



Hon Cameron Dick MP
Member for Greenslopes



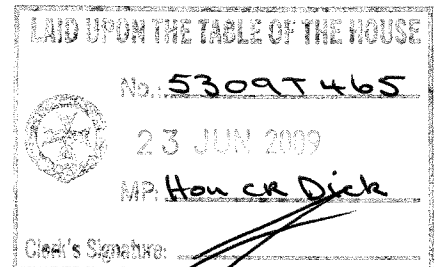
Queensland
Government

In reply please quote: 518686/1, J/09/01498

Attorney-General
and Minister for Industrial Relations

22 JUN 2009

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr ^{Neil,} Laurie

I refer to your letter dated 9 October 2008 addressed to Ms Judy Spence MP, former Minister for Police, Corrective Services and Sport, enclosing Petition No. 1134-08 (the Petition) which was received by the Queensland Legislative Assembly on 8 October 2008. I apologise for the delay in responding to you.

I note that Ms Spence provided you with a response on 20 February 2009 and forwarded a copy of that letter and the petition to Mr Kerry Shine MP, former Attorney-General so that he could provide a reply to the issue listed at no. 2 of the Petition. This issue concerns the 'enforcement of stronger laws and harsher punishment by the courts to deter re-offenders'.

In relation to the issue of stronger laws, the Government understands the importance of Queensland communities feeling safe and secure and accordingly criminal laws and penalties are constantly under review by the Government.

The *Criminal Code and Civil Liability Act 2007* (the Act) amended Queensland's Criminal Code (the Code) to increase the maximum penalties for the offence of dangerous operation of a vehicle causing death or grievous bodily harm and to expand the existing aggravating circumstances generally to include: travelling at excessive speed; racing or speed trialling; and leaving the scene of the offence. These amendments were in response to growing community concern about dangerous driving offences and the incidence of hit-and-run traffic offences particularly where death or serious injury was caused.

In recognition of the fact that technological advances had resulted in a corresponding growth in the crimes committed through the use of technology, the Act also amended the Code to insert a new offence of identity fraud which prohibits a person from misusing another entity's identification information.

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In 2008, the *Criminal Code and Other Acts Amendment Act 2008* was introduced by the Government and passed by the Queensland Parliament. The *Criminal Code and Other Acts Amendment Act 2008*, which was the outcome of an extensive review of the Criminal Code, modernised the law relating to criminal offences and resulted in new offences being created and penalty increases for a number of existing offences including breach of the peace, endangering the life of a child by exposure, aggravated fraud and accessories after the fact.

The Government has also recently introduced the Crime and Misconduct and Summary Offences Amendment Bill 2009 (the Bill). The Bill which was passed by Parliament on 21 May 2009, inserts a new offence into the *Summary Offences Act 2005* that applies to rock throwing and other specified conduct which endangers or is likely to endanger the safe use of vehicles. This offence, which is a response to the community's concern about the potential danger of rocks and other objects being thrown at travelling vehicles or onto roads, is punishable by a maximum penalty of two years imprisonment and complements existing laws which would apply to this conduct.

In relation to sentencing, Queensland's criminal justice system is based on the clear separation of powers between the Parliament that makes the laws, the Government departments that administer those laws and the courts that enforce the laws. Given this separation, the Government does not have the power to dictate to the judiciary how they are to sentence an offender, other than prescribing maximum penalties for offences and the principles to be considered by the court when exercising its sentencing discretion.

It is the function of the court to determine what sentence to impose after considering the particular facts of each case. This function is often a difficult one as it requires the court to balance various competing considerations. The court must attempt to construct a sentence which balances, on the one hand, society's and the victim's interest in punishment and deterrence and, on the other, society's and the offender's interest in rehabilitation.

When the courts sentence offenders, they must do so according to established legal principles. Pursuant to legislation, the courts must take into account a number of factors including the circumstances, seriousness and prevalence of the offence, the offender's age and character (including previous criminal convictions), any medical or psychiatric conditions and whether the offender pleaded guilty or proceeded to trial.

Judicial discretion is an important element of Queensland's criminal justice system as it allows the particular facts of each case, the impact on the victim or community, and the circumstance of the offender to be taken into account.

As an additional safeguard, the State may appeal to the Court of Appeal if a sentence is manifestly inadequate. The Court of Appeal then has the power to change the sentence if they agree that it is inappropriate. This is an important safeguard in ensuring the courts reflect community attitudes.

Finally, judges are often criticised for the sentences they impose on offenders. In order to fully understand why a judge imposes a particular sentence, all the information placed before the judge must be considered. The community can access this information from the Queensland Courts website at: www.courts.qld.gov.au. This website provides public access to the judgments of various Queensland Courts including the District and Supreme Courts and Queensland's Court of Appeal.

I trust this information is of assistance.

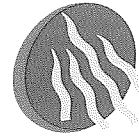
Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', followed by a long horizontal line extending to the right.

**Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations**



Hon Judy Spence MP
Member for Mt Gravatt



**Queensland
Government**

**Minister for Police, Corrective Services
and Sport**

Ref: 5653 F4 LT

20 FEB 2009



Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 9 October 2008 in relation to Petition No. 1134-08 received by the Queensland Legislative Assembly. The Petition requests the House to support the Burdekin Community Action Group Against Crime by:

1. Strengthening police presence in the district;
2. Ensuring the enforcement of stronger laws and harsher punishment by the Courts to deter reoffenders;
3. Providing assistance for strengthening our capacity to prevent crime in our community.

In response, I can advise that the Bligh Government has given a commitment to continue increasing the number of police in Queensland and to providing them with the resources they need to fight crime.

The 2008-09 State Budget provides a record \$1.571 billion operating budget for the Queensland Police Service, an increase of \$134 million or 9.3% from the previous budget which was also a record allocation.

By October 2009, through the creation of an additional 200 new sworn police positions, the Police Service will have more than 10 100 sworn officers. This will more than meet this Government's commitment to maintain a police to population ratio above the national average.

Police numbers have also been boosted as a result of the Police Service civilianisation strategy which has released officers for frontline policing to the community. Since 2005-06, the Police Service has employed over 300 staff members under the civilianisation program in roles such as watchhouse, counter and administrative support.

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As the additional front-line, first response general duties police officers resulting from these commitments progressively become available for deployment, they will continue to be allocated throughout the State in accordance with the Queensland Police Service Staffing Allocation Model which is used to determine police staffing allocations across the State. The Model is continually revised and updated on the basis of assessments of relative workloads and the police staffing needs of all areas as identified through crime, population and traffic statistics, and various other service-delivery factors common to all communities.

Police stations in the Burdekin area, including Ayr, Home Hill, Clare and Giru, are staffed in accordance with that model. The Police Service is satisfied the current level of police resources within the Burdekin area is appropriate. However, staff numbers will continue to be monitored and revised as required to ensure an appropriate level of service is maintained.

Additionally, to assist with the policing of major local events and special operations, extra police officers are provided from the Townsville District. These officers are sourced from general duties and specialist areas including the Criminal Investigation Branch, Tactical Crime Squad, Traffic Branch, Dog Squad, Drug Squad and Forensic Services.

As well as providing police officer positions, funding received from the Government has enabled the Queensland Police Service to construct a new police station at Ayr. The station, designed to comfortably accommodate staffing increases into the foreseeable future, is currently under construction and scheduled for completion in January 2009.

The Divisional Inspector for the Burdekin area attends meetings of the Burdekin Community Action Group Against Crime (the Action Group). These meetings provide regular two-way discussions and consultation on crime and related issues. The views of the Action Group are taken into consideration and information provided at the meetings has assisted with the policing of those matters.

Furthermore, a number of successful operations have been conducted in Ayr over recent months with the assistance of extra police officers from the Townsville Police District. These operations have apprehended offenders for a large number of criminal, traffic and public order offences.

Additionally, the Townsville District Crime Prevention Coordinator has been active within the Burdekin area promoting crime prevention strategies. An electronic Crime Bulletin has also been launched with two issues already distributed. New editions will be circulated within the Burdekin on a bi-monthly basis.

The Crime Stoppers committee has been reinvigorated within the Burdekin area, with the District Officer of the Townsville Police District attending meetings and encouraging the committee to provide information specific to the Burdekin to the newly prepared Crime Bulletin.

As alcohol can be a major factor in assault offences, the new Ayr Liquor Accord was launched in July 2008 and will play an important part in deterring unruly behaviour around licensed areas. Liquor 'accords' have become a highly successful tactic in police districts to help reduce violence and antisocial behaviour in and around licensed premises. Senior police regularly meet with members of the business community, licensees and representatives of the various councils and other government departments to discuss the management of liquor related incidents and antisocial behaviour.

As a result of these meetings, action plans are undertaken in conjunction with officers from Liquor Licensing to target the inappropriate sale of alcohol at licensed premises and antisocial behaviour and is strongly supported by licensees, local business owners and government agencies.

Generally, the overall level of crime in the Burdekin area shows a downward trend in recent months, indicating the crime prevention and detection strategies are having a positive effect on local crime issues, including offences affecting personal safety.

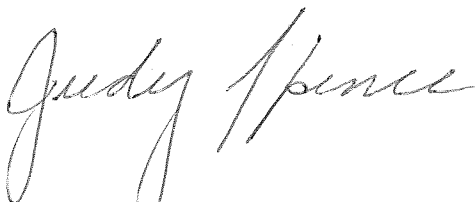
The Queensland Police Service is committed to investigating all reports of criminal activity and has an ongoing program of evaluation and review to ensure services and resources are effectively managed across all areas of the State, including the Burdekin.

Acting Superintendent Cheryl Scanlon of the Townsville Police District is available on telephone 4726 8639 for any further assistance required.

The issue of ensuring the enforcement of stronger laws and harsher punishment by the courts to deter reoffenders falls within the responsibilities of the Honourable Kerry Shine MP, Attorney-General, Minister for Justice and Minister Assisting the Premier in Western Queensland. I have therefore taken the liberty of forwarding a copy of your letter and petition to Minister Shine for consideration and direct reply.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in cursive script that reads "Judy Spence". The signature is written in black ink and is positioned above the printed name and title.

Judy Spence MP
Minister for Police, Corrective Services and Sport