



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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

Mr CRIPPS (Hinchinbrook—LNP) (7.41 pm): I rise to make a contribution to the debate on the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill. This bill is the second occasion on which the LNP has sought to provide for minimum mandatory sentences for individuals who are found guilty of an assault against Queensland police officers. Unfortunately, the Bligh government failed to support the LNP's first attempt to strengthen protections for serving police officers and it has indicated it will fail to do so again on this occasion despite increasing instances of violence against them.

This bill seeks to implement a minimum sentencing standard not only for serious assaults on police officers but also ambulance officers, Fire and Rescue Service officers and Rural Fire Service officers. This minimum sentencing standard is intended to act as a deterrent to offenders while enhancing protection for our police, ambulance, Fire and Rescue Service and Rural Fire Service officers. This bill proposes that standard be a three-month minimum imprisonment for serious assaults against police officers, ambulance officers, Fire and Rescue Service officers and rural fire officers.

Mr Wettenhall interjected.

Mr DEPUTY SPEAKER: Member for Barron River!

Mr CRIPPS: It is a sad thing that such a bill needs to come forward in the state of Queensland. Police, ambulance, Fire and Rescue Service and Rural Fire Service officers are asked to do very difficult jobs in our local communities and it is distressing to me to know that they face threats—totally unacceptable and unreasonable threats—in the course of doing those jobs. It is also distressing and unacceptable to me that the threats exist in my electorate. Unfortunately, I have been compelled to speak in this parliament before about assaults on police officers and ambulance officers in my electorate of Hinchinbrook.

In November 2008 an ambulance officer was assaulted while he responded to a call to treat an elderly patient in Ingham. The extraordinary thing was that the assault was perpetrated by the son of the patient while the ambulance officer was trying to attend to his medical needs. The assault of an ambulance officer in the course of doing their duty is cowardly and inexcusable and should not be tolerated in Queensland. Our ambulance officers increasingly and regrettably find themselves in harm's way responding to emergency calls, and so it is appropriate that this bill include ambulance officers. Unions representing ambulance officers in Queensland have actually raised the possibility of a future requirement for ambulance officers to be accompanied by security officers when they are deployed to an emergency if there is no improvement in the standard of community regard for ambulance officers. Things are certainly in a bad way in our community if ambulance officers need to be accompanied by security officers on call-outs in order to do their job safely. The provisions of this bill will seek to deter potential offenders and thus extend a degree of protection to ambulance officers.

Regrettably, in November 2009 a police officer was also assaulted while on duty at Mission Beach. I was extremely disappointed that this assault occurred, not only because it was a sad reflection of the poor attitude some in the community have towards the police but because it exposed a police numbers issue at Mission Beach which had been a problem for a long time and has only recently been resolved with the allocation of two more officers at Mission Beach. I would note that my concerns about staffing at other stations in my electorate, in particular at Cardwell, are yet to be addressed. In March this year two police officers were seriously assaulted in Innisfail by two men and a woman who were subsequently charged with a variety of offences, including numerous counts of serious assault and grievous bodily harm. One of the police officers was knocked unconscious, suffered a broken jaw and underwent surgery while his colleague suffered swelling and bruising to his head and ribs. Unfortunately, that is just a snapshot of some of the recent events in my electorate. It is alarming that North Queensland—

Mr Wettenhall: What happened to them?

Mr CRIPPS: What happened to who?

Mr Wettenhall: What happened to them?

Mr O'Brien: The perpetrators.

Mr CRIPPS: The perpetrators were subsequently charged and sentenced in court.

Mr DEPUTY SPEAKER: Member for Hinchinbrook, despite the—

Mr Wettenhall interjected.

Mr O'Brien interjected.

Mr DEPUTY SPEAKER: Member for Barron River and member for Cook, your last warning!

Mr CRIPPS: It is alarming that North Queensland is a hot spot for assaults on police officers, particularly Cairns and Townsville which are on the list of the most dangerous places in Queensland for policing. As I have said before, police fulfil a challenging public service role for the benefit and safety of the community. An assault on a police officer in the course of doing their duties is totally unacceptable. It shows a lack of respect for the law in our community. Police officers do their job in very demanding situations. We ask police to deal with the most violent and dangerous people in our community and enforce the law on our behalf. If we want the law to be respected, the people charged with the responsibility of enforcing the law need to be respected and a failure to do so should have serious consequences, and that is what this bill is all about. A clear message needs to be sent that this behaviour will not be tolerated. The current consequences are clearly not a deterrent.

