

So at the passing of this motion, on the Independent's whim they will send a letter off to Tony Abbott but do not waste your time because you know where he stands. He stands four square corners in favour of privatisation because he instinctively believes in it. He was at the cabinet table when he voted for the sale of rail assets and when he voted for the sale of airports. He is taking a privatisation agenda to the federal election in looking to sell Medibank Private. We know that the Liberal National Party instinctively believes in privatisation because it always has. Tony Abbott describes himself as a John Howard acolyte. We know that John Howard turned up here and told them all to stand up for the privatisation that they truly believe in. We know that Mal Brough has said that they truly believe in privatisation. We know that they are on the record supporting privatisation in this parliament. We know that they are just pretending not to have a privatisation agenda. We know that Joe Hockey, Tony Abbott and all the Liberal National Party members support privatisation.

The Independents only ever have all care and no responsibility. Those of us who have to do the right thing and make the decisions know that we are doing the right thing in the long-term interests of Queensland. I oppose the motion.

Division: Question put—That the motion be agreed to.

**AYES, 35**—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Douglas, Dowling, Elmes, Emerson, Flegg, Foley, Gibson, Hobbs, Hopper, Horan, Johnson, Knuth, Langbroek, McArdle, Malone, Messenger, Nicholls, Powell, Rickuss, Robinson, Seene, Sorensen, Springborg, Stevens, Stuckey, Wellington. Tellers: McLindon, Pratt

**NOES, 50**—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Pitt

Resolved in the negative.

Sitting suspended from 6.41 pm to 7.41 pm.

## CRIMINAL CODE (SERIOUS ASSAULTS ON POLICE AND PARTICULAR OTHER PERSONS) AMENDMENT BILL

### Second Reading

Resumed from 24 February (see p. 457), on motion of Mr Springborg—

That the bill be now read a second time.

**Hon. CR DICK** (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.41 pm): I rise in the House tonight to oppose the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010, introduced by the member for Southern Downs as a private member's bill on 24 February 2010. I advise the House from the outset that the government will oppose this bill.

The bill proposes amendments to section 340 of the Criminal Code, which contains the existing offence of serious assault. The bill aims to introduce mandatory minimum sentences of three months imprisonment for people convicted of seriously assaulting police or certain public officers where the offence involves actual bodily harm or biting, spitting, or throwing bodily fluids or faeces. The mandatory minimum penalty will only apply when the assault is committed against a police officer, or an ambulance, fire and rescue or rural fire officer. The explanatory notes do not explain why assaults on these officers and not other front-line public officers—for example, corrective service officers, state emergency workers, transport inspectors, nurses in our state's hospitals, teachers in state schools or child safety officers—have been captured.

This is an artificial and false distinction and is insulting to those other officers who may be in jeopardy in their work each and every day. It shows just how politically motivated this bill is. I would like to see how the member for Southern Downs explains why this particular legislative measure should not cover the 1,200 new clinical health staff provided for in this year's budget or the 316 new teachers and teacher aides this government has provided this year or the 35 new child safety officers. It is an artificial and false distinction that does not seek to properly protect public sector workers as does the current section in the Criminal Code, which has been strengthened by the Labor government.

The bill specifically provides that the three-month minimum term cannot be suspended in whole or in part. At first blush it appears that offenders will be required to serve at least three months in actual custody. However, it should be noted that this will not be achieved because the provisions do not preclude the court from making an intensive corrections order which requires the offender to serve their term of imprisonment within the community, or from fixing an immediate parole release date. Again, another example of the best funded opposition in the history of Queensland delivering yet another lazy drafting effort that does not even achieve the purposes of the bill.

The government takes assaults on police and public officers seriously. I want to make that very clear. Under section 340 of the Criminal Code, behaviour which would otherwise constitute a common assault is deemed to be a serious assault in certain circumstances. For example, a person who assaults, resists or wilfully obstructs a police officer while acting in the execution of the officer's duty is guilty of the offence. In 2006 the code was amended by Labor to include situations where the person bites, spits or throws bodily fluid or faeces at a police officer.

Further, in 2008, the Bligh government introduced the Criminal Code and Other Acts Amendment Act, which amended the offence to confirm that assaults on public officers constitute a serious assault punishable by seven years imprisonment. Also, the Queensland Court of Appeal decision in *R v King* demonstrates the court's serious approach to assaults on police, particularly those involving spitting. In the decision of the court, the Chief Justice, with whom Justice Keane agreed, stated that those people who spit on police officers should ordinarily expect to be imprisoned, meaning actual imprisonment.

This week I have introduced into the parliament the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2010. The bill establishes Queensland's Sentencing Advisory Council. The creation of this council is intended to promote consistency in sentencing and stimulate balanced public debate on sentencing issues.

The government opposes this private member's bill. This is because, in addition to the bill's other shortcomings which are manifest, the government does not support mandatory minimum sentences. Firstly, the inclusion of mandatory minimum sentences violates fundamental principles of sentencing including that punishment should be appropriate to the circumstances and to the nature of the crime. Judicial discretion is an important part of the judicial system. For example, a young offender may commit an offence at the low end of the range, is genuinely remorseful, may plead guilty at the earliest opportunity, may be a first-time offender and may be an ideal candidate for a community based order. A repeat offender who commits a serious assault may refuse to cooperate with authorities and insist on a trial. Whilst under the present system the court would acknowledge these differences when considering the appropriate sentence, the proposed bill would require both offenders to serve at least three months in custody. How can that be just?

Secondly, research, as well as the experience of other jurisdictions, indicates that mandatory minimum sentences—and this is critical—offers little in the way of deterrence. Even a cursory examination of evidence and research in this area would have demonstrated that to members of the LNP, but they do not want to be dissuaded from the base political motives underlying this bill. I will go to more of that hypocrisy shortly.

A report by the Victorian Sentencing Advisory Council observes that sentencing schemes based on concepts of deterrence presuppose that would-be offenders weigh up the costs and benefits of criminal conduct before acting. However, serious assaults on Queensland police and other front-line officers, by their very nature, would generally occur impulsively, in the heat of the moment—in some cases as a result of alcohol or drug consumption—and would not be premeditated. The findings of the Victorian Sentencing Advisory Council are worth repeating. Noting that the aim of mandatory sentencing regimes are deterrence and a reduced crime rate, the council concludes—

Ultimately, current research in this area indicates that there is a very low likelihood that a mandatory sentencing regime will deliver on its aims.

Thirdly, the implementation of mandatory minimum sentencing can interfere with the existing hierarchy of sanctions. For example, this bill will increase the severity of sanctions for certain serious assaults on police and prescribed public officers while not adopting the same approach to offences involving other abhorrent conduct. In addition, mandatory sentencing schemes disregard the important role of the court. Such schemes can lead to a 'redistribution of power' from the open and transparent decisions of the judiciary to pre-trial decisions of prosecuting authorities.

This is demonstrated by one case in Western Australia where there is mandatory minimum sentencing for certain serious assaults. One of the first people charged under the new laws was a 22-year-old woman with mental health issues. The charge was downgraded on the basis that the injury inflicted—a cut to the nose—was not substantial bodily harm, even though the legislation does not provide that the bodily harm must be substantial. This shows the steps authorities will go to, including those prosecuting matters, to circumvent harsh and oppressive laws. We do not need a justice system that punishes people with mental illness; people who carry out criminal offences sometimes for the first or second time and put them in jail for criminal offences that might be related to their mental illness. I quote again from the work undertaken by the Victorian Sentencing Advisory Council on this issue, where they concluded—

There is ... ample evidence that suggests that mandatory sentencing can and will be circumvented by lawyers, judges and juries both by accepted mechanisms (such as plea bargaining) and by less visible means.

I note that during the recent parliamentary debate, very interestingly, on the Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill 2009, members of parliament—including opposition members such as the member for Southern Downs, the member for Currumbin, and the member for Glass House—acknowledged that mandatory sentences can have a

disproportionate impact. Surely, if they have some semblance of credibility and consistency and integrity in what they believe when they come into this House, the same reasoning should apply to any mandatory sentencing regime, as there will always be cases where the impact of the sentence will be disproportionate and unjust.

This bill is a cynical attempt to exploit community concerns in an effort to convince the electorate that crime is out of control and harsher measures are warranted to stop criminal behaviour, yet the facts do not back this up. I do not have psychic powers, but I know what I will hear in this debate—the same consistent sloganeering we hear from the LNP every time we discuss a matter relevant to the criminal justice system. It will be the same sloganeering that substitutes for sound public policy. We know there is no evidence base for this bill, but we will hear the same slogans time and time again. What will they be? Labor is soft on crime. Labor sentencing laws are weak. We will hear all of those things. But what does the evidence tell us about that? Let us look at police resources first of all. When the National Party was last in power, what was the police to population ratio? One police officer for every 507 people. What is it now under Labor? One police officer for every 427 Queenslanders. Over a 12-year period, when the population of Queensland has led the nation in its growth, we have gone ahead of the nation. We have continued to increase police numbers. When the Nationals were last in power, we had 6,833 police officers. What is the number in 2010? We have 10,400 police officers and rising. That is almost 4,000 more police officers under Labor.

What is the core basis of any criminal justice policy? It is to protect the Queensland community and to make it safer. What does the evidence show? During the history of this Labor government, crime rates have fallen in Queensland. During the period of power of the Labor government, crime has reduced by 21.5 per cent, notwithstanding the fact that our population has grown above the national average and has grown significantly in that period. The crime rate has dropped by over 20 per cent since Labor came to power. Property offences are down, offences against the person are down, clearance rates are up. More people are being caught because of the funding and the support that the Labor government gives to our Police Service. We have more funding, better services and a safer community.

What do we hear from LNP members? They talk about Labor being soft on crime. What happened when it came to organised criminal activity in this state? What did we hear from the LNP members then? They were cowards when it came to attacking the most serious, hardened group of criminals in the state. These are silent, closed criminal organisations that perpetrate very serious criminal offences against the community. What did we hear from LNP members? Nothing. In fact, we heard again complete hypocrisy. We had members who spoke in favour of their own legislative measures to crack down on organised crime on one occasion and then they came back here last year and spoke and voted against those measures. You could hang your coat on the hypocrisy in the air when it comes to the LNP and law enforcement, and the community knows it. We now have Malcolm Cole—a candidate in the federal election endorsed by the LNP who was supporting the organised motorcycle gangs, who was their mouthpiece in the community, who was acting as their PR representative. That is the sort of hypocrisy we get day in, day out from the LNP on crime and law and order. No-one believes them.

What about sentencing trends? What about what courts do in the Queensland criminal justice system? We have the third highest imprisonment rate in the nation for serious offending—that is, offending in the District and Supreme courts. Only New South Wales and the Northern Territory have a higher imprisonment rate per head of population than Queensland. One statistic we will not hear from those opposite is that there are about a million more people living in Victoria than in Queensland but there are about a thousand more people in Queensland jails. Queensland courts send criminals to jail but they send them to jail in a fair and just system, not one where the politicians make decisions about what a criminal sentence should be. That is what we are hearing from the LNP—that it is politicians who should set the tariff, it is politicians who should set the penalty.

