



Speech by

**Hon. TOM BARTON**

**MEMBER FOR WATERFORD**

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Hansard 6 August 1998

**POLICE POWERS AND RESPONSIBILITIES AMENDMENT BILL**

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for Police and Corrective Services) (12.36 p.m.):  
I move—

"That the Bill be now read a second time."

The objective of this Bill is to amend section 35 of the Police Powers and Responsibilities Act 1997 to reinstate the power of arrest for children that existed prior to the commencement of that Act.

Mr Deputy Speaker, as you are aware, the Police Powers and Responsibilities Act 1997 commenced on 6 April 1998 and represented comprehensive changes in the operation of the Queensland Police Service. These changes included the consolidation of the arrest without warrant powers provided in a number of Acts, including the Traffic Act 1949, and the incorporation of the offence of assaulting a police officer from the Police Service Administration Act 1990. The consequence of this consolidation and incorporation was that the power of arrest without warrant for these offences was contained solely within section 35 of the Act. However, section 35(3) qualified this power of arrest by providing that this section does not apply to children. This section was originally drafted on the basis of legal advice to the effect that section 20 of the Juvenile Justice Act 1992 provided a power of arrest for a child.

It has become apparent, however, that this section of the Juvenile Justice Act 1992 does not provide a power of arrest, but merely preserves or confirms existing arrest powers provided to police officers by other Acts while also conditioning the use of those powers. Effectively, this means that a child cannot presently be arrested for offences provided under the Traffic Act 1949, such as drink-driving, or for offences against section 120 of the Police Powers and Responsibilities Act 1997—provisions relating to assaults on police and so on.

The importance of this Bill to the community and the Queensland Police Service cannot be understated. While there are many options other than arrest for children, there is a need to arrest children in certain circumstances. Accordingly, this amendment is necessary to bring children within the scope of section 35 of the Act for the purposes of arrest without warrant. I wish to assure all members that this Bill does not increase the powers of arrest for children, but only brings them into line with those provided prior to the commencement of the Police Powers and Responsibilities Act. I commend the Bill to the House.

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