure all members of the community would welcome this change. I do not think it matters whether the person you are communicating with is a 50-year-old male police officer sitting in a police station in Brisbane or a 12-year-old girl sitting at her computer in her bedroom. What matters is the horrific intention of the person who is doing the grooming, and this particular definitional change supports that particular philosophy and ensures that there are not going to be loopholes for people who have intended to do the wrong thing and have wanted to do some very horrible things to some of the most vulnerable in our society.

Speaking of vulnerable people, that is a very nice segue into the changes that we have made with regard to looting, particularly when it comes to disaster management areas, and the Minister for Local Government, Community Recovery and Resilience spoke to this particular amendment very well. Making looting in these circumstances an aggravated offence not only sends a message to those people who are at very desperate times in their lives, whether it is a flood, whether it is a
bushfire, whether it is a cyclone or whether, for whatever reason, there has been a burst water main and their entire house has been flooded. We are saying to them that when you are at a very desperate time in your lives if someone does something like go into your flooded home and steal the only working appliance like your fridge we want to ensure that we not only protect you but that we send a message to those in our community who would consider committing such an abhorrent offence.

The member for Bulimba spoke about, as many members of this House do, this government’s commitment to making Queensland the safest place to live and raise a family. Over the past 2½ years this government has been incredibly committed to this goal. The Attorney-General has done great work in this area. We only have to look at the changes that have been made with regard to the two-strike child sex offenders legislation and the like, and of course the police minister is also doing a fantastic job working hand in hand with the Attorney-General. Over the next eight months and beyond this government will be committed and is continually committed to ensuring that we do everything we can to make this state the safest place to live and raise a family, because it is this government that has a strong plan for a bright future and making this state a very safe place for our families is a key component of that. I look forward to working with the Attorney-General on the strategies to reduce crime inquiry and what it is that we can do to help Queenslanders and working to continue the great work on that goal. I thank the Attorney-General for this bill and for the measures contained in it when it comes to looking after the vulnerable in our society. I look forward to continuing to support the bill as it passes through the House.

Ms TRAD (South Brisbane—ALP) (3.37 pm): I rise to make a brief contribution to the debate on the Criminal Law Amendment Bill 2014. I will confine my comments to the recent amendments that have been circulated by the Attorney-General in relation to the Crime and Misconduct and Other Legislation Amendment Act 2014. I think it has been interesting to note that a number of government members have risen to speak on this bill before the House and not many of them have addressed the amendments that have been circulated just today by the Attorney-General which go to the heart of the appointment process of the chair of the former CMC—that is, a reinstatement of the previous bipartisanship arrangement in relation to the appointment of the chair of the former CMC and now CCC. I think we know exactly why it is that government members have not been addressing these amendments, and that is because this is a complete backflip by this government—a complete backflip over something that should never have happened. We should never have been confronted in this state with the proposition that the government of the day with its massive majority without an upper house in this state should come into this place and should change the laws to ensure that the person who led the former Crime and Misconduct Commission and now Crime and Corruption Commission—the independent anticorruption commission in this state—should be appointed solely by the government of the day to become an extension of the government of the day. We should never have been put in that position.

What we have here before us is an amendment to revert it back to what it was previously. But, of course, there have been a number of changes that have occurred since that Crime and Misconduct and Other Legislation Amendment Bill. I think it is important that we reflect on why the government has backflipped on this very important matter and that is primarily because of the 19 per cent swing that it received at the Stafford by-election just recently.

At this point I take this opportunity to welcome Dr Anthony Lynham to the House. I know that he will make a fantastic contribution. He is a well-known community activist. He is a surgeon at the top of his field. He will make a great contribution in this House because he cares about what happens to Queenslanders and I am glad that he has joined Labor in this House to do exactly that.

Mr Crandon: He’s going to raise the drinking age to 21, isn’t he?

Ms TRAD: I am not sure the member for Coomera actually got the memo from the leadership team to watch his behaviour in this House. We know that ‘Operation Boring’ was in full swing here this morning during question time. We know that instead of doing the morning rounds and collecting coffee along the way the members of the LNP went and got chamomile tea to soothe their nerves before they entered the chamber this morning, because we did have quite a calm response—not something that we are usually used to from those members opposite. But it was refreshing to have a bit of temperance from those opposite.

The reason we have this backflip before us is that the government received a 19 per cent swing against its agenda in the seat of Stafford. It was a huge vote of no confidence in the government’s agenda. One of the key issues that was canvassed in the lead-up to the by-election, in the lead-up to
the resignation of the former member for Stafford, Dr Chris Davis, was, in fact, the changes that the
government was proposing in relation to the appointment of the chair of the CMC. I will quote directly
from a *Courier-Mail* article of May this year, where Dr Chris Davis said—

‘I want our Government to be responsive to reasonable public perceptions,’ Dr Davis said. ‘I’m just flagging it as an area of
great sensitivity within the electorate because the electorate wants governments to be accountable and to be seen as
accountable.’

‘We need to be very careful that we are not actually, or seen to be, reducing our transparency and accountability.’

He, of course, was talking about the changes to the appointment process for the chair of the CMC.

Let me tell members that this government has come in here and has tried, I think, to soothe the
electorate around this terrible change that it inflicted upon the state and the independent crime commission just a couple of months ago. It has tried, but let me outline why exactly this backflip does not go far enough. Madam Deputy Speaker, you were with me on the PCMC before you were sacked, as was I—another terrible action by those opposite. You and I both were on the Parliamentary Crime and Misconduct Committee when we inquired into the destruction and release of Fitzgerald inquiry documents last year. We both scrutinised and made recommendations to this place about how—

Mrs MENKENS: I rise to a point of order. Madam Deputy Speaker, I question the relevance to
the bill.

Madam DEPUTY SPEAKER (Mrs Cunningham): Thank you, member. I am listening very
carefully, because the member has said that it is to do with the bipartisan appointment of the chair. So
I remind the member of relevance.

Ms TRAD: Thank you, Madam Deputy Speaker. The relevance is, in fact, the issue of
bipartisanship appointment, to help the member for Burdekin. It does not extend to the CEO of the
CCC. Madam Deputy Speaker, as you and I both know, the original recommendation to appoint a
CEO of the CMC as it was known back then came from report No. 90, if my memory serves me
correctly, of the inquiry into how documents relating to the Fitzgerald inquiry were released and some
destroyed. That was one of the original recommendations.