**Mr Springborg** interjected.

**Mr DICK:** The ignorance of the member for Southern Downs knows no depth, it knows no bound. It is extraordinary that someone who holds himself out to be the alternative Attorney-General of Queensland demonstrates such arrogant ignorance and nonsense every time he opens his mouth about the criminal justice system. You would think he would take some advice, you would think he would do some research, you would think he would take some steps to improve his own knowledge and understanding of such matters that are of such critical importance to our state. Why? Because it is about keeping Queensland safe. We hear nothing from the shadow minister on that. It is all about the headline, it is all about the news grab, it is all about transitory political advantage and nothing about substance and commitment.

We do not deny there are issues facing our community, nor does this government deny that criminal activity continues to present a challenge, but we are simply misinforming the public if we bark and bemoan the illusion that criminal activity is on the rise. It is not; it is down and it will continue to stay down under Labor governments. The other thing about mandatory sentencing is that it has a

disproportionate effect on first-time offenders and young people in the criminal justice system. If there is anything that our criminal justice system should do, it should keep people out of the system if at all possible. We do not want young people who come in contact with the criminal justice system to ever come back to our courts, nor do we want first-time offenders to ever come back to our courts.

Mandatory sentencing can have a devastating effect on people and their families. That is why the inconsistencies in the arguments of members opposite in the debate we had some weeks ago on the new spousal defence in the Criminal Code in relation to unlawful killing and also yesterday in the debate on the Civil and Criminal Jurisdiction Reform and Modernisation Amendment Bill 2010 are so marked. A strong, safe and fair justice system is one of the hallmarks of our modern democracy, but the concerns raised by members opposite yesterday illustrate why mandatory sentencing as a policy is flawed. Members opposite cannot hold a position for 24 hours. In relation to the need for adequate legal aid funding, the member for Southern Downs said—

That can actually have the effect of forcing people to plead guilty to something when they arguably might not be guilty of that particular offence.

Yet under his proposal such a person would face a mandatory jail term of three months.

The government does not believe in mandatory sentencing. In fact, we believe judicial officers should retain discretion to impose an appropriate sentence based on all the facts. This does not mean, however, that we will not pursue with vigour those people who break the law and those people who should be punished in the Queensland community.

Together with the Premier earlier this week, I announced proposed changes to the Penalties and Sentences Act which will enshrine in legislation the sentencing principles enunciated not by parliaments and not by politicians seeking momentary political advantage—which the member for Southern Downs always seeks to do on every issue—but by the Court of Appeal. We seek to enshrine them in legislation. The Court of Appeal has said for 14 years that people who indecently deal with children or otherwise sexually offend against children should spend actual time in prison. Unlike the LNP, we have thought long and hard about this. We have drafted a bill that reflects our intention, unlike the members opposite who fail to even capture what they are seeking to do in their own legislation. They have failed and drafted poor legislation.

The provision before the parliament in our bill says that, unless exceptional circumstances exist, a person who commits an offence against a child should serve an actual period of imprisonment. What do we hear from the member for Southern Downs who introduced this bill? That exceptional circumstances are a 'get out of jail card'. What does he have in his own bill? Exceptional circumstances for young people. What a hypocrite. It is the most arrant form of nonsense one has ever heard.

**Mr DEPUTY SPEAKER (Mr Ryan):** Order! That is unparliamentary.

**Mr DICK:** I withdraw my comment, but the comments of the member for Southern Downs speak for themselves. He is still out there trawling for the leadership. He was out there trawling for two weeks when his leader was missing in action overseas. Quite rightly, no-one actually missed his leader, no-one even knew that he was out of the jurisdiction, no-one even knew that he had left the state. The member for Southern Downs is out there slaving to obtain the leadership so he can have his chance again. He will do anything to get that, including perverting and distorting our criminal justice system for his own ends.

In a very fundamental way, this bill fails to deliver its policy objectives because it is poorly and incorrectly drafted. It purports to impose mandatory minimum sentences, but this will not be the effect of the bill as drafted. The LNP has not excluded intensive corrections orders and the LNP has not excluded people being released on parole. The LNP has failed in the very most fundamental way to even deliver on what it said publicly it would do through this sentencing.

In relation to Labor's tough on crime approach, we have some of the strongest penalties and protections in the nation in our Dangerous Prisoners (Sexual Offenders) Act 2003. These are some of the toughest laws in the country that this government will make tougher. Why? To protect the community in a way that is constitutionally valid and that has been upheld by our courts in this state and upheld by the High Court. Labor will not stop in our task to ensure the Queensland community remains protected and safe.

This bill undermines the fundamental tenets of our state's criminal justice system, including the independence of the judiciary, but why would that ever bother the LNP or the shadow Attorney-General? The greatest condemnation of this flawed legislative proposal is that it will not make Queensland safer, nor will it result in any greater protection for our hardworking Queensland police officers or those other very limited classes of public officers named in the bill. Labor has enormous respect for the incredibly hard work that Queensland police officers do each and every day, putting themselves in the line of fire. We will continue to support them, but this bill does not even achieve its own objective of providing greater protection for police officers.

This bill reveals the modus operandi of the LNP. It has been introduced into this House for nothing more than political purposes. It is politically motivated. All the shadow Attorney-General is seeking to do is to obtain momentary political advantage, to grab a headline and to get a news grab. That is the only thing that motivates him. It is simply dishonest and illusory for the LNP to pretend that this measure will make Queensland safer or protect Queensland police officers or the other very limited band of public officers it seeks to name in the bill. The bill should be opposed.

**Mr JOHNSON** (Gregory—LNP) (8.00 pm): I rise to speak to the shadow Attorney's Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010. I find it very interesting to hear from the Attorney-General that this bill is all about the opposition destroying the criminal justice system in Queensland. I have great respect for the Attorney but at the same time I do not think that the government has respect for police officers in this state if it thinks that, in bringing forward this legislation, we are against putting in place protection for police officers. No, what it is saying is that it is about putting in place protection for the criminal element that wants to abuse our police officers.

In 2007 some 429 offenders were convicted of serious assaults against police officers in Queensland, and this bill seeks to introduce a minimum sentencing range for assaults against police and other public officers, including ambulance officers. These crimes include spitting, biting, kicking and all those violent, abusive things that do happen to police in the execution of their duties, and this cannot be condoned. Anybody on the government side who says that it can is not fair dinkum to the cause of being a law-abiding citizen of this state. I am pleased to see the honourable police minister in the House tonight. We have 10,000 police officers in Queensland and they are absolutely fantastic police officers doing a great job. Under this government's jurisdiction, we are against the odds. The Attorney said here tonight that we are hypocritical in introducing this piece of legislation. Now that the shadow Attorney has introduced this bill, how long will it be before we see the government introduce its own parallel legislation to what the shadow Attorney is trying to achieve here tonight?

I turn now to assaults on ambulance officers. There were 38 assaults on ambulance officers recorded in 2007-08, soaring to 107 in 2008-09, with a further 21 assaults reported in the first six weeks of 2009-10. The trend is worsening. That is deplorable in a Western society, a free democratic society, where we are taught to do the right thing and be law-abiding citizens. But what are we doing? We are condoning this element who want to go and abuse the police, ambulance officers, fire officers or other public officers of this state. That is why this legislation must be supported. That qualifies why it should be supported. The Attorney said that his government has in place tough rules that will send these people to jail for seven years. I am yet to see one of them go to jail for seven years. I am yet to see one of them go to jail at all. That is why the new Western Australian conservative government introduced similar legislation in its parliament in September 2009, and look at the resounding results from that legislation in WA.

**Mr Kilburn:** What is it?

**Mr JOHNSON:** I will tell you what it is. I will tell you what it is, 'Mr Smarty'. There were 703 assaults—

**Mr DEPUTY SPEAKER** (Mr Hoolihan): Order! Member for Gregory, I would ask you to direct your comments through the chair.

**Mr JOHNSON:** I am, Mr Deputy Speaker, but I am not going to cop that negative comment.

**Mr DEPUTY SPEAKER:** Member for Gregory, I would ask you to direct your comments through the chair.

**Mr JOHNSON:** I will, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER:** If you are directing your comments through the chair, the use of the words 'Mr Smarty' would not seriously refer to the deputy speaker, I am afraid.

**Mr JOHNSON:** I will withdraw that. That was not a reflection on the chair. I do apologise if you were offended.

There were 703 assaults against police officers in Western Australia in the period from October 2009 to May 2010. That was a 25.1 per cent, or 235 offence, decrease compared with the period from October 2008 to May 2009 of 938 offences. The member opposite might put that in his little book. The first five months—January to May—of the 2010 calendar year have resulted in 403 offences being reported, a decrease of 32.4 per cent or 193 offences, compared with the 596 reported offences during the same period in 2009. It is also lower than the corresponding period in previous years. The annualised trend in assault offences against police indicates a decreasing trend in offences from 1,426 in the 12 months ending April 2009 to 1,064 in the 12 months ending May 2010. That is because of this mandatory legislation that the Western Australian government has introduced and has now put in place. This represents a decrease of 25.4 per cent or 362 offences against police. The number of offences for the 12-month period ending May 2010 is also the lowest since the 12 months ending June 2006.

I spoke with the Western Australian Police Union this afternoon and it told me that since this legislation was put in place only two people have been sent to prison as a result. However, there are huge decreases in the number of attacks on police as they go about carrying out their duties and doing the right thing by the people of Western Australia. But, no, here in Queensland we are going to continue to see and condone criminals abusing, bashing, kicking and doing all things horrible to our police as they try to do their job. No wonder they are leaving the force in droves!

Do honourable members remember that little policewoman in Townsville who was bashed by that thug a couple of years ago? They still have not caught him. I actually hope they do not catch him because I would hate to think what might happen to him. At the end of the day, prison is too good for those sorts of people when we have police officers being hurt while trying to do the right thing. The right thing is to protect the community of Queensland, as they are doing in Western Australia—protecting the community of Western Australia. In the last two weeks another two of these people in WA were to go before the courts and will probably suffer the same fate as the others who were sent to jail.

Prior to the introduction of this legislation in Western Australia, assaults on public officers had increased by 10 per cent in recent years, and 80 per cent of the assaults were against police officers. We do hear a lot about mental health issues related to crimes. However, there are considerations relating to mental health. We know full well that mental health is an issue. We also know that our police officers know the issues. It is absolutely paramount that those issues be covered, analysed and evaluated before a person is sent to prison. In WA the senior officers undertake that evaluation before the matter enters the court system.

Talk is cheap when it comes to the government saying that the opposition has got it wrong. What does it think: that we have got it wrong all the time? I wonder how long it will be before we see the shadow Attorney's bill lob onto that side of the House and become law in this state. I hope it will not be too long, because the facts and figures from Western Australia substantiate the argument that the WA law is working. I have spoken with the union this afternoon. It is happy with it. The police are happy with it. The Western Australian government is happy with it. It is only the do-gooders on the Labor side who are not happy with it.

**Mr Wettenhall** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Barron River!

**Mr JOHNSON:** I think he has had one too many.

**Mr DEPUTY SPEAKER:** Member for Gregory, I do not need assistance—

**Mr WETTENHALL:** I rise to a point of order. I find that offensive and I ask for it to be withdrawn.

**Mr JOHNSON:** Whatever he finds offensive, I do—

**Mr DEPUTY SPEAKER:** No, no.

**Mr JOHNSON:** I withdraw, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER:** Thank you, member for Gregory. If all members would let the member for Gregory continue with his speech we would not have the same sort of antics.

