



Speech by

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MEMBER FOR IPSWICH

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OCCUPANTS [HOME INVASION] PROTECTION BILL

Ms NOLAN (Ipswich—ALP) (9.52 p.m.): I, too, rise to oppose the Occupants (Home Invasion) Protection Bill introduced by the member for Nanango. In doing so, I want to endorse the comments of both the leader of the Liberal Party and the member for Hervey Bay, both of whom made very good speeches about this matter. Before beginning, I do want to make it clear that I believe the member for Nanango has introduced this bill in good faith. People in the community, particularly older people, are scared that someone could break into their house and threaten them or their property. Some people are concerned that, if they use force against that person, they could end up in jail. Having said that, I strongly disagree with the content of the bill.

The bill gives the occupant of a house the right to use any force necessary to prevent an intruder breaking or entering or to eject someone who refuses to leave when asked to. This is a change from the current law which basically gives a home occupant the right to use reasonable force if they reasonably suspect it necessary. While I will not go into all the detail of change—the Scrutiny of Legislation Committee's report does that very well—the basic change is one from the occupant of the home having the right to use reasonable force to letting them use pretty much any force at all. The idea of the change is that if someone breaks into your house you can shoot them or knock them on the head with a baseball bat, no questions asked. This is not on. Killing someone or injuring them, even if they break into your house, are pretty serious things to do. We do not condone those things if you are angry or even if you are protecting your property. We must remember that this is not about a home owner protecting themselves. We all know that already there are adequate provisions for self-defence. If someone is going to injure you, if someone is going to rape you, you already have the right to defend yourself. This is about knocking someone on the head when they were not really likely to hurt you. That, it seems to me, is a very dangerous thing.

The second part of the bill seeks to prevent those offenders who in the course of committing a crime are injured by the victim from suing that victim. While we all have watched a lot of American TV, the fact is that Queensland law already prevents that. Right now, Madam Deputy Speaker, if I break into your house and you knock me on the head, under Queensland law I cannot sue you. Further, the Queensland government announced late last year that we will extend those provisions so that it is not just that you cannot sue if you are committing a crime but you also cannot sue if you are injured through your own stupidity when drunk. Most members would support this change, but we must understand that it builds on the existing provision. You cannot sue now if you injure a person whom you are in the process of committing a crime against.

The point is that the member is proposing a law that already exists. She has been here for five years now and she has put this bill forward. She should know that, if you are a member of parliament, it is not enough just to voice community concerns. You also need to have some brains about it. You have to be honest in representing people. It is not good enough to propose a law that already exists.

The member for Nanango has touched on a serious issue, that is, that people, particularly older people, feel less and less secure in their homes. The fact is, though, that there is a difference between people's perception of crime and the reality of crime, and this is a serious issue in our community. In Ipswich for instance—and Ipswich is not different from Queensland as a whole—the rate of crime in the last five years has declined. In Ipswich you are safer now in your home than you used to be. That is the

truth. But if you watch too much TV or read the papers, no-one will tell you that. Given that that is the reality, I believe that we as members of parliament have a duty to tell people the truth and to make our constituents, particularly old people, feel more secure—not less secure. We should get those facts about declining crime rates out. We should support policies like the ones run in Ipswich through Ipswich Community Aid that make people feel more secure in their homes. To have a constituent come to you with a fear that is not 100 per cent based in fact and to tell them that they are right and, what is more, that they should be able to go out and shoot someone is a real abuse of your position as a member of parliament. It is ignorant. It is dreadfully ignorant. It does not tell people the truth of the matter and it I think quite cruelly exploits people's fears. I think we have a duty to do better than that.

We should be telling them the truth. We should be telling them the truth about what are their rights, that one can use reasonable force right now, and we should be telling them the truth about the fact that our community is safer now than it was five years ago. Not to do that is a real abuse of our positions as members of parliament. It is ignorant of the law. It is ignorant of the facts. And it is exploiting people's fears. I cannot support that.