Since then, the government has taken that recommendation and it will be appointing a CEO. There are a lot of question marks as to whether that CEO will, in fact, be the current chair of the CMC
and the government has done nothing at all to respond to that query. Given all of the amendments
contained in the Crime and Misconduct and Other Legislation Amendment Bill 2014, a number of
powers were transferred from the commission to the CEO. A number of powers were transferred from
the chair to the CEO. The CEO now has a vote on the commission. So the CEO is a new position,
created by this government, which has extraordinary powers in terms of the Crime and Corruption
Commission and this is a position that will be wholly and solely determined by the government of the
day. Every other person who sits on the commission will, in fact, be subject to a bipartisan
appointment as per the amendments circulated by the Attorney-General today—every single one of
them except the CEO. This is part of a backflip. It is not a full backflip. It does not go far enough.

We have read the comments made recently today by Tony Fitzgerald in relation to some
criticisms that were levelled at him by Tony Morris yesterday. I will read those, because they are very
relevant to the debate here before us. My proposition is that this government has not gone far enough
in terms of these amendments. If it were absolutely fair dinkum about having listened and having
heard the message from the Stafford by-election, it would extend the bipartisan appointment process
to the CEO of the CCC. It is that plain and simple. But today Tony Fitzgerald said that this
government, he suspects, will probably be ‘more circumspect’ in its appointments process, that it will
tone down some of its rhetoric and that—

*Its previous belligerence will be replaced by something unintelligible but soothing.*

We have seen that today in their performance in question time. But we also see it today in
these amendments circulated by the Attorney-General. They do not go far enough. They tone down
the rhetoric and they are less belligerent, but they are unintelligible because they do not go to the
heart of the matter, and they should.

Mr GRIMWADE (Morayfield—LNP) (3.47 pm): I rise today to speak in support of the Criminal Law Amendment Bill 2014. I think it is fair to start my speech today by acknowledging some of the hard work that this government has done in regard to cracking down on criminals in our local areas,
and more so in my electorate of Morayfield, where there are a lot of young families who expect us as a government to be cracking down on crime to make sure that those communities are a safe place to raise a family.

The Attorney-General has introduced a very large number of bills into this place. A lot of the legislation that has been introduced has been very much welcomed by the people in my local area. So far we have increased the mandatory non-parole period for murder from 15 years to 20 years. We have introduced a two-strikes policy for repeat child sex offenders—something that has been really welcomed in my local area—to protect our children. As a father of three children, that was something that was welcomed by me and it was something that I spoke about in this place as well. We have introduced laws in regard to drug traffickers, hooning laws, a whole range of firearm laws and, of course, we have reformed the Youth Justice Act in regard to boot camps—something else that I have spoken about in my local area.

In my opinion, this bill clears up a lot of matters in relation to community expectation. A lot of the clauses in this legislation clear up a lot of ambiguity. People in the community will often hear something in the media, such as cruelty towards animals and people walking free and sex offenders ripping off GPS trackers, and there will be a massive outrage about that.

I will keep my speech as brief as I can, but I want to touch on a few areas in regard to the main points that I see will benefit our local area and the further legislation that will make our communities a safer place to raise a family. The first area is the increased maximum penalty, from 14 years to 20 years imprisonment, in section 229G, procuring engagement in prostitution, where the person procured is a child or a person with an impairment of the mind. This protects the children in our local area and those who have a disability or an impairment. It is not on for anyone to be able to procure a child or someone with an impairment and to perform these most heinous crimes in our community. We have seen scenarios where vulnerable people in our community have been taken advantage of and the penalty has not been up to community expectations.

The second point I wish to raise is the amending of section 398, which is a special clause for stealing and looting in areas that are declared natural disasters in and around our state. Down my way there is a street, Dale Street, that we are fixing with a flood levee. That would be a good local example of what I am talking about. It is on a much smaller scale than what happens in Queensland. When there is a natural disaster or something happens and residents in that street have to be evacuated it could be the case that people come in and loot people’s houses and take their possessions. I stand in this place as a bit of a knock-around, mum-and-dad sort of guy. It is not the Queensland spirit to take advantage of people when the chips are down. It is not the Queensland spirit for people to come into these streets and kick people in the guts when the chips are down. The looting provision will be welcomed.

The third point I want to refer to is creating the circumstance of aggravation where a prisoner removes or tampers with a GPS tracking device. There are provisions in the act where people can be fitted with GPS tracking devices. There have been one or two scenarios that have made the media and angered people, in particular around the electorate that I represent. People are required to wear these devices for good reason. They may have been convicted of sexual offences, in particular against children. When these people try to rip these things off so they can get around the law and live what would be described as a normal life, it angers people in the local community. I can see why. People need to know that these things are fitted to people’s bodies to make our community safe.

The fourth point I wanted to talk about was the serious sex offence against a person involving a police officer acting as a fictitious child. This basically means where a police officer is acting online in the role of a child in their job to see what sex predators are out there with the intent to lure or groom our children. Police sit in their command post and act as if they are a 12-year-old girl to catch the people at the other end who are trying to groom our young children. That is doing their job to catch these sexual predators. This was tested in court and the person was let off because there was a person who was not a child although they were acting in their role as a law enforcer to catch predators. Again this amendment will be welcomed so that our police can get on with the job of weeding out these grubs of society who are trying to groom our young children online.

The fifth issue I wanted to talk about, and the one I wanted to talk most about, is animal cruelty. There is a provision in this legislation that has taken the maximum penalty to seven years imprisonment for those who torture animals. This morning the Attorney-General was doing some media in regard to this piece of legislation. The RSPCA were there as well. I took it upon myself to have a chat with the lovely lady controlling the little dog called Cannon. For those around my
relinquishment of that passport, whether it is a single passport or dual passports, would have to be
infallible. While ever a person holds a current passport, they can leave the vicinity. Therefore, the
passports were still held. Whilst we have good electronic communication, the fact is that it is not
clarified and monitored very closely. Certainly, that is a welcome change.

I would see the probability or the opportunity for people to abscond from justice as being very real if
commission and, therefore, that bipartisan support would strengthen not only the relationship with the
the Attorney-General to give consideration to that.