**Mr JOHNSON:** To assist with local issues relating to the mentally ill, local incident management units in WA liaise with mental health care providers when required and district liaison inspectors have been appointed to liaise with designated mental health facilities and providers at a local level.

We all know there is an issue out there when it comes to mental health. We all know that there is blatant abuse of police officers, ambulance officers and fire officers who go about doing their duties in a very admirable and professional way. The one thing that cannot be condoned is the actions of that element of society who want to blatantly abuse the professionalism of those people. That is why the shadow Attorney-General has put this legislation before the House. He is hoping that the government will support this legislation which has purpose, will bear fruit for the good citizens of Queensland and will provide for a safer environment in which our police officers, ambulance officers and fire officers can work.

The real fact of the matter is that if this is working in one jurisdiction in Australia why will it not work in another jurisdiction in Australia that has similar qualities and similar issues to the state of Western Australia? I say to the Attorney and police minister tonight that the most important thing we can do in this state and in this nation is make certain that the personnel who provide that mantle of safety for our communities right across the length and breadth of Queensland are safe themselves. In many cases we have single-officer stations. They work in some tough areas. It is paramount that they know that they will be able to work in an environment that is safe and where they want to go to work and the community wants to support them in protecting the communities of Queensland. I support the legislation introduced by the shadow Attorney.

**Mr MALONE** (Mirani—LNP) (8.11 pm): It is a real pleasure to support the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill. I commend the shadow Attorney-General on his second reading speech. I also congratulate the shadow minister for police on his speech. He identified many of the issues that need to be talked about tonight.

It is really interesting to look at our communities nowadays. We have alcohol fuelled violence on our streets in nightclub precincts and the police and ambulance officers have to work in those circumstances. There are cowardly attacks on police and ambulance officers who are trying to do their jobs in those environments.

We have a highly resourced government. Each one of the ministers has more staff than any one of our shadow ministers or the opposition office and they have the gall to come in here tonight and talk derisively about this bill. There is a community expectation right across Queensland that it is not right for people to engage in cowardly attacks on our police officers or our ambos when they are trying to treat somebody or our fire officers or volunteers in the rural fire brigades when they are back-burning and so on. It is not a community expectation that these people—the police, fires and ambos—who are doing their jobs bravely and doing the hard yards for the community will be attacked in such a cowardly way. With equal opportunity we have females in our services now, and that is great. To have thugs attack our female officers and get away with it is not right. It is unbelievable that the government is speaking against this bill.

The shadow minister for police indicated that legislation in this area introduced in Western Australia recently is working. I think we should take comfort from that. Too often we read in the papers about police being attacked. More particularly, I am concerned about the females in the force. These thugs have no compunction and no understanding of what they are doing. Quite often they are out off their brains with alcohol or drugs. They have no idea what they are doing. When they go before the courts they have no recollection of what they did the night before.

From what I could understand of the Attorney-General's speech—he spoke away from the microphone and quite quickly—he actually advocated that it was quite okay for people with mental illness to attack others and under special circumstances not be subject to disciplinary action. He also indicated that it would be very devastating for the families of people who were put away under mandatory sentencing.

I have to say that it is pretty ordinary for the families of police officers, ambulance officers or any other public servant who is attacked, spat on, punched or has faeces thrown at them.

**Mr DEPUTY SPEAKER** (Mr Hoolihan): Order! Member for Mirani, perhaps you could confine what you say to the persons set out in the bill. You mention other public servants when the bill is very specific.

**Mr MALONE:** By public servants I mean volunteer rural fire officers. I am sorry about that. It is very specific. I understand your ruling.

As I said earlier, there is an expectation that people who put their lives at risk every time they go out should be protected by the laws of Queensland. Quite frankly, it is beyond comprehension that those in this government can stand up and reject outright the proposition put forward by the opposition tonight.

There are concerns for those officers who are attacked. They have to wait for test results. There are HIV tests and other tests that have to take place. Those people go through hell for a period of time. Whatever we can do to alleviate that or stop it happening we should do.

As the shadow minister for police said, it is working in Western Australia. It is fairly easy for the government to pick up the phone and find out what is happening over there. Maybe those opposite might have changed their minds before they walked in here tonight if they had done that. Are those on the government back bench quite happy for police officers to be attacked or ambos who are working on a victim in the street—

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Mirani, if you direct your comments through the chair we will have less interference in your speech.

**Mr MALONE:** I am satisfied that the members of the government at the back of the chamber would not be happy to see ambulance officers working on victims in the street attacked by drunken louts. I implore them to cross the floor and support this legislation.

**Mrs STUCKEY** (Currumbin—LNP) (8.17 pm): I rise to speak in the debate on the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010 introduced into the House by the shadow Attorney-General and member for Southern Downs on 24 February 2010. In doing so, I wish to convey my strong support for the provisions contained within this bill and place on record the LNP's commitment to support our police and emergency workers who have once again been hung out to dry by this Labor government.

Listening to the Attorney tonight I learned that his first reason for opposing this bill was that it did not encompass a wide range of workers. Well, it is a darn good start. It is very interesting also that the industry supports it. I was shocked when the Attorney then downplayed the serious assaults on front-line workers. Labor is not only soft on crime; it is limp-wristed when it comes to standing up for front-line

workers. Graphic news footage of drunken youths and adults resisting arrest and lashing out at police really does highlight the extreme danger that officers place themselves in each time they go out on patrol, with night shifts in entertainment precincts more perilous than other areas.

The urgency of this bill is demonstrated by the rise in the number of assaults on police and front-line emergency workers in recent years as they do their best to protect the Queensland public. The clear aim of the bill is to implement a minimum sentence standard for certain types of serious assaults on police and specified public officers in an effort to deter offenders which would, in turn, reduce the rate of assaults on our emergency service workers. Covered by provisions in this bill are police, ambulance, fire and rescue and rural fire officers.

The bill seeks to amend the Criminal Code to insert a new subsection 2(C) in section 340, titled 'Serious Assaults', to impose imprisonment of at least three months in circumstances of serious assaults specifically causing bodily harm to a prescribed person, or biting, spitting on or throwing bodily fluid or faeces at a prescribed person. This bill also proposes that the sentence not be suspended in whole or in part for the first three months. If the convicted person is a child, under the Juvenile Justice Act 1992 new subsection 2(C) will not apply if the court is satisfied that exceptional circumstances exist.

I must say that I have an uneasy feeling of déjà vu as I make my contribution today. Two and a half years ago—on Wednesday, 27 February 2008—I delivered a speech on a similar private member's bill that would have amended the Criminal Code to extend greater protection to our emergency service officers. The LNP's bill was voted down by this Labor government, as were a number of other pieces of legislation that would have assisted our police in their fight against crime.

But why be surprised? Labor members take these dedicated front-line workers for granted, just as they do nurses, doctors and health workers, whom they rob of their pay. Assaults against police have been in excess of 2,700 a year for the past two years. Labor has been in power for all of that time. Total assaults have steadily increased over the past decade. Labor has been in power for all of that time. Without doubt, the culture of violence against our emergency service officers is increasing and this arrogant government has sat there watching it unfold. These skilled workers face deadly scenarios on an increasingly frequent basis and this Labor government turns a blind eye.

Equally sickening, as is the graphic footage that we see on our television screens, are the unprovoked attacks on ambulance officers who are trying to administer aid. Reports in the *Gold Coast Bulletin* in May this year revealed that paramedics have been punched, kicked, spat at and even sexually assaulted by revellers when attending to incidents in the nightspots of Surfers Paradise and Broadbeach on the Gold Coast. It is shameful to admit that it has reached the point at which police protection is needed before paramedics can administer help to injured persons. The Liquor, Hospitality and Miscellaneous Union released figures indicating that 94 per cent of ambulance officers have been the victim of assault while performing their duties and that 87 per cent fear for their safety when attending jobs. How can this government sit by idly while our front-line emergency services cop these attacks? The amendments contained within this bill have the full support of the industry itself, with the Queensland Police Union calling for mandatory jail sentences to reflect the seriousness of these crimes.

The Gold Coast is facing an unwelcome surge in violent attacks—the worst across the state—and my electorate of Currumbin has not been spared. In December 2009, whilst breaking up a fight outside a popular Coolangatta nightspot, Senior Sergeant Steve Quinn was hit from behind, causing potentially fatal injuries to his jaw and head. Only three months earlier Senior Sergeant Quinn was the first officer on the scene after one punch killed young Andrew Houlahan in the same area in September 2009. Amazingly, this dedicated officer was back to work within days of his attack.

I would like to praise the efforts of my local police: the Gold Coast Police Superintendent Jim Keogh, Inspector Des Lacy, Senior Sergeant Chris Ahearn from the Palm Beach station and the head of Coolangatta police, Senior Sergeant Mark Johnston. A concerted team approach by these gentlemen has seen the overall number of assaults drop in the Currumbin electorate. However, Gold Coast police are facing demands at rates never previously experienced. Cross-border pressures are experienced by Coolangatta based police and I notice that the minister has listened to my request to help streamline the process of special constables so that we are able to better police our borders. But battle weary officers who continue to be rostered on weekend shifts will burn out as a result of this government's inability to see the physical impacts that these extra demands are having. Police are crying out for reinforcement—more officers to control the thousands of drunks on the streets every Friday and Saturday night—but the Bligh government expects them to work even more weekends in order to get a pay rise.

This private member's bill from the LNP before us tonight shows our front-line officers—our police, ambulance, fire and rescue officers and rural fire officers—that we value their efforts, unlike Labor, which takes them for granted. Judging by the lack of government speakers to this bill—there are only five on my list—it is easy to see that the Labor government does not care for the wellbeing of these dedicated and important workers in our great state.



**Mr DEPUTY SPEAKER** (Mr Hoolihan): Order! Before calling the member for Mudgeeraba, I bring to the attention of the House that the division that was called for the motion prior to the dinner adjournment was given the numbers ayes 34, noes 50. In actual fact, there was an error in counting for the ayes. The correct numbers were ayes 35, noes 50.

**Ms BATES** (Mudgeeraba—LNP) (8.25 pm): I rise to make a contribution to the debate on the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2009, introduced by my colleague the shadow Attorney-General and member for Southern Downs, Lawrence Springborg. The objective of the bill is to introduce a minimum sentence of three months imprisonment when a serious offence that involves biting, spitting, or the throwing of bodily fluids or faeces is committed against police, ambulance officers, fire and rescue officers and rural fire officers and results in bodily harm. This minimum sentencing is achieved by amending the Criminal Code to send a strong message that under no circumstances will serious assaults against our extremely hardworking emergency service personnel be tolerated in Queensland.

In early 2008 a similar amendment bill was introduced to the House. The amendment sought to adjust the Criminal Code to introduce mandatory sentencing for serious assaults on our emergency service personnel. The coalition of the Liberal and National parties were committed to not only protecting our emergency service workers in our communities but also sending a strong message to Queenslanders that the coalition was tough on crime, placing the coalition worlds apart from the Labor government's soft-on-crime approach. The amendment bill was debated in early 2008 and, once again, Labor, with its soft approach on crime, voted down the legislation 52 noes to 26 ayes, including the former member for Mudgeeraba, who voted against this legislation.

