



Speech By
Hon. Jann Stuckey

MEMBER FOR CURRUMBIN

CRIMINAL LAW AMENDMENT BILL (NO. 2)

 **Hon. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (7.43 pm): It gives me great pleasure to rise to contribute to the debate on the Criminal Law Amendment Bill (No. 2) 2012, introduced in the House by the Attorney-General and member for Kawana on 29 November 2012. As the Attorney-General highlighted in his introductory speech, this bill fulfils a number of the Newman government's pre-election pledges to toughen sentences for a range of important law and order issues. The main objectives of the bill are to amend the following: the Corrective Services Act to toughen penalties for drug trafficking, other legislation to toughen sentences for drug offences, the Bail Act 1980, the Victims of Crime Assistance Act, the Criminal Code and a range of subsequent legislation to provide tougher penalties for graffiti offences. Prior to the March 2012 election, the LNP was unapologetic in championing our tough approach on addressing law and order issues and, since coming into government, the Attorney-General, Minister for Police and Community Safety and other ministers are to be applauded for the swift and efficient manner in which they have introduced legislation which has made significant inroads towards cleaning up our streets.

Drug traffickers are the scum of society for the misery that they inflict, not just on those who use illicit substances but also the families of those involved. With the passage of this bill, drug traffickers will be mandated to serve at least 80 per cent of their sentence before parole eligibility. This amendment relates only to those sentenced to immediate full-time imprisonment and will not prevent the court from sentencing a drug trafficker to any other sentencing it deems appropriate, including suspended sentences. Many honourable members have reiterated the sentiment of this government that we are committed to ensuring Queensland is the safest place to raise a child. Toughening penalties for adults who supply dangerous drugs to children under 16 years is a crystal clear example of this government delivering on that commitment. These amendments provide a new category into the offence of aggravated supply, with the maximum penalty increasing to life imprisonment where the drug supplied was a schedule 1 drug, including heroin and amphetamines. The maximum penalty will now be 25 years imprisonment for a schedule 2 drug, including the supply of cannabis. These changes provide the courts with the means to hand down adequate sentences to these low-life criminals who prey on our vulnerable youth and wreck their future.

Amendments to the Bail Act are a positive step in providing far greater flexibility to the courts in handing down their judgements. Specifically, a Magistrates Court will be able to impose a condition of bail requiring the defendant to participate in a rehabilitative treatment or other intervention program and omits the statutory requirement for such a program to be prescribed. I note that amendments will also render it an offence for a defendant to fail to comply with the condition of bail that requires participation in a rehabilitation program. Facing up to such antisocial behaviours and ultimately accepting responsibility for them is a giant leap in the right direction. This bill also provides amendments to ensure that, if a victim so wishes, the court will be mandated to allow the victim to read their victim impact statement aloud to the sentencing court. However, the victim does still reserve the discretion to not read their statement, as the bill's intention is for this process to be therapeutic for the victim. There are also a range of provisions which provide for the victim impact

statement to be given via closed-circuit television or with a screen to obscure the offender from sight and a number of other measures to ensure the process is as stress free as allowable for the victim.

I turn now to the extensive amendments to graffiti offences. Graffiti is a visual disgrace imposed on our local communities. The social and financial toll that graffiti places on innocent people who have had their properties defaced is immeasurable and, quite frankly, unacceptable. I have been fortunate enough to represent Currumbin for close to a decade and I can say that two of the local initiatives I am most proud to have championed include my antihooling and graffiti campaigns, which have resulted in a significant reduction of these activities. However, there is still more that needs to be done to curb this behaviour and this bill will provide stronger deterrents to offenders. Like many honourable members, I could share with the House countless examples of properties in my electorate that are constant targets of graffiti. I can only imagine how upsetting it must be to walk outside to find your house, fences and other property defaced. To then have to dip into your own pocket to paint over the graffiti and in a matter of weeks it is back again is just not on. It is unacceptable and no-one should have to tolerate this behaviour. Quite often graffiti targets public property which honourable members will no doubt agree puts enormous strain on the public purse. Every dollar that local councils spend on cleaning up graffiti is a dollar they cannot spend on bettering our community. It is disgraceful and it is about time those who participate in this incredibly unsocial and unacceptable behaviour are put to task over their actions.

In 2008 whilst in opposition the LNP introduced into this House the Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill aimed at making all people convicted of graffiti offences held responsible for their actions through compulsory community service clean-up orders in addition to any other penalties issued by the courts. On 27 August 2008 when debating this legislation I said—

Graffiti is a scourge that not only creates unfavourable impressions of the area but also negatively impacts on local residents as it lowers property values, makes people feel unsafe and encourages other types of crime if it is not adequately addressed.

Whilst it really does defy common sense, those opposite voted against this legislation, so I am very keen to see how they intend to vote on the current bill before us tonight. But Labor has a very long track record of being soft on graffiti, soft on crime and soft on protecting our communities.

It was Labor's stubborn refusal to adopt measures to address the problem and a constant stream of complaints from residents that prompted me to launch the Currumbin Graffiti Watch program in 2010, providing a straightforward method for residents to quickly and accurately record graffiti offences with the hope of both having the graffiti moved swiftly and the offenders caught and held accountable. This program has had great success over the years and I look forward to promoting it further among my community with these new amendments. I would like to acknowledge local police officers, including Senior Constable Kurt Foessel and Senior Sergeant Chris Ahearn, for their diligent work in this area.

This legislation, introduced by the honourable member for Kawana, proposes a number of commendable amendments, including a new mandatory community based order, to be termed a graffiti removal order, that will apply to all offenders convicted of a prescribed graffiti offence and that will see them mandated to undertake a certain number of hours of graffiti removal commensurate with their age and the nature of the offence. This order can apply regardless of whether a conviction is recorded and can be imposed in addition to other sentencing orders. Noncompliance with such an order would be an offence and those who do not comply may be resentenced for the original graffiti offence. Further, for adult offenders aged 17 years and older, if a thing including a mobile phone, camera and the like owned or possessed by the person has been used to record or disseminate images of the graffiti the court will have the power to forfeit that property to the state.

This long-overdue, common-sense approach is a fair and cost-effective way to deal with the odious nature of this problem and sends a clear message to those who participate in the defacing of private and public property: if you choose to deface property, you will clean it up and, if it is not your own, then it will be somebody else's mess. It provides a workable solution to removing graffiti and offers a mechanism to educate the perpetrators that crime simply does not pay.

Additionally, there will be increases to the maximum penalty for the basic graffiti offence from five to seven years, removing the distinction between a basic graffiti offence and a more serious one involving obscene or indecent representations. All graffiti crime will now attract a maximum penalty of seven years because, honourable members, all graffiti is loathsome, punishable crime and it is about time legislation reflected that. After almost 20 years of an incompetent government from those opposite, Queensland residents were accustomed to a limp-wristed approach to addressing law and order. Legislation such as this Criminal Law Amendment Bill (No. 2), which is currently before the House, indicates that the LNP state government is serious in its commitment to the good people of Queensland to clean up their streets and make their neighbourhoods safer. I congratulate the Attorney-General on bringing forward this bill and I commend it to the House.