Often the CEO does not have a vote on the board and if that had been the case I could understand
Acts Interpretation Act, even though it may only be a small topic as a previous speaker said. They
much resources have been committed to the former amendment and now to this clarification to the
year, only a few months ago, was unnecessary. As a community I believe we had matured and we
were quite comfortable in our skins in relation to the appropriate title for people. It is disappointing that
believe that such a small topic was even dealt with originally.

The chair of the CCC is a very responsible role. The CCC is an organisation with incredible
power, both overt and covert, and the chair needs to know that they have the support of this
parliament, that they will not be subject to political jibe or political comment. With bipartisan support
that is more greatly assured. It is not 100 per cent guaranteed but it is more greatly assured. The
member for South Brisbane gave a little bit of background to the split in the CCC where the
commission will now have a CEO to handle the administration of the organisation. The former PCMC
recommended that structure, seeing that one of the great problems with the structure of the CMC was
that the chair had to be particularly qualified legally, but that that qualification did not necessarily, and
often did not, mean they had great administrative experience. The idea was to split the two.

In the proposed new structure, the CEO is to receive a vote on the board or on the commission,
which therefore raises the genuine spectre of the need for that person to also have bipartisan support.
Often the CEO does not have a vote on the board and if that had been the case I could understand
the lack of bipartisanship. However, in this case they will have a significant influence on the
commission and, therefore, that bipartisan support would strengthen not only the relationship with the
oversight committee but also the confidence that the community can have in that person. I would ask
the Attorney-General to give consideration to that.

I want to address a few other issues in the order that they appear in the bill and not in their
order of importance, as has been alleged. I would like to make a short comment on the changes to the
Acts Interpretation Act in relation to chair and deputy chair. The change that was made earlier this
year, only a few months ago, was unnecessary. As a community I believe we had matured and we
were quite comfortable in our skins in relation to the appropriate title for people. It is disappointing that
much resources have been committed to the former amendment and now to this clarification to the
Acts Interpretation Act, even though it may only be a small topic as a previous speaker said. They
said they could not understand why such a small topic has received so much attention; I cannot
believe that such a small topic was even dealt with originally.

I believe that the majority in our community would support the surrendering of passports. They
would see the probability or the opportunity for people to abscond from justice as being very real if
passports were still held. Whilst we have good electronic communication, the fact is that it is not
infallible. While ever a person holds a current passport, they can leave the vicinity. Therefore, the
relinquishment of that passport, whether it is a single passport or dual passports, would have to be
clarified and monitored very closely. Certainly, that is a welcome change.
The retrospective application of the changes to the double jeopardy rules is also welcome. During the last debate I commented on the Kennedy case in relation to double jeopardy, although not because it is the only case where this change will be beneficial. It is a most tragic case. The mother was particularly tormented by the alleged offender, who would go to her workplace and jeer her. The pain she endured was added to because she had no closure in relation to the loss of her daughter and because of the terrible manner in which she lost that child, and the alleged perpetrator taking the time to add to her sorrow and to the tragedy was reprehensible. This may apply not only to that case but also, I am sure, for many families where our methods of justice, DNA testing and other things may prove beneficial and may give them some closure.

I want to quickly talk about the new match-fixing offences. While I acknowledge they are necessary, I think that it is really regrettable that sport has become such a big business that for many families the fun has gone out of it. Young ones learn very quickly that it is all about money, when indeed it should be about fun, extending your abilities, learning new skills, getting to know new people and enjoying oneself. While this legislation will not do it, I hope that on some level we will remember that even the Ashes—as serious as it is to get that little wooden jar back—is still a game. It is sport. We need to be able to engender that sense of freedom in our children.

I welcome the changes to the looting legislation to increase the penalties for those caught looting during natural disasters. We went through the 1974 flood here in Brisbane. My sister and brother-in-law lost their van at the Gailes caravan park. Many of the vans were washed down the creek. One of the most heart-wrenching things was to see people, and often it was the husbands, sitting on the side of the creek, if they had been able to identify where the wrecks of their vans were, to protect them from looters. There were mongrels who dived into the water to try to get from the vans whatever they could. It was stealing in the worst possible circumstances. Therefore, I welcome these amendments.

Finally, although my time is just about up, I wish to talk about the changes to the definition of ‘serious sexual offence’. It does not matter whether a person on the internet is grooming an actual child or someone they think is a child; the intent is no less acceptable and is abhorrent. I do not care if it is a police officer posing as a child or a minor. If somebody is so base and morally bankrupt that they will groom anyone on the internet whom they think is a minor, real or not, they deserve the full strength of the law. I would defy anyone to say that the vast majority of people, other than those sorts of perpetrators, would disagree with that. I say full strength to the Police Service and may they catch many perpetrators. May it not be real children being groomed; may it be police officers posing as children, because that will reduce the damage to our young ones.

I also welcome the changes to offences against people with diminished capacity. To offend against somebody who does not have the capacity to understand or respond to those advances is reprehensible beyond belief. The changes that strengthen the law are welcomed by our community. I certainly hope that the matters in relation to the CCC are further refined to ensure accountability.

(Time expired)

Mr WELLINGTON (Nicklin—Ind) (4.07 pm): It gives me a great deal of pleasure to rise to participate in the debate on the Criminal Law Amendment Bill 2014. I start with comments in relation to the amendment to the Crime and Corruption Commission. I note a proposed amendment to the bill states—

If the proposed appointment is of a commissioner other than the chief executive officer, the Minister may nominate a person for appointment only if the person’s nomination is made with the bipartisan support of the parliamentary committee.

Under the heading of ‘Consultation’, the explanatory notes to the amendments state—

No consultation on the amendments has been undertaken because the proposal to amend the CC Act was publicly announced by the Government on 21 July 2014.

My recollection is that the publicised reason for the government making this change is because, in the Premier’s words, ‘We have listened to the voters of Stafford. We have listened and we are going to make some changes. We are going to give you bipartisan requirements for the appointment of the Crime and Corruption Commission chairman and executives, and we are going to make sure that some prisoners no longer wear their pink jumpsuits.’