Since that time, violent assaults have continued on our emergency and Corrective Services personnel while the Bligh Labor government sits on its hands and does nothing, proving yet again to the people that the bleeding heart Left on the other side of the House continues to support criminals and not those who serve to bring them to justice or who have to deal with them in other emergency contexts.

In an answer to question on notice No. 459 in 2009, the Minister for Police, Corrective Services and Emergency Services advised the parliament of some alarming figures. From 17 December 2008 to 4 June 2009 there were 155 WorkCover claims resulting from assaults on police in the line of duty. What is even more alarming was that of those 155 claims, 72 were the result of blood/body fluid—or BBF—exposures. That is a totally unacceptable level of assaults on our police officers. Those alarming figures have been ignored by those opposite and it is left up to those on this side of the House, under the united banner of the LNP, to reintroduce another amendment to the Criminal Code in order to protect our emergency service personnel and send a strong message to the public that attacks on them will not be tolerated. Those in our community who prefer to prey on the elderly and the disabled, or our police, ambulance and fire officers trying to complete their duties under this legislation, would be sentenced to a minimum three months in jail. There would be no get-out-of-jail-free cards.

In recent years, there have been a number of sickening attacks on police officers on the Gold Coast, which have been mentioned already by the member for Currumbin. Ironically, one of the most horrific attacks occurred to an off-duty police officer and his girlfriend during the months the previous amendments were before this House. In November 2007, a group of 20 youths, in an unprovoked attack, set upon the pair at 12.50 am on a Saturday night as they walked down the street. They were knocked to the ground, violently kicked and had their hair pulled out in what can only be described as a sickening attack. The off-duty police officer required 20 stitches to his head after his head was stomped on while he lay on the ground helpless and then the perpetrators even stole his wallet. Worse though, the mother of one of the attackers was arrested when she arrived at the Southport watch-house to pick up her son from detention. The woman was so drunk that the police had no choice but to arrest her.

She was incarcerated in a padded cell as she was aggressive, violent and abusive towards police. This is as reported by Melanie Pilling from the *Gold Coast Bulletin*. As two witnesses reported to the Southport Court, they watched the woman scoop up liquid from the floor and throw it at them. The article then quotes Sergeant Shaun Groufsky—

There are only two possibilities—vomit or urine.

This kind of behaviour in anyone's terms is intolerable. Even after this incident the court handed out only a minor sentence of 100 hours of community service and a 12-month probation period. To add insult to injury, the woman was fined a mere \$733 for damage caused to the cell in which she was incarcerated. Incidents of such disgusting behaviour should attract a minimum of three months jail time.

Recently a number of unions have called for mandatory sentencing for offenders. In an article in the *Courier-Mail* in September last year under the heading 'Union calls for harsher penalties on police attackers', Mr Ian Leavers, General President of the Queensland Police Union of Employees, is quoted as saying—

The Parliament should follow the West Australian lead and intervene to mandate terms of imprisonment for those who seriously assault police.

The people of Queensland do not need more evidence that this Bligh Labor government is ignoring them. Now we see that the government even ignores pleas for mandatory sentencing from its own union buddies. If that is not bad enough, other unions responsible for our ambulance employees are also joining their voices to protest against the leniency of the fines and sentences for offences committed against their own. In March 2009 the *Courier-Mail* reported on paramedics calling for police escorts after figures showed that since 2005 attacks against them had almost doubled. Acknowledging that this request was a tall order, a representative stated—

We need a comprehensive course with practical elements because these paramedics are being bitten, spat on and hit and it's increasing exponentially.

Evidence of the increasing number of attacks on our Queensland ambulance officers is contained in answer to question on notice No. 903. In 2007-08 there were 38 recorded assaults and in 2008-09 the figure more than doubled to 107. That is an astonishing figure given the fact that these paramedics are trying to save Queenslanders' lives. From 1 July 2009 to 19 August 2009 there have been 21 recorded assaults of which five, or close to 24 per cent, have been reported to police by ambulance officers. In response to these figures, Jason Dutton from the Miscellaneous Workers Union in an ABC article in September 2009 was quoted as saying—

So obviously we are calling upon the Government and the judiciary to apply heavier penalties, which may also be the introduction of mandatory sentencing.

This is again a plea to this Labor government by a union, yet it is ignoring pleas from its own. No member on this side of the House believes that the introduction of mandatory sentencing for crimes and attacks on emergency service personnel will stop serious attacks in their entirety. Everyone, no matter what their profession, deserves the right to feel safe at work as they go about their day-to-day lives. We need harsher penalties on the people who do commit these offences in order to deter offenders from committing an offence of this nature in the first place. If this legislation stops one person from committing a serious offence against any of our emergency workers with the knowledge that without fail they will spend a minimum three months in jail with no bail, then it has done its job in protecting and providing Queensland workers with a safer place to work. I and my fellow colleagues wait in anticipation to see if this Bligh Labor government has the safety and interests of our emergency services personnel at heart and subsequently votes for this amendment to the Criminal Code.

**Mr DEPUTY SPEAKER** (Mr Hoolihan): Order! There was a comment made by the member for Currumbin in relation to the number of people speaking. There are a variety of reasons why people choose not to speak on a bill and it is quite improper to suggest a reason. I would remind all persons speaking on the bill to be mindful of the Speaker's ruling.

**Hon. NS ROBERTS** (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (8.33 pm): No-one in this chamber, and I would say on both sides of the House, is saying that any assault on a police officer, an ambulance officer, a fire and rescue officer or indeed any public officer who is undertaking their duties is an acceptable thing. To suggest anything otherwise is absolutely inappropriate and is not a fair reflection of the genuine belief on both sides of the House that these police officers, ambos and firies go out there with all good intent to act in the public interest. For anyone to assault them in any way during the course of their duties is absolutely unacceptable.

As the person who has the privilege of being the Minister for Police and also the Minister for Emergency Services, I have the opportunity of meeting and speaking with front-line officers from the Police Service and Emergency Services on a regular basis. I see the results of some of these assaults. I see the black eyes, cuts, bruises and the trauma that these assaults cause not only to the individual officers but also to their families. That is why the government took tough action recently to increase penalties for people who assault officers. The specific action that was taken was the opportunity for the courts to treat any assault against a police officer, an ambulance officer or a fire and rescue officer as a serious assault with a maximum penalty of up to seven years.

The LNP regularly calls for mandatory sentencing. It is almost like a broken record. When the court sentences an offender, no matter what the offence is, it is required to take into account all of the circumstances of the particular case. If it is a serious assault that causes serious injury to an individual, whether it be a police officer or another Emergency Services worker, in most of those cases a jail sentence will be imposed. It is not true to suggest that the courts are not imposing prison sentences for assaults. I will come to that issue a bit later.

The rationale given for mandatory sentencing is that it will somehow be a deterrent to people committing these sorts of abhorrent crimes against police and other Emergency Services personnel. The fact is that people who are going to assault somebody will not be thinking, 'If I assault this individual—this police officer, this ambo—I will end up in jail.' The reality is that the majority of these offences are committed in the heat of the moment, they are opportunistic and people are often under the influence of drugs or alcohol. They do not think about the consequences of their actions when they throw the punch or tackle someone to the ground. To suggest that having a mandatory sentence will be a deterrent I do not believe can be justified by any accredited research. In fact, the accredited research both in Australia and internationally shows that mandatory sentencing is not a deterrent. There is no

evidence that suggests that mandatory sentencing is a deterrent, particularly in crimes that are opportunistic. In all of the discussions that I have had with the Police Service—and this would apply with the Ambulance Service and others—the overwhelming majority of these assaults are opportunistic or drug or alcohol related offences.

In Queensland the courts have indicated that a term of imprisonment is, in fact, an appropriate sentence in many of these cases. Chief Justice Paul de Jersey in a Court of Appeal case, when talking about this disgraceful behaviour of spitting on and biting police officers, said—

An appropriate level of deterrence will in such cases usually be secured only through actual imprisonment of the offender.

If one looks at many of the cases where these types of offences are taking place, that is in many instances the outcome for the offender. If there are particular circumstances the court may impose a different sentence. We live in a country where our justice system relies upon courts to make decisions based on the merits of the case and all of the facts and evidence before it. Whether it be a police officer or an ambulance officer who is before the court for assault themselves, or indeed someone who has assaulted a police officer, I think we would all expect that the courts would take into account all of the facts and circumstances before a sentence is imposed.

In terms of the sentences that have been imposed, statistics from last year given to me through the Police Service show that of all the convictions for serious assaults against police more than 50 per cent actually received a jail sentence. If one includes suspended sentences, around 65 per cent of people convicted of serious assaults against police received a custodial sentence. It is simply not true to say that the courts are not willing to impose these sentences.

Whereas each of us may have particular personal views about cases which we might hear of and what we might like to see happen to that particular offender, the facts are that the courts are demonstrating, through the evidence, that they are putting people behind bars for many of these offences. In those cases where they do not, they are basing those decisions on all the circumstances of the case. That is the foundation principle of the justice system that we live and work under here in Queensland and, indeed, Australia.

As high as the rate of assaults on police is—no-one can deny that it is a terrible rate of assault—and despite the claims of many on the other side that there is a skyrocketing growth in assaults against police, the figures actually show there has been a slight decline in the rate of assaults. The information provided to me by the Police Service is that in 2008 the rate of reported assaults on police was 286 per 1,000 police officers and in 2009 it had reduced to 260 per 1,000 police officers. No-one denies or is arguing against the fact that that is an absolutely unacceptable number. However, over those two years the actual rate of assaults against police officers did decline by around nine per cent, which is a different story to that being put to us by members of the opposition.

What is the LNP's record on law and order? I have been in this parliament for a long time and I remember when the member for Southern Downs and the member for Gregory sat at the cabinet table and they talked tough about their approach to law and order. They beat their chests and talked about throwing away the keys and bringing back the guillotine. You name it, they were going to bring it all back and get tough on criminals. Let us look at the record of the LNP, because it is all talk and no action when it comes to law and order. When dealing with law and order issues, the LNP had an opportunity to have a go at organised criminal gangs and outlaw motorcycle gangs. What did they do with the Criminal Organisation Bill? They voted against it. When the member for Southern Downs and the member for Gregory sat at the cabinet table, what did they do with sex offenders? At the end of their sentences, sex offenders walked free. There was no supervision and no monitoring. They could join whatever clubs they liked and associate with any children they liked, with absolutely no controls at all. That is the record of the member for Southern Downs and the member for Gregory. They talked tough about crime, but what is their record?

**Opposition members** interjected.

**Mr DEPUTY SPEAKER** (Mr Wendt): Order!

**Mr Springborg** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Southern Downs, you will have your say. I see your name on the speaking list.

**Mr ROBERTS:** If we look at their record on dealing with things like sex offenders, they sat at the cabinet table, they sat on their hands and they did nothing.

**Mr Horan** interjected.

**Mr Dick** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Toowoomba South, if you wish to interject you will return to your seat. Attorney-General, I will ask you to cease interjecting.