It has been argued by Labor members previously and it has been argued again by Labor members during the course of this debate that the introduction of minimum sentences somehow impinges on the discretion of the judiciary, and that argument put forward by Labor members is usually accompanied by some sort of mock outrage and accusations that minimum sentences breach the doctrine of the separation of powers. But I do not agree with that argument at all. Imposing a minimum sentence does not in any way impinge on the judiciary's ability to work within the established minimum and maximum sentences as defined by the legislature, which is the responsibility and prerogative of parliament. The Queensland parliament is a sovereign parliament and is perfectly within its rights to amend the Criminal Code and the Penalties and Sentences Act, just as it is entitled to amend any other statute in the state of Queensland.

The Criminal Code contains the penalties for offences and the Penalties and Sentences Act contains provisions regulating sentencing in Queensland. The concept of deterrence, as an aim of punishment, is concerned with preventing crime. Deterrence is actually cited in the Penalties and Sentences Act as a purpose for establishing provisions in the act that may be applied to offenders when determining their sentences. The concept of deterrence is balanced against the concept of proportionality. That concept holds that a sentence imposed by a court should not exceed that which can be justified as proportionate to the gravity of the crime. Proportionality has also been given statutory recognition in the Penalties and Sentences Act which establishes that the punishment must fit the crime.

There is no doubt our statute law in Queensland, which is the prerogative and jurisdiction of the Queensland parliament, recognises the concept of deterrence and proportionality. What this bill is doing is simply saying that where a serious assault is perpetrated against a police officer, an ambulance officer, a Fire and Rescue Service officer or a Rural Fire Service officer in this state this parliament considers that a minimum sentence of three months imprisonment is proportionate to the seriousness of that crime and considers that the sentence will serve as a deterrent to would-be offenders or repeat offenders. In terms of the law of sentencing, there are also the principles of aggravation and mitigation to consider. Aggravating and mitigating factors have a statutory foundation in Queensland in section 9 of the Penalties and

Sentences Act. So there is no doubt our statute law in Queensland, which is the prerogative and the jurisdiction of the Queensland parliament, recognises the concept of aggravation and mitigation.

In the event that a particular offence has an aggravating dimension, it may lead to an increased sentence for the offender. This bill is simply saying that, where a serious assault is perpetrated against a police officer, an ambulance officer, a Fire and Rescue Service officer or a Rural Fire Service officer in this state, this parliament considers that that should be an aggravating dimension of the offence and that the offender ought to serve a minimum of three months imprisonment.

So when it is clear that the Queensland parliament has the prerogative and jurisdiction through statute law, through the provisions of the Criminal Code and the Penalties and Sentences Act, it is a complete nonsense for Labor members to claim that the proposal to provide for a minimum sentence somehow impinges on the discretion of the judiciary or breaches the doctrine of the separation of powers.

Mr Wettenhall: What type of assault justifies three months jail?

Mr CRIPPS: A serious assault under this bill. The provisions of the bill propose a serious assault—

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! Member for Hinchinbrook, would you please direct your comments through the chair. Member for Barron River, you are on your last warning.

Mr CRIPPS: As elected representatives of the people of Queensland, one of the primary roles of members is to reflect the attitudes and views of the community that sends us here to represent them. That inevitably requires us to make value judgements about public policy issues. When violence against police, ambulance, Fire and Rescue Service and Rural Fire Service officers is on the increase, it is a legitimate proposition for the LNP to put forward a bill to say, 'We consider Queensland needs a more pointed deterrent. We consider a minimum sentence of three months to be proportionate to the crime of serious assault against these public officers and we consider it ought to be an aggravation of that assault to perpetrate it against a public officer as provided for in this bill and that warrants a minimum sentence of three months.' Those are the values of the LNP. Evidently, they are not the values of the Bligh Labor government.