If that is what is needed for this government to listen to Queenslanders, how many by-elections do we need in a three-year term? We have had two. Do we need more by-elections so that the government can listen to the real concerns of Queenslanders? On the issue of consultation, this shows how the government’s community cabinet meetings are not real community cabinet meetings,
because there is no capacity for anyone to stand up at those community cabinet meetings and ask a question of the Premier or any minister, as they used to be able to do of Premier Peter Beattie or Premier Anna Bligh. If we had had returned to Queensland the sort of community consultation that we had under Peter Beattie and Anna Bligh so that any member of the community could have attended a public hall, stood up and asked a question of Premier Newman, the Attorney-General Bleijie or anyone else, I would assume that the government would have overturned this decision well and truly before the Stafford by-election.

The Premier says, ‘Blame the former member for Stafford, Dr Chris Davis, for the by-election.’ I say, ‘Thank you, Dr Davis, for stepping down so there was a by-election and all of a sudden the government can see how wrong they are.’ Clearly it shows that the government is not listening. They only listen when they think they have to.

When we compare Premier Newman’s community cabinet meetings with those of former Premiers Peter Beattie and Anna Bligh, clearly there is a stark difference. They used to be a real opportunity for members of the community to ask questions of the Premier which are not vetted. Look at how it is done at the moment. That is not possible under this government. That is one reason I believe this government needs to be voted out as soon as we have the opportunity.

Now back to the bill before the House. I note that there are proposed changes to the looting provisions. That is another great change. Guess what? I think that was modelled on a proposal put forward by the member for Yeerongpilly. He came forward with a similar idea, but the government did not like what he wanted to say. I do not mind where the government gets the good ideas from. At least we are seeing some changes.

Another change that I will be supporting is the changes to the double jeopardy rule. Guess what? This follows on from changes that the now opposition spoke about in 2007. Anna Bligh, the then Premier, and Kerry Shine, the then Attorney-General, and I were able to have discussions about amending the law of double jeopardy. If my recollection is correct, I remember speaking with senior police at the time. We discussed this issue and the Deidre Kennedy case. They assured me that even if the legislation were retrospective there would be no capacity whatsoever to revisit any of the evidence that had already been presented.

I am concerned that our Attorney-General is building an expectation that all of a sudden we can go back and revisit the Deidre Kennedy case when my understanding is that the evidence that has been presented cannot be revisited. There is no security of that evidence. I will be supporting the provision.

I also listened intently to the member for Redcliffe when she spoke about the problems with omnibus legislation. We see a whole range of amendments introduced in one bill. When I look at the opening pages of the bill I find that these are the acts proposed to be amended by this bill: the Acts Interpretation Act 1954, the Animal Care and Protection Act 2001, the Bail Act 1980, the Criminal Code, the Criminal Proceeds Confiscation Act 2002, the Dangerous Prisoners (Sexual Offenders) Act 2003, the Director of Public Prosecutions Act 1984, the Drugs Misuse Act 1986, the Evidence Act 1977, the Justices Act 1886, the Penalties and Sentences Act 1992 and the Youth Justice Act 1992 for particular purposes. A series of important acts are all being amended.

I think the member for Redcliffe was spot on when she reminded members of the consistent criticism of omnibus legislation from all sides and the inappropriateness of bringing amendments to a wide range of acts before the House in one bill. When a member stands up and votes for a bill, they vote for the good provisions, the bad provisions and all those in between.

I will be supporting this bill because there is the retrospective component. I note the opposition is on the record outlining why they are not prepared to support the retrospective component of the double jeopardy provisions, I will certainly be supporting that because that is consistent with the bill I originally introduced when Anna Bligh was the Premier and Kerry Shine was the Attorney-General. I think that is a good step.

I am disappointed that the member for Yeerongpilly was not able to be here to participate in this debate. As I have said, I thought he showed great foresight in introducing his bill and capturing the anger in Queensland regarding looting. He proposed to increase the penalty for people who loot during periods of devastation.

I also reflect on the opposition’s comments and the member for Gladstone’s comments that they do not believe the Attorney-General and the Premier have gone far enough. We believe that the chief executive officer of the Crime and Corruption Commission also needs to have the support of the
opposition and crossbenches. Be that as it may, my views are on the record. I look forward to this proceeding to a vote. More importantly, I look forward to the day the Premier comes in here or goes and visits the Queensland Governor and announces the date for the next election.

Hon. JJ McVEIGH (Toowoomba South—LNP) (Minister for Agriculture, Fisheries and Forestry) (4.14 pm): I rise to make a brief contribution on the Criminal Law Amendment Bill 2014. I must say at the outset that the Attorney-General’s Criminal Law Amendment Bill 2014 is certainly another example of how this government is determined to make Queensland the safest place to live, work and raise a family. This government refuses to be soft on crime. I strongly believe that it is time that the victims had a say.

Making our community safe is important to me in my role as Minister for Agriculture, Fisheries and Forestry, my role as the member for Toowoomba South—particularly given that that is located in the beautiful city of Toowoomba, recognised as one of the most, if not the most, family friendly cities in Australia—and in my most important role as a husband and a father of five daughters and one son.

Increasing the mandatory, non-parole period for murder from 15 to 20 years imprisonment, introducing a two-strikes policy for repeat child sex offenders, ensuring drug traffickers serve at least 80 per cent of their sentence, ensuring that a court must allow a victim to read out their victim impact statement, if they wish—unless it is not in the interests of justice—and providing a free copy of court transcripts to victims of violent crime are just a few ways that this amendment is helping to keep Queensland’s streets safe.

From my perspective as Minister for Agriculture, Fisheries and Forestry, I am very pleased about the amendments in the bill in relation to increasing the penalties for animal cruelty. The relatively low penalties applied to animal cruelty offenders by the courts through the Animal Care and Protection Act 2001 have been the subject of public criticism for several years. Late last year we increased the maximum penalty for animal cruelty from two years imprisonment or a $110,000 fine to four years imprisonment and a $220,000 fine. With these amendments, people who purposely harm and torture animals will face up to seven years jail under a tough new offence designed to protect all Queensland’s creatures, both great and small. These new penalties will nearly double the penalty for existing animal cruelty offences. Animals are a valued and respected part of our society and, of course, they deserve to be protected from those people who think for some reason that it is okay to harm them. We have shared the community’s frustration when offenders, who have done some terrible things to animals, walk from courts without serving any jail time. These changes acknowledge that acts of cruelty to animals are abhorrent and that the community expects much tougher penalties to be given to perpetrators of these acts.