**Mr ROBERTS:** Let us look at the record of the National Party. The Attorney-General talked about the police to population ratio. According to the Fitzgerald report, when the Nationals were last in power and the member for Southern Downs sat at the cabinet table, some of the fundamental flaws in the police service were that it was under resourced and police numbers were low. What was the result? High crime rates. As the Attorney-General has pointed out, under the Nationals there was one police officer for every 507 people. Under Labor, that figure dropped to one police officer for every 430 people. Since Labor has been in power, the crime rate has dropped by over 20 per cent. Since Labor has been in power the clearance rate has increased. The Liberal National Party is all talk and no action when it comes to law and order issues. With respect to this bill, there is no credible evidence that mandatory sentencing will reduce the incidence of the types of crime that we are talking about, which are opportunistic crimes. On that basis I oppose their bill.

**Mr SHINE** (Toowoomba North—ALP) (8.43 pm): I rise to condemn the amendments introduced by the honourable member for Southern Downs in this bill. These amendments are a return to the bad old days of pre-Fitzgerald Liberal and National Party politics when the rule of law, transparency and an open, accessible and understandable justice system took a back seat to cheap political opportunism and ideological sectarianism. The Australian Federation and Queensland's place in that constitutional fabric is underpinned by a strong adherence to the rule of law. While parliament makes the law and the executive administers the law, it is up to the courts and an independent judiciary to interpret and apply the law in accordance with parliament's intention. This constitutional duty on the part of the judiciary must necessarily bind the exercise of executive administration, particularly where parliament provides for a punishable offence against an individual.

This bill dangerously allows for the executive to mandate the sentence the courts may hand down to an offender. Where the bill mandates that a person who does bodily harm or bites, spits or throws bodily fluid or faeces at a person, whether police, ambulance or fire and safety officer, should serve a minimum term of imprisonment of three months, it is undermining the independence of the judiciary and curtailing the rule of law. In his explanatory notes with regard to fundamental legislative principles, the honourable member writes—

It may be argued that the introduction of a minimum sentence level somehow impinges on the discretion of the judiciary; however minimum sentences have been introduced and are being used across many jurisdictions including Queensland.

One such jurisdiction is Western Australia which, in September last year, introduced mandatory sentencing legislation providing for an automatic six month sentence for offenders who attack police, ambulance and public transport officers. Sound familiar? The honourable member cannot even cook up an original policy, no matter how extreme and ill-conceived. Last year at its general meeting, which was held on the Gold Coast, the Australian Lawyers Alliance labelled Western Australia's mandatory sentencing regime backward and reprehensible. Speaking at the Australian Lawyers Alliance AGM, the Queensland Chief Justice, the honourable Paul de Jersey, condemned mandatory sentencing as 'a dreadful thing'. The alliance's national president, Mr Mark Blumer, said that the alliance believed the retention of judicial discretionary sentencing of offenders was a cardinal principle of any democratic society. He said that without such discretion lives would not only be ruined but society would suffer as well. He stated—

It is the basis of all good decision making to consider all of the circumstances and evidence before taking action.

**Mr Blumer said—**

This is even more imperative when you are determining justice and individuals' fates, as well as the future fabric of society.

I am not sure which Queensland legislation the honourable member is targeting when he refers to mandatory sentencing in Queensland. Certainly there is a mandatory term of imprisonment for the crime of murder. Perhaps he equates the infliction of bodily harm with the intentional taking of another human life. Perhaps he is targeting the Dangerous Prisoners (Sexual Offenders) Act, which provides, in circumstances and subject to certain procedures, for the continuing, preventive detention of serious sexual offenders who have served their terms of imprisonment and who are shown to constitute a serious danger to the community. As the honourable member knows, the High Court of Australia has already found that this legislation does not impact on the Supreme Court of Queensland's ability to fulfil its independent judicial role under Chapter III of the Constitution. This legislation does not constitute mandatory sentencing.

What is more, the dangerous prisoners legislation deals with certified serious sexual offenders who have been convicted of a crime and are still considered dangerous. On the contrary, those most at risk from the Liberal National Party's mandatory sentencing regime are misguided young people or people with a mental health problem who, through inexperience or human infirmity, make a one-off mistake. Let us take the example of Queensland's Indigenous population. If the LNP's policy of mandatory sentencing were to be introduced, the progress made in working with Indigenous Queenslanders to find appropriate sentencing practices and positive diversionary processes would be wound back by decades.

This is a bad bill and it is a bad law. Well documented research shows that a policy such as mandatory sentencing distorts the criminal justice system, does not result in a reduction of recidivism rates, has a disproportionate effect on juvenile and first-time offenders, particularly those first-time offenders with a disability or impairment, and will have the potential to result in increased incarceration rates for Indigenous Queenslanders. In our democratic society, based on its evolution over 1,000 years, the separation of powers is essential, particularly where the criminal law is concerned. Sentencing is the task of judges, not politicians. In February 2002, the Law Society's *Proctor* magazine quoted the then shadow—

**Mr Rickuss:** You get it sent to your office, too. If you read it, you might know something about the law.

**Mr SHINE:** The member should listen—the then shadow Attorney-General, Mr McArdle, the member for Caloundra. He said—

Primarily a trial judge is best placed to make decisions on sentencing.

I agree with him. He then tried to explain that the major problem is that the courts are not getting out to the public the explanations as to why they have arrived at the sentences that they have made. He says that we need to address how sentences and sentencing can be better explained to the public. That shadow Attorney-General had some sense at least on that occasion.

Finally, I commend to the House a work called *Guardian of Your Rights—Queensland Council for Civil Liberties: A History, 1966-2007*. I refer to pages 179 and 180 of that book, which state—

In 1995, Dearden—

who was the president of that association—

responded to a survey that almost 70% of Australians believed judges were too lenient on sentencing. In press statements, he said that this was typical of people's perceptions of the criminal justice system, and that those who had direct contact with criminal proceedings usually did not consider judges lenient. He pointed out that there was no evidence that harsher sentences reduced crime rates. He reiterated that politicians, for their own purposes, traded on the public's perceptions about crime.

That was in 1995. Nothing has changed. It goes on—

When the National/Liberal Coalition Party took over government early in 1996, it continued using sentencing as a political football. The new Attorney-General, Denver Beanland, moved to introduce legislation which would require offenders who served 10 years or more for violent offences to serve 80% of their sentence ...

He writes—

... that this had superficial political appeal, but would involve extra costs to the taxpayer, and would make no difference to the crime rate. When the Coalition Party went into Opposition in mid 1998 before it could carry out this legislation, it retained this policy of mandatory sentencing as the basis of proposed legislation that it would enact when it regained power. It claimed that the prison system was a revolving door for prisoners ...

The honourable member for Southern Downs conveniently quotes Mr Terry O'Gorman when it suits him. Only yesterday he was quoting him favourably. I also now quote Mr O'Gorman. Mr O'Gorman stated, referring to page 180 of this article—

... to lawyers who regularly practised in the criminal courts, the statistics put forward by the Opposition simply did not reflect the reality. He pointed out that the attorney-general had wide powers to go to the Court of Appeal and seek to have perceived lenient sentences increased, and that the attorney-general regularly used this power.

That is in relation to the District and Supreme Court, but who has those powers in the Magistrates Court? Those powers are in the hands of the prosecuting police themselves. The police have the power to appeal if the sentence is too lenient. It is up to the police to do so, and I suggest that the honourable gentleman opposite should acquaint himself with what really does happen in a court. Perhaps he should sit down the back of a court once or twice in the forthcoming months to see what really does go on and get a real appreciation of how justice is administered in this state.

**Mr EMERSON** (Indooroopilly—LNP) (8.52 pm): Some call it the line of duty but it is becoming more like the line of fire, with repeated reports of violence against police and emergency service officers. The Queensland public expects its police, ambulance, fire and rescue officers to be able to carry out their duties without suffering serious assault. Let us be very clear here. We are not talking about those simply resisting arrest. We are talking about police being hit with iron bars, police being punched in the face, police being kicked in the groin and spat on while working. They are all examples from recent months of attacks on police and emergency services workers.

An assault on a police or emergency services officer in the course of doing their duty is totally unacceptable. It is not acceptable that when you start work there is a risk you will be physically assaulted as part of your duties. But, as the police admit, the number of serious assaults on officers has been rising and the brutality of assaults has also been rising. But they also believe that penalties handed to offenders by the courts rarely meet community expectations. All police and emergency workers deserve much better protection.

This LNP bill introduces a mandatory minimum three-month imprisonment for serious assaults that involve bodily harm or biting or spitting on police, ambulance, fire and rescue and rural fire officers. Those serious assaults on police include assaults involving biting, spitting or throwing bodily fluids or faeces. The LNP believes that assaults against our police and emergency services personnel are a serious crime against the community, and the sentence should reflect the gravity of that crime.

The most recent assault figures should be of concern to every member of parliament. Fifty police a week are being spat on, punched, kicked and assaulted in an escalation of violence more likely to come from women and young people. Police figures show that more than 2,700 officers were assaulted across Queensland last year. Of the 2,700 police assaulted, 593 were female officers. The most recent figures—for the last six months of last year—showed police were seriously hurt more than 370 times. One officer was seriously wounded, while there were four cases of grievous bodily harm.

Most disturbing is that violence has become a routine part of weekend night shifts. As regional duty officer Inspector Mark Jackson said, 'There appears to be a change in society that made people think it is okay to attack a cop.' He said that a growing number of young people and women were attacking police. 'There seems to be a trend these days for people taking police on—pushing the officer, spitting on the officer, punching the officer,' Inspector Jackson said.

Let us consider those assault figures again. Of the 2,743 police assaulted, 593 were female officers. About 40 per cent of police are females these days. These cowards who attack cops have never had the odds so much in their favour. As one report said, the odds always were in favour of anyone with a king hit. Imagine the chances of a female police officer against premeditated assault from a brute twice her size. As I said, the most recent assault figures should be of concern to every member of parliament.

Now, police minister Neil Roberts argues that since 2006-07 the rate of assaults on police as a whole had dropped by 4.32 per cent, from 278 assaults per 1,000 police officers to 266. But let us have a closer look at the latest figures, those figures released by the police minister himself. In the category of assaults on police occasioning bodily harm, in 2008-09 there were 47 assaults. In the first six months of 2009-10, there were 35. If it continues at that rate, it would equate to a 48 per cent increase over the previous year—almost a 50 per cent increase. In the category of serious assaults not covered under other categories, in 2008-09 there were 662 assaults. In the first six months of 2009-10, there were 367 assaults. That equates to more than a 10 per cent increase. The Bligh government argues that things are improving—the reality proves otherwise.

The LNP's bill does not just deal with attacks involving iron bars or punching. Spitting or spraying blood on police has become an all too common offence. This bill seeks to introduce a minimum sentencing range for serious assaults on police where the assault involves biting, spitting or throwing bodily fluid or faeces. Between December 2008 and June 2009 police officers made 155 WorkCover claims for assaults against them and in almost half of those cases the officer was exposed to blood or bodily fluid.

In a case late last year, District Court Judge Tony Rafter SC highlighted the problems police could face after being assaulted on the job. Judge Rafter awarded compensation to a female police constable who was bitten and spat on by a drunken woman who had refused to get out of a taxi in Brisbane's Fortitude Valley. A male constable was awarded \$8,500 after he was bitten by a woman. In both cases Judge Rafter highlighted the mental and nervous shock for the officers, who had a long wait to find out if they had contracted hepatitis C or HIV. He also noted that in both cases the officers' relationships had broken down. The Police Union said the breakdown of relationships was one of the major problems for police who were victims of serious assault charges involving spitting and biting. It means they can have little contact with their children or partners. He said it puts a major strain on their relationships.

