

CRIMES AMENDMENT (MURDER OF POLICE OFFICERS) BILL 2011

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Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher.

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.26 a.m.]: I move:

That this bill be now read a second time.

As a former police officer, a 31-year member of the Police Association of New South Wales and a member of this House I am extremely proud to be in a position as Minister for Police and Emergency Services to introduce this legislation. The bill before the House amends the Crimes Act 1900 to provide for mandatory life sentences to be imposed on persons convicted of murdering police officers. A life sentence is a sentence for the term of the person's natural life without release on parole.

Since 2002 the Liberals and The Nationals, with the support of police officers and the wider community, have been committed to setting in statute mandatory life sentences for those who are found guilty of murdering a police officer in the course of his or her duty. I am delighted to now be in a position to honour this commitment by introducing new legislation to implement this important reform. Murder currently carries a maximum penalty of life imprisonment. However, under section 21 of the Crimes (Sentencing Procedure) Act courts retain the discretion to impose a shorter sentence. This bill will provide that compulsory life sentences are to be imposed by courts on persons convicted of murdering police officers. The bill will remove the current discretion of the court in circumstances where a police officer is murdered. A compulsory life sentence is to be imposed if the murder was committed while the police officer was executing his or her duties or as a consequence of, or in retaliation for, actions undertaken by any police officer.

In a perfect world this legislation would not be needed. I know that everyone hopes that it will never be needed. But the fact that we have had 12 officers killed while undertaking their duty since 1971 just shows us that something finally needs to be done to deter those who would even consider committing such an offence. Making sure that those who murder an officer are imprisoned for the term of their natural life is the most effective deterrent. We have recognised that the murder of police officers requires special consideration in terms of sentencing because, as a community, we ask our police officers to put themselves at risk every day on our behalf and they therefore deserve all the protection that we can afford them.

An attack on a police officer undertaking their duty is an assault on the very heart of our system of law enforcement and our democracy. Those who seek to harm those responsible for the enforcement of laws passed by our Parliament should be subject to special punishment. This is a principle that is already enshrined in our criminal law. The Crimes Act 1900 imposes a higher maximum jail sentence for the assault of a police officer than is imposed for the same offence against a civilian. The Crimes Act 1900 also provides for different penalties for stalking, harassment or intimidation of police officers compared with non-law enforcement officers.

Turning to the detail of the bill, proposed section 19B of the Crimes Act 1900 will provide that a mandatory life sentence is to be imposed by the court on a person convicted of murdering a police officer while the officer is executing his or her duties or as a consequence

of, or in retaliation for, actions undertaken by any police officer in the execution of his or her duties. It will apply in cases where the person knew, or ought reasonably to have known, the person killed was a police officer and where the person intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers. The proposed section will not apply to convicted persons under the age of 18 years or suffering a significant cognitive impairment. However, this exemption will not apply to a person who has temporarily self-induced impairment at the time the murder is committed. The decision on whether a cognitive impairment is significant would be a matter for the courts to determine.

The Liberal and Nationals Government is taking a stand to protect the hardworking men and women of the New South Wales Police Force. We are sending a message: Murder an officer and be prepared never to see the light of day again. We are doing what the former Government failed to do for 16 years—16 years of talk and no action; 16 years of telling the people of New South Wales that they want the murderers of police officers to rot in jail. The Opposition has said in the past that the murder of a police officer is one of the most serious crimes in the State. The Government's new legislation is an opportunity for the Opposition to finally come good on its rhetoric. I commend the bill to the House.