The Newman government is serious about stopping animal cruelty. These measures send a very clear message to the community and courts that severe penalties should apply to both punish and deter such terrible behaviour. I am pleased that the RSPCA will be able to continue to investigate and commence proceedings against someone accused of such new offences. The ‘can-do’ LNP government is determined to make Queensland a safer place to work, live and, of course, raise a family. Only the LNP has a strong plan for such a future. I congratulate the Attorney-General for leading the charge in this regard.

Dr DOUGLAS (Gaven—PUP) (4.18 pm): These legislative amendments demonstrate many things about the government in the twilight phase before its lights are extinguished. Certainly there are some parts of this legislation that are eminently worthy of support. I would like to say how happy I was to see the looting changes that mirror those legislative changes, as was indicated by the member for Nicklin, proposed as a private member’s bill by the member for Yeerongpilly, who unfortunately is ill, having had an operation yesterday, and will be joining us back in parliament in a very short time. Plagiarism is the very best form of compliment one can take regarding anything much in life, and he will certainly be very happy to see that these changes have come in this bill today.

The changes to the double jeopardy ruling are long and well overdue and they are much deserved. The problem is, as has been raised by the member for Nicklin, that evidence cannot be revisited, as in the Deidre Kennedy case. If this legislation is trying to give that family false hope, then the government and the Attorney-General stand condemned for it. There will be cases where these changes will be beneficial over time. It is for this and other reasons that this change will benefit those people. The retrospective component will be supported by the PUP. I have heard the discussion by the representative of the Leader of the Opposition today, but we will support it for the reasons that the member for Nicklin proposed.
I, too, would like to speak on the issue of match fixing. As most people know, I am very interested in gaming because I believe it is a very significant income that is generated for the state for a whole variety of reasons. I do not know whether they are all good. But having said that, sadly enough, betting on sports games and certainly online betting is a massive growth area both in Australia and globally. The great tragedy of course is that a lot of this betting is in fact not always done within the country and that makes it very difficult to regulate.

The problem with match fixing itself is very troublesome, and changes to the law correcting this legislation are very timely and very important. The two major significant instances that come to mind are a significant match that occurred in Sydney over 12 months ago and another match in the last 12 months involving soccer players, largely from overseas, who were playing in a very low-order match in Victoria and the betting was extensive globally. In fact, there was a significant amount of betting in this state. It is very important that we stamp out this activity because every time people try to set the field—whether it is a football match, horse racing, dog racing, whatever—when you load the dice in a certain way where one side cannot lose and the other side is definitely going to lose every time, what you are going to end up doing is getting a terribly disordered result and ultimately you will end up cutting your nose off to spite your face.

The reality is that legislation that addresses the issue of match fixing in a very comprehensive way, particularly with significant penalties including jail penalties, is at least the best type of deterrent that we have to stop the major growth in an area where the growth in that type of betting is growing exponentially. I do not know what the current multiple is, but it is extremely significant. It probably represents a multiple of nearly five times that of horse racing currently going on both in Australia and overseas. That is because the majority of people are actually watching these matches all the time on local TV, Foxtel, other types of cable and of course via satellite. To do anything to correct that is worthwhile.

I would also like to say I support the changes relating to animal cruelty. I just heard the Minister for Agriculture and a variety of members talking about the laws. I, too, have great concerns where you have animals being intentionally preyed upon by a variety of people. Interestingly enough, there is compelling evidence medically that people who prey on animals—and this is not just small animals but a variety of animals—go on to commit fairly significant offences when they are older. They are opportunistic offenders. When their history is examined much later in life—20 years later or whatever—you find these people are not just the old style hedgerow burners. These people were being intentionally cruel to animals and then they progress to commit more serious crimes. In fact, there is a strong element of prevention when you deal with people who have these types of animals. So small changes in areas like this will yield large changes over time, and that is the implication of these laws.

Certainly there does appear to be some change that is going on in the government. I do not think it is all significant change. But certainly these types of things have only come along because the government has moved after what has occurred in the two previous by-elections. More significant changes are going to occur over the next six to nine months up until whenever the election is held. But what I can say is that if people believe that these types of changes alone will save this government they are fooling themselves. I would urge you all to reconsider your very, very negative views about what is going on in this state and change and start supporting the public interest, because to date that has not occurred, and under three years ago you were all voted in on a much different platform.
physically by their owners. Mark from the RSPCA was telling me that at any given time they can have 600 animals. They do great work in adopting the animals out to families who can love and care for these types of animals. I think Queenslanders take a pretty dim view of animal cruelty.

I will talk about two cases. We had the alpaca case at Caboolture where two alpacas were viciously killed. No school student should have to go through that distress, as those alpacas grew up as part of their farming project which teaches about caring for animals. The other case I refer to was last week in Ipswich, if memory serves me correctly. A puppy was beaten and left for dead, but saved fortunately. So it was important that the RSPCA, in anticipation of the bill passing tonight, were here. They certainly have been a great supporter of these laws with respect to the change. Of course the change is to insert a new offence in the Criminal Code dealing with serious animal cruelty which can attract a seven-year maximum sentence.

The other thing it does is gives the courts a better sentencing regime. It gives the courts and the judges more options to deal with the worst of the worst offenders. I rightly agree with the community when they are up in arms when they read about cases of animal cruelty and a lot of people say they get slaps on the wrist. The reason for that is it has been very difficult for our courts to be able to apply the relevant penalties because they have not had an offence like this in the Criminal Code. Now we do, and that offence will be there following the passage of this legislation. I thank Cannon and Jasmine from the RSPCA for coming down. Incidentally, I am told Jasmine is a dog that has lost her leg but is available to be adopted out. If these animals have an orange scarf, that means that they are able to be adopted out to loving and caring families.

The other issue I want to deal with is the double jeopardy laws where we have made retrospective those provisions that the Labor Party made in 2007. Queensland, with the Labor Party in government, was the only jurisdiction in Australia not to make those provisions retrospective at the time. Quite unsatisfactorily, and I think in a very disrespectful manner, the member for Nicklin raised the issue in this House about the Kennedy case and said that he would hope that the government is not giving false hope to the Kennedy family in terms of this particular provision.