It is not just police that are under attack. Thirty-eight assaults on ambulance officers were recorded in 2007-08, soaring to 107 in 2008-09. A further 21 assaults were reported in the first six weeks of 2009-10. They included officers being spat on, threatened, punched, kicked or bitten. The Emergency Medical Service Protection Association, which represents 800 paramedics and ambulance workers in Queensland, said assaults were becoming more frequent and more severe. But in Queensland chances are the offender will receive a fine unless they have a criminal record. The 37-year-old female who recently pleaded guilty to kicking a North Queensland policewoman in the face received 18 months probation. A report in the *Sunshine Coast Daily* of 24 May headed 'Punched, bitten, spat on, kicked—justice comes cheap' states—

A Sunshine Coast police officer will receive just \$10 a week in compensation for a savage attack that has left her career in tatters.

It goes on to say—

When her attacker appeared in Maroochydore Magistrates Court, she pleaded guilty to serious assault of a police officer and received nine months probation.

As the article says, this female officer was punched, bitten, spat on and kicked. While I am extremely cautious about the use of mandatory sentencing, the disturbing increase in the number of serious assaults on police and of assailants going relatively unpunished—as my examples indicate—has persuaded me that this is the right course of action.

**Mr BLEIJIE** (Kawana—LNP) (8.59 pm): I am very happy to rise this evening and add my support to the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill before the House on behalf of the Kawana electorate. May I premise my remarks by answering one of the issues raised by the honourable the Attorney-General. The Attorney-General raised the issue of how can it be just to give young people, first-time offenders and second-time offenders a mandatory three-month jail sentence? I throw that back to the Attorney on behalf of all the police officers, fires and ambulance officers. How can it be just that they get spat on every night? How can it be just to be assaulted like that?

The Attorney can only think of the poor person who has perpetrated that violence against the officer. That is what is at the forefront of the Attorney's mind—not the victim but the perpetrator. He thinks, 'Because they are a first-time offender, let us encourage them, let us cuddle them, let us put them back in society so they can go to the CBD next Friday night and do it all over again.' That is why this bill should be supported. I look forward to the member for Chatsworth crossing the floor tonight because he is an ex-firey and he will understand firsthand why this bill needs to pass this place tonight.

The Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill was introduced by the Deputy Leader of the Opposition. From the outset, I would like to place on the record my support for the shadow Attorney-General's bill which provides further protection to the good men and women working for our state police, ambulance, fire and rural fire offices. I am confident that the introduction of a minimum sentence range for serious assaults that involve bodily harm, biting or spitting on emergency services personnel will act as a stronger deterrent to those in our community who have little respect for our emergency services personnel and the invaluable service they provide to our communities.

Unfortunately, there is an increasing societal trend where people think it is okay to assault emergency services personnel, and the numbers speak for themselves. In 2007, there were 429 offenders who were convicted of serious assaults against police officers. The bill before the House seeks a minimum sentencing range of three months imprisonment for all serious assaults on police where the assault involves biting, spitting or throwing bodily fluid or faeces. Between December 2008 and June 2009, police officers made 155 WorkCover claims for assaults against them, and in 72 of those cases the officer was exposed to blood or bodily fluid. In 2007-08, 38 assaults were made against ambulance officers and this jumped to 107 in 2008-09. In 2009-10, the number is continuing to escalate and evidently is spiralling out of control. Honourable members, this is not good enough. Our emergency services personnel deserve to have the right to personal safety and protection in the workplace.

It is the height of hypocrisy for Labor Party members to oppose this measure, given that they regard themselves as the workers' party—except when it comes to police, who were recently insulted with the pay rise offer that was put forward by this Labor government; or our doctors and nurses who cannot even be paid correctly, if at all; or our miners, who were sold out to Rudd and 'Fake Gillard' at the time with the introduction of the great big new tax on mining; or our teachers last year who had to strike twice before they could get a decent pay rise offered. Then there is the WorkCover scheme which is in place to compensate workers who are injured in the workplace which this government managed to bankrupt before it was resurrected earlier this year.

It seems to me that the longer the Bligh Labor government is in office the more and more it marginalises the hundreds of thousands of workers from the many industries all over this great state which it claims to represent. While Labor members continue to state that they are for jobs and jobs growth in Queensland, they are all talk and no action. What the people of Queensland are crying out for is real action.

It is no surprise that it requires the LNP opposition to stand up for our emergency services personnel and restore some order in our system, because the Bligh Labor government has adopted the softly, softly approach and it is quite clear that this approach has not worked. It was the same in Western Australia, where the Liberal government had to restore order on the streets. Stronger measures need to be implemented in Queensland as a measure of protection for our police, ambulance, fire and rural fire officers.

Only last weekend, a police officer was assaulted while pulling a motorist over for a random breath test on the Sunshine Motorway, which is on the border of my electorate. Details of the incident were reported in the *Sunshine Coast Daily* on 1 August 2010 and the article read as follows:

A DRUNK driver struck a police officer in the face after driving on the Sunshine Motorway while more than four times the legal blood alcohol limit, police said.

The 36-year-old Mountain Creek man was pulled over by a patrol unit at Mooloolaba about 4.20am yesterday.

The man allegedly gave a positive blood alcohol roadside test before returning a 0.219% BAC at Maroochydore Police Station.

Maroochydore police duty sergeant Bill Morris said the motorist was being escorted to the watchhouse with two male officers when he began to struggle.

He said one of the policemen was allegedly slapped in the face by the man in custody.

Sgt Morris said the officer suffered no serious injuries.

The man will appear in Maroochydore Magistrates Court on August 25 charged with assaulting police and driving under the influence.

A second man will also appear in court after driving 0.134% BAC.

Sgt Morris said police would continue to enforce the law against drink drivers.

"People who choose to enjoy several drinks should ensure they do not need to get behind the wheel to make the journey home," he said.

This was not a serious assault but it highlights a certain lack of authority that is increasingly evident in society and it also emphasises the fact that when people are under the influence of either alcohol or illicit drugs they have very little control over their actions.

The legislation before the House does not focus on incarceration as the answer, but it is certainly a far more powerful deterrent and measure that can protect our police officers while they are serving to uphold the law in this state. For far too long the police have been neglected by this Labor government, and this is a proactive measure that sets the balance right in terms of the punishment befitting the crime. The slap on the wrist approach to sentencing by the Bligh Labor government sends out the wrong message to those who intend to live outside the laws which ensure that order is maintained. It sends the wrong message to the majority of residents who do the right thing and should feel safe in their homes and on our streets. Our emergency services personnel deserve the right to be protected while at work. The introduction of a minimum mandatory sentence will be a much stronger proactive matter than what is offered by the Bligh Labor government.

Earlier this year, I participated with other honourable members in the Law, Justice and Safety Committee's inquiry on alcohol related violence. We toured the state and I can tell the House that what I saw out on the streets when we were touring nightclub districts all around Queensland was appalling. There were thousands of young Queenslanders lining the streets with rubbish, assaulting police officers, having no regard to what the police are there for, having no regard to their fellow Queenslanders. There was absolute garbage on the street, absolute mess and mayhem. At the forefront of our protection and the ones who have to clean up the mess are our police and emergency services personnel, and they should not have to put up with that. It is unacceptable.

In conclusion, I would like to commend the work of the Deputy Leader of the Opposition for the introduction of the bill and I remind the people of Queensland that the LNP is the party that has a long tradition of maintaining law and order across the state and it is the LNP that will restore public faith in the justice system. Those grubs in our society who choose to assault our police and ambulance workers deserve to be thrown in jail. They do not deserve, as the Attorney thinks, to be given a slap on the wrist and a cuddle by the Bligh Labor government and to be told, 'It's okay. You can spit on the police officer on a Friday night and because it's your first offence we'll let you off, but we'll see you again next Saturday night.' It is unacceptable. These people deserve to have the book thrown at them, not just a slap on the wrist. Under an LNP government, this will happen. Under the Labor government, our emergency services workers will be continually neglected by a government that does not deserve to be here. I commend the honourable shadow Attorney-General's bill to the House.

**Mr KNUTH (Dalrymple—LNP) (9.09 pm):** I rise to speak in support of the amendments contained in the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill. This bill will protect our police officers and emergency service officers from the appalling rise in the incidence of assaults on emergency service personnel. Not only are our police officers and emergency services officers underpaid; they are also underprotected. In a nine-day period in May this year there were six incidents of assault on police in Cairns, and nine were assaulted in May. In March this year in Far North Queensland a police officer was left with numerous fractures to the jaw and a fracture to the cheekbone and head after being bashed by a group of teenagers. When his partner drew a gun the teens taunted him and then continued to punch and kick him unconscious.

There was another incident that I read about in the *Townsville Bulletin*. The article is titled 'Bashed police officer back on job' and states—

A year after being savagely king-hit from behind while trying to break up a brawl involving about 80 people at the nightclub strip, the 27-year-old still bears the scars.

But the vicious thug behind the cowardly July 4 attack is still walking the streets.

It took surgery and a love of her job to get her back to general duty work.

'I couldn't wait to get back because I love my job. I was a bit nervous about going down Flinders St for the first time though.

When I heard a job come over the radio involving a brawl I felt my heart start pounding.'

Constable Luscombe spent three days in hospital following surgery to reconstruct part of her face.

'I had a fractured eye socket, fractured cheek bone and my jaw was fractured near my ear,' she said.

'During surgery they put in six titanium plates behind and around my eye.

'I have scars at the bottom of my ear and all the way over the top of my head ...



This is just one of the hundreds of incidents that occur every year as a result of assaults on police officers, ambulance officers and, likewise, our local fireies. The real issue here is getting the clear message out that if any thug, crim or big-noter seriously assaults police officers, ambos or fireies they will be punished and do time in jail.

The core issue here is the protection of our emergency service workers and having laws that deter this degeneration of our police officers and emergency services officers. The Queensland Police Union has strongly backed the introduction of mandatory minimum sentencing for those who choose to show the ultimate disregard for the authority of police officers. If members of the public know that the serious assault on police officers, fireies or ambulance officers will result in jail time, they will be less likely to resort to this behaviour. The proposed amendments also send a clear message to our emergency services. Our emergency services have been gutted by the inadequacies of our courts when it comes to sentencing the perpetrators of violence against police officers, fireies and ambulance officers. These men and women do an incredible job of protecting the public or assisting police. However, they are increasingly finding themselves on the receiving end of assaults.

It is a poor reflection on this government to underpay our emergency services personnel. The government is in breach of its duty of care if it fails to ensure that the law effectively protects those whose job it is to enforce it. The most effective way to do this is to make sure that the penalties for assaults on our police officers are enough to deter perpetrators from physically attacking officers by spitting on them or other monstrous behaviours that expose police officers and emergency personnel to blood and faeces. These low acts need to be dealt with decisively and effectively.

