1. The Member for Yeerongpilly introduced the Criminal Code (Looting in Declared Areas) Amendment Bill 2013 as a Private Member’s Bill in March 2013.
2. The Explanatory Notes to the Bill indicate that the primary objective of the Bill is to amend Queensland’s Criminal Code to insert new item 13A (Stealing by looting in a declared area) into existing section 398, which sets the punishment regime for the offence of stealing. The Bill adds to the list of special cases where the offence of stealing is aggravated and the offender is liable to a higher maximum penalty.
3. The Bill proposes a new category of special punishment where the offence is committed in an area that at the time of the stealing is a declared area under the *Disaster Management Act 2003.* In such cases the maximum penalty is 14 years imprisonment.
4. Queensland already specifically criminalises and punishes the offence of stealing by looting under section 398 of the Criminal Code, punishment in special cases, item
13 (Stealing by looting), which carries a maximum penalty of ten years imprisonment.
5. The Legal Affairs and Community Safety Committee tabled its report on the Bill (Report No.40) in September 2013 and did not recommend the Bill be passed. The Committee made a further recommendation that the Attorney-General and Minister for Justice review the existing Criminal Code provision of stealing by looting to determine whether the provision requires amendment to incorporate references to declarations made under the *Disaster Management Act 2003*.
6. The Government’s response to recommendation two of the Committee’s Report No. 40 notes that the Government intends to progress an amendment to the existing offence of stealing by looting in section 398 of the Criminal Code to include a reference to a declaration made under the *Disaster Management Act 2003*.
7. Cabinet decided to oppose the Private Member’s Bill – Criminal Code (Looting in Declared Areas) Amendment Bill 2013.
8. Cabinet approved the Government’s response to recommendation two of the Legal Affairs and Community Safety Committee’s Report No. 40 on the Bill.
9. *Attachments*
* [Criminal Code (Looting in Declared Areas) Amendment Bill 2013](Attachments/Bill.pdf)
* [Explanatory Notes](Attachments/ExNotes.pdf)
* [Report No. 40 of the Legal Affairs and Community Safety Committee on the Criminal Code (Looting in Declared Areas) Amendment Bill 2013](Attachments/Report%20No%2040.pdf)
* [Queensland Government Response to recommendation two of the Legal Affairs and Community Safety Committee’s Report No. 40](Attachments/GovtResponse.pdf)