I can recall a press conference when I was asked about these double jeopardy law reforms, and I specifically said that there is no intention for these laws to apply to any particular case; it would always have to be based on the facts and the evidence at the time. In these particular provisions, the Court of Appeal has to be convinced that there is fresh and compelling evidence for the prosecution to even take place. The shadow Attorney-General talked about the double jeopardy provisions, that they are concerned that people might make certain decisions based on an acquittal and might, for example, destroy relevant evidence. The Labor Party is ignoring the inbuilt safeguards whereby the Court of Appeal must be satisfied that there is fresh and compelling evidence, as I said.

This is a part of the government’s reform package to revitalise front-line services, putting victims first and rebalancing the scales of justice. I thank all honourable members for their contributions to the debate tonight.

Question put—That the bill be now read a second time.
Motion agreed to.

Bill read a second time.

Consideration in Detail

Clause 1, as read, agreed to.

Madam DEPUTY SPEAKER (Miss Barton): Order! I note the Attorney-General’s amendment No. 1 proposes to insert a new commencement clause 1A, which relates to proposed new clauses in amendment No. 2, which is outside the long title. Therefore consideration of the proposed new commencement clause is postponed until after the other clauses and amendments have been considered.

Clauses 2 to 23, as read, agreed to.

Insertion of new clauses—

Mr BLEIJIE (4.31 pm): I seek leave to move an amendment outside the long title of the bill.
Leave granted.
Mr BLEIJIE: I move the following amendment—

2 After clause 23
Page 17, after line 30—

insert—

Part 4A Amendment of Crime and Corruption Act 2001

23A Act amended

This part amends the *Crime and Corruption Act 2001*.

23B Amendment of s 228 (Consultation before nominating persons for appointment)

(1) Section 228—

insert—

(1A) If the proposed appointment is of a commissioner other than the chief executive officer, the Minister may nominate a person for appointment only if the person’s nomination is made with the bipartisan support of the parliamentary committee.

(2) Section 228(2), ‘The’—

omit, insert—

If the proposed appointment is of the chief executive officer, the

(3) Section 228(3), ‘a commissioner’—

omit, insert—

the chief executive officer

(4) Section 228(1A) to (3)—

renumber as section 228(2) to (4).

I table the explanatory notes to the amendments.

Tabled paper: Criminal Law Amendment Bill 2014, explanatory notes to Hon. Jarrod Bleijie’s amendments [5628].

Ms PALASZCZUK: First of all, I want to say that this amendment introduced by the Attorney-General does not go far enough. If this government was listening after what happened in Stafford, this government would be in here this afternoon making it very clear that there would be a bipartisan appointment process for not just the commissioners, including the chair, but also the CEO. This bungling Attorney-General refuses to listen. I can remember standing in this House with the Attorney-General talking about why we had to do away with bipartisanship, how we had to get away from it because it simply was not working. We know what had happened. This government wanted to tightly control the anticorruption watchdog in this state. Queenslanders do not wear it. They do not wear it at all. As I said previously, the current chair should stand down immediately—today. The Premier made it very clear after the Stafford by-election that he would accept nothing less now than the bipartisan support of the chair. The current chair is there for August, September and October. It is clearly not acceptable. If you want to talk about integrity and accountability, let’s go to the heart of the matter. The heart of the matter is that this government has a plan, and it is a cunning, secret plan. Let me tell Queenslanders what the plan is. The plan is to move the current chair out of the position and sneak him into the CEO position. Go on, deny that. That is the plan.

Mr Bleijie: I deny that.

Ms PALASZCZUK: I am quite sure Queenslanders know that is the plan.

Mr Bleijie: I deny that.

Ms PALASZCZUK: So you deny that plan?

Mr Bleijie: I deny that.

Ms PALASZCZUK: So it is not going to happen?

Mr Bleijie: I deny that.

Ms PALASZCZUK: So the Attorney-General denies that that is going to happen?

Mr Bleijie interjected.

Ms PALASZCZUK: You can’t help yourself.

Madam DEPUTY SPEAKER: Order! Leader of the Opposition, I ask that you direct your comments through the chair.

Ms PALASZCZUK: If the Premier stands by his words, the current embattled chair will stand down today. He does not have my support. He does not have the bipartisan support to continue as the chair of the anticorruption watchdog in this state. He must go. If he is serious, the newly appointed CEO will also have bipartisan support, and I will accept nothing less. I will be out there in the media, I
will be here in the parliament and I will be talking about it all the time because this goes to the heart of their credibility in this state. If they have listened after Stafford, if they have learnt anything, they will stand down the chair of the anticorruption watchdog in this state today, and we will accept nothing less.

Ms TRAD: I made a contribution during the second reading speech in relation to this issue and I will elaborate on the points I made during that session. The CEO, as was moved during debate on the Crime and Corruption Act earlier this year, is responsible for the administration of the commission and the financial accountability of the commission. The CEO is responsible also for essentially the appointment of senior officers—these appointments were previously made by the Governor in Council—the employment of commission staff, the engagement of agents’ consultants to assist the commission, the financial administration of the commission and has responsibility for the commission of inquiry documents and all public records of the commission, presumably under the Public Records Act. The CEO also has powers under section 40 of the act, which is where the commission issues directions to agencies which matters need to be referred to the commission immediately without action taken by the agency and which can be advised to the commission on a monthly schedule.

It is very clear that the CEO of the Crime and Corruption Commission has significant powers bequeathed to that position as per the Crime and Corruption Act. It makes no sense that we extend the provision of bipartisan appointment to every single commissioner of the CCC and not to the CEO, who has enormous powers in terms of the crime and corruption functions of this state. If this government were fair dinkum, if it had heard—not only listened, but heard—what the message was from the Stafford by-election, they would extend the bipartisan appointment process to the CEO and not just the chair. This is a gaping, big hole in their approach to convince Queenslanders they are no longer wolves, that they are actually wearing sheep’s clothing, that they have changed their ways and they are prepared to listen. This is the anomaly in their argument and in their approach. Queenslanders will quite rightly see through it because they have seen through all of their rhetoric to date and we will be out there campaigning for greater transparency, greater accountability and greater integrity in this state.

A government member: Hypocrite, Jackie.