**Mrs CUNNINGHAM** (Gladstone—Ind) (9.13 pm): I rise to speak to the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010. I place on record my absolute respect for all of our police officers, our fire officers, our ambulance officers and, even though they are not mentioned in the bill, officers such as those who work in the SES and St John's—those who volunteer in areas of service where they do come across people who are perhaps stressed at the time of an incident and who may act out in a way that given more normal circumstances they would not. I certainly do not support in any way, shape or form vicious attacks on these officers. In fact, I do not support vicious attacks on anybody, whether it is a person in the street, a person of a sexual orientation different to my own or somebody who is a volunteer in an organisation, particularly where that organisation might meet the needs of people who are marginalised. All of those groups can at times act in a way that is unacceptable in the normal course of events. But let us be honest: many of these people—police, fire officers, ambulance officers, nurses, doctors—work in an environment that could be described as not the normal course of events.

I want to place on the record my great respect for all people in the emergency services and, indeed, in all of these other voluntary roles. I am very concerned, however, about the notion of mandatory sentencing. I have to say—and I have been accused of hypocrisy here tonight—that if we were debating a bill about mandatory sentencing for sexual perverts, for people who abuse children, I would probably hold a differing view because I am not very tolerant at all of people who hurt our children. However, I do believe that there are circumstances that mitigate these events. It does not happen often—certainly not always—but there are circumstances that should be taken into account.

Let me use the debate we had earlier tonight to demonstrate my level of concern. In that earlier debate I was accused of being a hypocrite. I was accused of voting in a contrary manner in the mid-1990s in relation to the sale of a bank. Did I vote in favour of the sale of the bank? Yes, those facts are correct. With regard to any of the people who accused me of hypocrisy—the Premier and the Minister for Public Works did and I am not sure if the Attorney-General did but the Minister for Transport and the Treasurer certainly did—did any of them in their contributions to the debate wrap the circumstances of my vote into the debate tonight? Not at all. Did they know the circumstances surrounding the final decision on my part to vote the way that I did? No, because they were not in attendance at the discussions, if indeed you could call them discussions. However, the circumstances surrounding the event mitigate against what happened as a result. Again, I am not justifying violence against our emergency services officers. Alcohol fuelled violence does not justify the offence of violence, but it speaks to whether there was premeditation. Indeed, it speaks to whether there is any memory of the event afterwards.

The bill put forward by the Deputy Leader of the Opposition intends to establish mandatory sentencing for a range of offenders found guilty of seriously assaulting police, ambulance and fire officers where the assault involves biting, spitting or throwing bodily fluids—and I assume that is predominantly blood or faeces—at an officer in the course of their duties. Biting and spitting are completely unacceptable, but they can be incredibly spontaneous reactions to a circumstance. I have some difficulty in standing here and supporting legislation that would attach a mandatory three-month prison sentence to somebody who, because they felt aggrieved or threatened, bit or spat at a police officer, and in some circumstances that officer may be in plain clothes. Throwing bodily fluid, that is blood, as opposed to blood from an injury attaching to an officer or throwing faeces at an officer could indicate some premeditation. I would hope that, in the hearing of that event, the courts would take into account the opportunity for the offender to prepare to commit the offence or whether it was an offence of spontaneity.

I reiterate that I do not support violence against any of our emergency services officers. Indeed I do not support violence against any volunteer in any area of service to our community. But I do have real problems with mandatory sentencing. In this instance, whilst I respect the role of police officers, ambulance officers and fire officers, I cannot support this bill which effectively intends to introduce mandatory sentencing into our legal system.

It is important in two ways. It is important that offenders understand the seriousness of the offence and that if there are grounds for a custodial sentence that that is given. It is important for the judiciary to understand that, whilst this parliament may not support or pass mandatory sentencing laws, we do expect that appropriate sentences will be attached to offences that reflect the gravity of the offence, the circumstances of the offence and the history of the offender. On those bases, I will not be supporting the legislation.

**Mr KILBURN** (Chatsworth—ALP) (9.20 pm): I hate to disappoint the member for Kawana, but I rise to oppose the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill. Firstly, let me make it abundantly clear that no-one in Queensland should ever have to put up with being assaulted in the course of their duties or, in fact, at any other time. In my 15 years as a fire officer I witnessed firsthand and was involved in many occasions where the type of behaviour being identified in this bill was on show. I think it is a shame that—

**Mr Dempsey** interjected.

**Mr KILBURN:** You will get your turn. I think it is a shame that on a matter of this much importance those in the LNP will do as they usually do and play politics with the issue. They will play politics with this issue because they know that they can get a free headline in the paper tomorrow for pretending to be the friend of emergency service workers whom they want to wrap their arms around when it suits them.

The member for Kawana talked as though crime is out of control in the streets. I am a bit afraid to walk down to the car park after listening to his speech. He says that there is that much crime and everything is out of control. That is utter garbage. We all know that it is utter garbage. Those opposite are aiming for a headline. They will get it. They are safe in the knowledge that they will get a headline because we will do the right thing; we will do the hard thing and vote against mandatory sentencing.

There is no evidence anywhere and no-one on the other side has presented evidence that mandatory sentencing reduces crime. The member for Southern Downs loves to quote law societies when it suits him. In fact, there is evidence that shows the exact opposite. The National Children's and Youth Law Centre has done a survey that shows that mandatory sentencing may be perceived as solid law and order; however, there is significant research which indicates that rather than acting as a deterrent a sentencing system which accelerates contact with the prison system will in fact lead to higher and more serious reoffending.

**Honourable members** interjected.

**Madam DEPUTY SPEAKER** (Ms O'Neill): Order! Just a moment, member for Chatsworth. Could you stop conversing across the chamber please, gentlemen. The member for Chatsworth has the call.

**Mr KILBURN:** I will say that again. The research has shown that any law that accelerates contact with the prison system will in fact lead to higher and more serious reoffending, higher rates of recidivism and ultimately higher crime rates. That is the exact opposite to what those opposite purport to be trying to achieve. We know it is a stunt. It nearly always is a stunt.

The member for Kawana made the statement that the LNP is the party that is strong on law and order and its history shows that. When? What history is that? When those opposite were in power between 1996 and 1998 is that their history? Or is it the history before that when they were in power? We all know what their law and order standards were when last in government before the Borbidge government. I do not think that that is what they want to allude to. Let us not kid ourselves that they are the champions of law and order. They are hypocrites and always have been. And this is their best one since I have been in this House.

Those opposite want to quote those in the legal system. Let us look at what some in the legal system have said. In March 2000 the New South Wales Court of Appeal—Justices Fitzgerald, Stein, Beazley and Wood—said that it is unjust to imprison offenders without regard for their personal circumstances, life experience, prospects of rehabilitation or other more suitable sentences. There are a number of those quotes. I could go on and on.

I know those opposite want to make a big deal about talking about emergency service workers because it is an easy score. I was an emergency service worker, but do those opposite know what I also am? I am also a parent of a 17-year-old who may, on their first trip out to the Valley, or when they go to their school formal or have their first experience in the big wide world, get caught up in something untoward or a bit out of the ordinary and ends up being charged. Under this legislation, they would spend three months in jail with no chance of appeal and no bail. It would destroy the rest of their life.

So you can stand up here and tell us all your hard luck stories and how terrible things are, but after a couple of years under your law we would be hearing how young people's lives were being destroyed by the unfair and ridiculous law that you are seeking to pass through this House.

**Mr DEPUTY SPEAKER:** Order! Member for Chatsworth, address your comments through the chair.

**Mr KILBURN:** You should be ashamed of it. Mandatory sentencing does not work. It has not worked anywhere. You should try and use a bit more common sense.

This bill purports to introduce a mandatory term of imprisonment for people charged with serious assault against police, ambulance, fire and rescue and rural fire officers. I say again that I do not believe that anyone should ever be assaulted in their workplace. I support strong action being taken but I will not support, in this instance, mandatory sentencing.

This bill is designed to undermine the criminal justice system by taking away the discretion of sentencing judges to impose the appropriate sentence in certain circumstances. In doing so, it signals to the wider community that we do not trust magistrates and judges to do their jobs. We know that that is the case for the LNP. This is in keeping with the attitude of the LNP, particularly towards magistrates. I refer to the media release put out by the member for Southern Downs after last night's debate where he described the bill, which transferred significant jurisdiction down from the District Court to the Magistrates Court, as a dumbing down of the courts.

The Minister for Police said previously that the coalition had done everything including bringing back the guillotine. I know that was said in jest. I did notice that the member for Gregory laughed. However, I also heard him say that jail is not good enough for them. We know that the policy of those opposite is somewhere between jail and the guillotine. It will be interesting to see what their opinion is when it comes to a legitimate penal system. Is it stoning? What are they going to bring back—crucifixion? Let us put it on the table and see what they think it should be.

It also plays well to the opposition's usual scream that crime is out of control in Queensland and the courts do not impose appropriate sentences. Those opposite may think it is funny to come in here and make out that crime is out of control, we cannot walk down the street, everything is spiralling out of control—we heard that many times tonight. They might think it is funny playing politics and that it is a great gig. Do members know what I do not find funny? I do not find it funny that people like the members opposite want to make a big deal and pretend that crime is out of control.

My grandmother is too scared to walk out of her door because she thinks that crime is out of control in this state. All the evidence—and anyone who wants to take the time to look will see—shows that that is utter garbage. It is a fear campaign. It strikes fear in the hearts of people in this state. Members opposite should be absolutely ashamed of the way they do that. It is not good for our society. They should think hard before they go about making out that crime is out of control. It is ridiculous.

I challenge members of the opposition in this House to take the step that their colleagues in New South Wales have done and not encourage a law and order auction. But those opposite will. They should carefully consider options that are in the best interests of the criminal justice system. The opposition legal affairs spokesman in New South Wales, Greg Smith, has said that the New South Wales Liberals have decided to dump the usual law and order auction because history has shown that such policies did not work. 'I don't think it has improved the community, I don't think it has helped cut down crime,' he said. I have Liberal Party support for this view that the law and order auction should not be continued.

However, he was realistic about the fact that such an attitude still exists. 'I know there are still rednecks out there who want mandatory sentencing and that sort of thing,' he said. Do we know why that came from a Liberal member of New South Wales parliament and not a National Party member? Up here there are no Liberals; there are just Nats. They have taken over. The Liberals have been neutered and the half decent Liberals who stand up for rights in the community have been crippled by the old rednecks in the National Party. This is a perfect example of it. I find it hard to actually know what the member for Southern Downs really thinks about mandatory sentencing. Recently on Mackay radio he said—

Well, there is no doubt we should all believe in judicial discretion. And you know, the Parliament shouldn't be sitting in the Court actually telling a judge what to do.

That is what the member for Southern Downs said in Mackay, and here he is today bringing in a bill to tell judges what to do—no discretion, no ability to use common sense, no ability to take into account people's circumstances; lock them up. It is the usual National Party redneck way of lock them up and throw away the key—'we'll get a bit of a headline'—and do not think about the consequences down the line. The evidence shows that it is going to increase crime, lock up people who should not be in jail and get them in there learning how to be proper criminals.

I could go on all night talking about the hypocrisy of the Liberal National Party—or the National Party. But I say again: no-one in this House—and I believe that sincerely on both sides of this House—thinks that police or any other person who works in Queensland should be assaulted. It is a disgrace. As a member of the Law, Justice and Safety Committee, I can say that all members of that committee participated in trips to the Valley and to Townsville with the police. I know that they have a very difficult job and I will support anything that reasonably allows us to make sure that the punishment fits the crime. But mandatory sentencing will not solve the problem. It is a stunt. Those opposite know it and they should be ashamed of themselves.