Ms TRAD: I find that language completely unparliamentary. Again, I think that not everyone has read the memo coming from the leadership group to behave and to try to convince Queenslanders that they are no longer the animals that they have shown themselves to be over the past two years. This is outrageous. This amendment does not go far enough.

(Time expired)

Mr BLEIJIE: I would make two points in relation to the opposition’s comments. The first is with respect to the acting chairman position defined under the legislation. The legislation is exactly the same as it was under the Labor Party. The legislation drafted by the Labor Party when the Crime and Misconduct Act was introduced in the parliament said the acting chairman can be appointed by Governor in Council without consultation, without bipartisanship. That is what the Labor Party drafted when the Crime and Misconduct Act was introduced into parliament in the mid-2000s. There is no change in relation to the acting chairman, whoever fills that role. I understand the opposition has issues with who is in the role at the moment. Put the person aside, the position of acting chairman was always, as it was under the Labor Party, appointed by Governor in Council without consultation, without bipartisanship support. So the current person continues in that role as they would have under the Labor Party.

The second point I would make is that in relation to the CEO position, the CEO position of the CMC as it was and the CCC have never had to have bipartisanship appointment. We said that we would restore the bipartisan appointment for the chairman. We have gone further than that and we have restored it for the deputy chairman and also the two part-time commissioners.

Mrs CUNNINGHAM: I certainly welcome the reintroduction of bipartisan support, but I would like to comment on the Attorney-General’s contribution just now. It is true that the legislation under which the current acting chair was appointed was the same as under Labor, but it is my understanding that the Acts Interpretation Act clarifies that a part-time acting appointment in that position is only for a period of 12 months. The current acting chair of the CCC has overstayed that 12-month period; therefore, to that extent the current appointment of the acting chair does not agree with the ALP’s legislation but does indeed transgress against the Acts Interpretation Act.
I believe the current government got around that by legislating in the changes most recently passed through parliament to extend the appointment of Dr Levy in the acting position. It does not make it right; it makes it allowable and perhaps lawful. Certainly it is not in accordance with the spirit of the Acts Interpretation Act, which defines ‘acting’ as 12 months. The Attorney-General is correct to the extent that acting positions do not require bipartisan support. I would have to say, however, that the spirit of that legislation has not been met, and certainly the intent of the legislation to have acting appointments in such an important role was only intended for extenuating circumstances—not for a period that has now extended past 12 months and will, I think, be 18 months by the time it is concluded.

Mr BYRNE: I move the following amendment to the Attorney-General’s amendment—

Amendment to Attorney-General’s amendment No. 2—

23B Amendment of s 228 (Consultation before nominating persons for appointment)

Omit (1) to (4)—

Insert—

Section 228(2) and (3)—

Omit, Insert—

(2) The Minister may nominate a person for appointment as a commissioner only if the person’s nomination is made with the bipartisan support of the parliamentary committee.

Tabled paper: Criminal Law Amendment Bill 2014, explanatory notes to Mrs Yvette D’Ath’s amendments [5629].

This amendment is all about ensuring that all of the commissioners, including the CEO, are selected on the basis of bipartisan support. How hard can it be for the government to understand that if they are genuine about listening to Queenslanders and if they are genuine about restoring integrity and belief in the CCC, then this matter should not be contested. This matter should be very simple for the government to understand if there is no other agenda operating underneath this.

It is on the basis of the 19 per cent swing in the Stafford by-election, where Queenslanders said they did not accept the arrangements that have been put in place, that we have seen these amendments put by the Attorney-General to the House today. That by-election said that Queenslanders do not support the measures taken by this government in a number of areas, particularly the CCC. I am not sure what else Queenslanders can do to voice their displeasure with this government and the way in which they crafted this legislation and their response to the CCC.

It goes further than that, because even in the body of the debate today we heard ministers and others talk about this government’s record on crime. Part of the supposed rollback of the measures brought by the government involved things like pink jumpsuits. When he was asked at estimates, the Attorney-General could not even explain how many people are in pink jumpsuits in the prison system because he did not want to be on the record as saying ‘none’. So it is not a very big measure for the government to remove pink jumpsuit requirements, because there has been virtually nobody in pink jumpsuits in the system since this shemozzle started.

The bipartisan component of this legislation needs to be extended, but I would say it needs to go even further. Let us not forget what happened with the parliamentary oversight committee when we first convened this parliament when the government saw fit to go against all of the conventions and normal practices that had been established about the appointment of chairs. Over the entire 2½ years that this government has been in power it has sought to undermine and control the Crime and Misconduct Commission, now the CCC, to its own ends. It stands absolutely condemned by Queenslanders, as evidenced by the Stafford by-election, and I hope that somebody in the backbench is finally starting to listen to what is happening in this state.

Mrs MILLER: In my view, it is very important that this parliament does not accept any half measures in relation to what we are debating here this afternoon, and I totally support the amendment moved by my colleague, the member for Rockhampton. I believe that there must be bipartisan support for the chair, the CEO and all of the commissioners. We need to have bipartisan support because we need the people of Queensland to have confidence in the Crime and Corruption Commission.

Let’s have a look at the situation if applicants are being called for in local papers or papers right across Queensland. There will be very few applicants, in my opinion, if they believe that these positions are going to be filled in a way that is not bipartisan. I believe that there will be few applicants if they believe that they will be seen as toadies of Campbell Newman’s government. If we opened it up so that people could apply and obviously go through due process with a selection committee, an
interview process and discussions at the very end of it, and that the best person would be appointed to those positions in a bipartisan way, it is my view that a much broader and wider selection of people would apply for these positions.

I believe also that we have seen a position in the last few months where Ken Levy, the acting chair of the Crime and Corruption Commission, is a partisan appointment to the CCC. He is a former director-general of the Department of Justice and Attorney-General and he has been a senior officer for a long time, but to finish off his career in such a way is not good because he has been appointed only by the LNP government. Today I reiterate that it is my view that Ken Levy should resign because he is not a bipartisan appointment to the chairmanship of the CCC. When we are looking at confidence in the CCC, we need to ensure that the people of Queensland have confidence. We need to ensure that the very best possible people are appointed and that they are appointed in a bipartisan way.