**Mr DEMPSEY** (Bundaberg—LNP) (9.30 pm): I rise to speak in support of the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill. The last member to speak mentioned hypocrisy. It gets me how Labor members in their speeches say that these offences should not be condoned but, at the end of the day, they are not going to do anything about it. The last Labor member who spoke said, 'Don't send anyone to jail because that will affect them even more and they will offend even more.' He also said that, basically, anyone over the age of 17 should not take responsibility for their actions. I am a great believer in rights, but I believe also in responsibilities and community expectations.

Assaults on police, ambulance officers and firefighters are appalling acts that threaten the people who protect our community. As a parliament, we need to act to ensure that the people who protect us are not abused for doing their job—a job that is to serve the people of Queensland, a job that has different expectations. These people are not volunteers; they are people who go with the set task to turn up and take away people's liberties and rights when they have committed an offence. They know the seriousness of it. They know the judicial system. Their job is to get out there and do the hard task of putting people before the courts. Then the courts make the decisions and then the sentencing will come down to the mandatory sentencing. For example, if you have a young person before the court, they first have to be found guilty by their peers before a sentence is handed down. So the government's argument is blown out of the water there. The law needs to not only be an adequate deterrent; it needs to be uncompromising in handing down penalties on thugs who assault paramedics, firefighters and police.

In my previous occupation in the Police Service, as I mentioned before, in our induction we were always told to serve without favour, affection, malice or ill will but also we were told the importance of taking away a person's rights and obstructing their liberties and, most importantly, the need to meet community expectations. When police turn up to a task, they cannot simply walk away. They are the front line for the community. When they turn up to a bar fight or a domestic, they cannot think, 'Look, I'm going to get assaulted here. I've got to walk back out.' They have to take those risks and action into line. They have to be the front line for the community. They have to meet the community's expectations and serve the community.

This government also has a duty of care for its police and emergency service workers and it should not take their commitment and dedication for wanting to serve the people in their communities for granted. The minister says that the penalty is seven years. I would like to know how many people who have committed a serious assault have actually received seven years. Before the latest change in the law—going back to when I served in the Police Service—the criminals knew that they could belt a police officer and get 50 bucks. But if they belted someone else in the community, they got a higher sentence plus a higher degree of compensation. The criminals knew that.

**A government member:** What's your evidence of that?

**Mr DEMPSEY:** It is from practical experience. You should go and talk to the 10,000-odd police officers. So what we have to do here is stop—

**Mr DEPUTY SPEAKER** (Mr Hoolihan): Order! Member for Bundaberg. I would remind members that the member for Bundaberg has the floor, including members in his own ranks. Please continue.

**Mr DEMPSEY:** Thank you, Mr Deputy Speaker. As I have said previously, criminals have to receive the proper sentences that reflect the community's expectations. The community does not deserve to be taken for granted. These criminals should know that they will go before the courts, before their peers, and will receive these penalties. The people on the Labor side are saying, 'They will try to blame these assaults on drugs and alcohol. These people are unable to think properly.' It is about time people started taking responsibility before they took drugs and alcohol. They should be thinking about their actions. Before they go out and seriously—

**A government member** interjected.

**Mr DEMPSEY:** No, I am not talking about a punch; I am talking about seriously assaulting police, ambulance officers or fire officers.

**Mr Roberts** interjected.

**Mr DEMPSEY:** The minister is interrupting again. He is saying that it is inappropriate. It is inappropriate and unacceptable to put someone in a work position and not give them the proper laws to protect them. There were 286 assaults in 2008 and 260 for 2009. We need to be able to protect those people because, at the end of the day, there is a duty of care. We also have to make sure that we create proper workplaces. If not, what will happen is that the police will enhance their strategic alliances, their tactical output to counter those people who are committing these serious assaults. There again, it is too uncompromising. The community expectations are there. With those words, I fully support the shadow Attorney-General in his attempts with this bill.

**Mr DOWLING (Redlands—LNP) (9.36 pm):** I rise to contribute to the debate on the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill introduced by the shadow Attorney-General, the member for Southern Downs, and I take great pleasure in doing so. As we have heard, this legislation is all about trying to protect our law enforcement officers, our fire and rescue officers, our ambulance officers and our rural fire brigade officers—those people who are at the front line every day. They have no choice. It is hard work.

**An opposition member:** It's hard work.

**Mr DOWLING:** Exactly right; it is tough work. They uphold the law, they uphold the good order of the community and they hold it up for absolutely everyone except themselves. It is not held up for them. As we have heard from a former serving officer, police are called into brawls, domestic violence situations, road crashes—times when people are emotionally charged. But that does not give those people the right to assault and attack these front-line officers.

I know an officer who is a resident of my electorate. His name is Matthew Burchard and he was recently the recipient of the Valour Award. He confronted a situation in which a party had got out of hand. As I understand it, he was then trapped in a shed where his partner had been bludgeoned by a bottle. Matthew Burchard protected that officer. He dragged him to the corner of the shed and used only his courage, his wits and his baton to protect his mate. He held people at bay for up to half an hour before the reinforcements could get there and save him. That other officer spent ages in hospital. I will not go into the details, but he is still suffering some side effects. When will officers expect the protection that this bill provides?

Two officers in my electorate work in single-officer environments on Macleay Island and Russell Island. They are working out there all alone. The backup is not a phone call away. The best-case scenario is 30 minutes before they are going to get any help. Those guys, Mick Verry and Brad Rantall, need the support that this legislation will provide. I have also been out to the community where there is an expectation that this government will provide good law and order and protection. We either want law and order or we do not. This is about re-establishing some law and order. I have heard members opposite say that it has not been proven that these mandatory sentences actually work. If they did not work why is it that in every other circumstance we have mandatory penalties? This is the only area where we do not have mandatory penalties for offences committed against the laws of the land.

**Mrs Sullivan:** That's bullshit.

**Mr DOWLING:** It is not 'BS'. I take the interjection from the member for Pumicestone. If you are speeding down the highway the fine is set; there is no grey area, there is no wriggle room. This should be the same. Fire and rescue officers also need protection. We heard from the member for Chatsworth that he had seen and had had experiences where he had been caught up in circumstances where people were behaving badly. Those officers demand this protection and they should have it. Ambulance officers get caught up in the worst possible circumstances. They go out and deal with junkies who have overdosed on drugs, domestic violence situations and car crashes. They are at the front line and are at risk of assault in the line of their duty.

If there was any other workplace anywhere in society where the staff or the people who were sent out to perform the job were bashed, assaulted, spat upon or sworn at, those employers would not be allowed to maintain those practices. It is not acceptable for any other workplace, and nor should it be. It should not be acceptable that these men and women who go out and put their lives on the line in order to actually protect the values and the lifestyles that we want, the peace of mind that we want as a community, do not get the protection that they deserve. It is an absolute minimum expectation that they should get that protection.

I have talked to many police officers, fire and ambulance officers. Plenty of them declined to comment when asked the question about mandatory sentencing, but I did not get one that said it was a bad idea. Everyone whom I spoke to who was prepared to answer said this is a good bit of legislation, it is long overdue and it is the sort of protection that they need. They will be so disappointed when they hear the comments of the Attorney-General tonight and those opposite if they do not support this legislation. This is the protection that they need and want so that when their families send them off to work they know that they have that level of protection that they never had before.

I have been out to community groups, school P&Cs, Neighbourhood Watch meetings and I cannot find a single person out there who does not think that this is a good idea—not one. I defy those opposite to find one person, other than the members opposite, who could argue the toss that this is a bad piece of legislation. While three months may seem like a fairly short period of time—it is almost a non-existent minimum sentence—it is a hell of a lot more than they are getting at the moment. The only flexibility that there should be on that piece of legislation is that the judge has that as a starting point. The judge can actually add to it to measure up to the severity of the incident.

The comments that we heard here tonight from the Attorney-General are a tragic joke. He criticised the drafting of the legislation by the opposition because somehow we have so many resources. I have been here now a little over 12 months and I can recall a suite of amendments for just about every bit of legislation that this government has rammed through. It has the entire resources of government yet it cannot get its legislation right. What on earth is going on? How on earth can that be a valid criticism? It is a complete joke. I have sat here and watched amendment after amendment after amendment on serious legislation. No matter how much time and effort the government seems to throw at it, it seems to get it wrong. It is about mismanagement. It is rife. It is through the entire Labor side of government. Imagine hiding behind some of these offenders—the poor swines, they are drink influenced, they are drug influenced and they have had a moment of madness. What kind of defence is that? Just as ignorance of the law is no defence, an offender cannot walk into a court and say he did not know that that was the law. Lack of sobriety is no defence whatsoever. It is a joke to hide behind that.

I have spoken to a number of people in the police force, the police union, the police media wing and staff of government departments in Western Australia. I was actually surprised that they were good enough to talk to me through some of their legislation. Their requirement for assault is a serious assault. They almost require broken limbs, stitches or hospitalisation. They do not have spitting and biting in their legislation. I think it is critical that in this legislation we have done that. The shadow Attorney-General, the member for Southern Downs, is to be commended for actually putting that into the bill. I think it is essential. The mandatory sentences in Western Australia are starting to bite. Certainly that is the indication that was given to me talking to officers in Western Australia. What they did say was that it was relatively new legislation and that over time they would get a much better handle on the way things are going.

This legislation is long overdue. It should be introduced into this House by the government, as it has been by the shadow Attorney-General. It should be supported by those opposite instead of running and hiding. It is an absolute joke that they are running and hiding, hair splitting and dodging the real issue. This is good legislation and deserves support. I will be supporting it when the vote comes.

Debate, on motion of Mr Dowling, adjourned.

## ADJOURNMENT

**Hon. CR DICK** (Greenslopes—ALP) (Acting Leader of the House) (9.46 pm): I move—

That the House do now adjourn.

### Reedy Creek Interchange

**Ms BATES** (Mudgeeraba—LNP) (9.46 pm): I rise this evening to speak yet again on behalf of the long-suffering residents of Reedy Creek. The exit 85 upgrade is currently underway and with the final construction beginning to take shape and residents becoming increasingly more aware of what the finished project will look like, there remain grave concerns from locals about the supposed 20-year traffic modelling which led to the design of this interchange.

I have been approached by many locals voicing their concern over the fact that the finished project will only serve to increase their frustrations, not alleviate them. Frustrations run high in peak periods as residents and parents try to negotiate traffic to reach work, home or drop their children off at the three Christian schools within walking distance of one another. An average two-kilometre trip takes up to 40 minutes and, sadly, this does not look like changing even when the current project is completed. From the project plans it is easy to see that when completed a motorist wanting to travel south will have to travel through at least five sets of traffic lights, adding considerable time to their trip.

The planning or lack thereof clearly shows this Labor government's inability to consult with the community on any meaningful level other than a glossy brochure stuffed in with the Woolworths brochure which is then binned by the majority of residents. If the minister and his cronies actually took the time to ask residents what they need they would have a greater understanding of the local area and the way in which traffic flows through this congested interchange. It is not rocket science. A recent traffic count performed by the Gold Coast City Council would have uncovered that approximately 4,000 cars from Reedy Creek and the observatory use the interchange to head either south or north on the M1. Of these 4,000 vehicles, 2,000 of them actually want to head south. It is absolutely absurd that residents who wish to travel south have to endure five sets of traffic lights before getting onto the M1.