Mr WELLINGTON: I rise to participate in the debate on this amendment. I think that if the government was genuine in wanting to show Queenslanders that they want to have a bipartisan approach to the appointment of people in the leadership team, then this would not be an unreasonable request. Yet here we are in the ditches effectively arguing over whether the CEO of the CCC is going to be appointed with the support of the opposition. That is what we are effectively arguing over. Will the government allow the opposition to be involved in the appointment of the CEO? That is all we are arguing over.

Quite frankly, if the government was genuine in saying ‘We want to engage with the opposition and the crossbenchers on the appointment of the most appropriate people to this all-powerful committee’—bearing in mind this is the most powerful committee in Queensland which will be there irrespective of who is in government—we need to have bipartisan support.

If the government is not prepared to resile from its position or compromise, I think it shows that the Premier’s words about the government listening are hollow. When they had the opportunity to have dialogue with the non-government members and to have them involved in the selection of all people to this leadership team, they walked away. They refused. I think that is simply wrong.

We know that the government have the numbers. They have the power. They can do whatever they want to. They can ignore the comments of the crossbenchers and opposition members. They will do it their way. Hopefully, as a result of comments made by opposition members and crossbenchers on this proposal, the Attorney-General will reconsider. Perhaps if he has a short adjournment this matter can be held over until after the meal break so that he might have dialogue with the Premier or other ministers. The bottom line is: while this government is promoted as the Premier’s government, every minister of this government is responsible for the proposals this Attorney-General wants to push through. So every minister of the Newman government is jointly responsible and every member of the LNP government is jointly responsible for what the Attorney-General is saying. I urge the more moderate members of the LNP to use the power they have so that the Attorney-General has to compromise and has to see common sense. We know that, quite clearly, he is not able to do that.

Division: Question put—That Mr Byrne’s amendment to the Attorney-General’s amendment No. 2 be agreed to.

AYES, 14:
ALP, 8—Byrne, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.
KAP, 3—Hopper, Katter, Knuth.
PUP, 1—Douglas.
INDEPENDENTS, 2—Cunningham, Wellington.

NOES, 67:

Resolved in the negative.
Non-government amendment (Mr Byrne) negatived.
Amendment agreed to.
Clauses 24 to 39, as read, agreed to.
Ms PALASZCZUK (4.57 pm): This bill changes the offence of ‘contravention of relevant order’ from a summary offence to an indictable offence. It then creates an aggravated offence of contravening the relevant order without a reasonable excuse by removing or tampering with a stated device for the purpose of preventing the location of the released prisoner being monitored. The new aggravated offence is a crime punishable by a maximum penalty of five years imprisonment, with a mandatory minimum period of one year’s imprisonment to be served wholly in a corrective services facility.

The opposition does not support mandatory sentencing. The former Chief Justice has written to the Legal Affairs and Community Safety Committee setting out his views on the matter, because of the resource implications on the court. Mandatory terms of imprisonment mean that people are less likely to plead guilty because the sentencing judges and magistrates have their discretion fettered and are unable to impose a penalty that might be fair given the circumstances of each individual case.

Division: Question put—That clause 40 stand part of the bill.

AYES, 73:
KAP, 3—Hopper, Katter, Knuth.
PUP, 1—Douglas.
INDEPENDENTS, 2—Cunningham, Wellington.

NOES, 8:
ALP, 8—Byrne, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.
Resolved in the affirmative.
Clause 40, as read, agreed to.
Clause 41, as read, agreed to.
Clauses 42 to 74, as read, agreed to.

Mr BLEIJIE (5.03 pm): I seek leave to move an amendment outside the long title of the bill.

Leave granted.

Mr BLEIJIE: I move the following amendment—

1 After clause 1
Page 8, after line 5—
insert—
1A Commencement
Part 4A is taken to have commenced on 1 July 2014 immediately after the commencement of the Crime and Misconduct and Other Legislation Amendment Act 2014.

Amendment agreed to.

Third Reading

Mr BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (5.04 pm): I move—

That the bill, as amended, be now read a third time.

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

Bill read a third time.
Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (5.04 pm): I move the following amendment—

3 Long title

Long title, after ‘Bail Act 1980,’—

insert—

the Crime and Corruption Act 2001,

Amendment agreed to.

Question put—That the long title, as amended, be agreed to.

Motion agreed to.

STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 3 June (see p. 1939).

Second Reading

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (5.05 pm): I move—

That the bill be now read a second time.

I thank the State Development, Infrastructure and Industry Committee for its detailed consideration of the bill and I table a copy of the government’s response to the committee’s report.


I am pleased to advise the House that our government supports all of the committee’s recommendations. The committee’s second and third recommendations require that I provide additional information and clarification regarding aspects of the bill, which I will now do. In response to recommendation 2, I wish to advise the House that prior to declaring a priority development area I am required in my capacity as minister for Economic Development Queensland to consult with an affected local government. It is the practice of this government to ensure that requests for the declaration of priority development areas either come from local governments or have local government support. I am pleased to advise that the government is working in partnership with a number of local governments which have requested priority development areas. In fact, the requests for priority development areas have far exceeded our government’s expectation and the process for declaring priority development areas in consultation with local councils stands in stark contrast to the declaration of the previous government’s UDAs that were the forerunner of our PDAs.

The councils that have requested declarations of priority development areas include the Sunshine Coast council for the Maroochydore City Centre PDA, the Redland City Council for the Toondah Harbour and Weinam Creek PDAs, the city of the Gold Coast for the Southport PDA and the Central Highlands Regional Council for the Blackwater East PDA. We are also considering other PDA applications from other councils. My department is involved in discussions with local governments regarding the declaration of more priority development areas in other parts of Queensland where complex site issues are evident and development and jobs need to be facilitated expeditiously. The Queensland government is committed to a strong partnership with local government which can only mean better outcomes for the community, including economic development in local communities. The local governments we are working with have praised this government for the work we are doing with them to build stronger economies and create jobs.

In response to the committee’s third recommendation which relates to infrastructure charges, I can advise that the purpose of the infrastructure expenses recoupment charge is to recoup those expenses that are reasonably expected to be incurred for the provision of planned infrastructure. Therefore, when financing costs are reasonably and properly incurred for the provision of planned infrastructure these costs could be recouped, provided the quantum of the charge is reasonable and does not impose an unreasonable burden on landholders or stifle development.