



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

Hansard 28 October 1999

MINISTERIAL STATEMENT

Notified Areas; Police Powers

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (9.54 a.m.), by leave: Under the Police Powers and Responsibilities Act 1997, provision was given for notified areas to be created to allow police to exercise move-on powers. As the Act states, a local government or Government entity may apply to the Police Minister for the declaration of a stated area as a notified area. However, the Act also states that, before the Governor in Council declares an area to be a notified area, the Minister must ensure any requirements prescribed under a regulation have been complied with.

By the time the 1998 State election was called, the regulation setting out the requirements for notified areas had not been put in place. In fact, it seemed very little had been done to develop the regulation. As soon as I became aware of the situation after being sworn in as Police Minister, I began the process of developing the regulation. Unfortunately, very little consultation had been done with local authorities and Government agencies regarding the regulation. In fact, since there was such a diverse body of opinion amongst authorities and the Local Government Association of Queensland on how notified areas should be declared, I had to begin a very detailed consultation process to achieve consensus amongst all the agencies and authorities.

I am pleased to say that this consensus has been reached and the Governor in Council signed off on the notified areas regulation amendment recently. The regulation clearly sets out what must be done by local authorities and Government entities when applying for a notified area. Before applying, they must consult with local police and, if the applicant is a Government entity, they should consult with the local authority or authorities the proposed area is located in. The applicant must also publicise their intentions as well as a map of the proposed area and the proposed times the area is to start as a notified area and call for submissions from interested persons regarding the proposed notified area.

The regulation also sets out what information has to be supplied with the application and if the application is relevant to a certain event or events. Applicants can also apply for temporary declarations of one month and the applicant must justify in detail the duration of the period during which the area is to be a notified area.

There has been a great deal of interest from some local authorities about move-on powers and notified areas, so I expect an initial influx of applications. However, there has also been a great deal of misinformation spread about move-on powers which should be cleared up so potential applicants know exactly where they stand. What has not been widely publicised is the fact that police already have extensive move-on powers and do not need a prescribed notified area in order to exercise these powers.

Under the Police Powers and Responsibilities Act, which came into effect on 6 April 1998, police can move on people from shops, child-care centres, preschool centres, all schools, licensed premises, railway stations and land surrounding these stations, and automatic teller machines. Police can issue a move-on direction if a person's behaviour is causing anxiety to a reasonable person entering or leaving a place; if a person is interfering with trade or business at a place by unnecessarily obstructing, hindering or impeding someone leaving or entering a place; if a person is behaving in a disorderly, indecent or threatening manner; or if a person is disrupting the peaceful and orderly conduct of an

event. Local authorities should take these facts into account when considering applying for notified areas.

The other issue which needs to be highlighted is the reprehensible and quite incorrect calls made by the Opposition Leader and also by the member for Toowoomba South during the Gordonstone and Korea Zinc industrial disputes earlier this year. During the Gordonstone dispute, the member for Toowoomba South supported the Emerald Shire Council's request to make the Emerald Airport a notified area. During the Korea Zinc dispute, the member for Surfers Paradise called on the Government to declare the picket line a notified area.

Both members clearly do not understand legislation enacted under their term in Government and have forgotten the irrefutable commitment given by the member for Crows Nest during the debate on the Police Powers and Responsibilities Bill on 19 November 1997. Notified areas and picket lines were raised by the member for Fitzroy during the debate, and this was the then Minister's reply—

"The right of workers to picket will not be affected by this legislation. In fact, we accepted one of his amendments, which will guarantee that. It was never intended to affect peaceful assembly."

There cannot be a much clearer commitment than that made by the member for Crows Nest, but it was obviously not clear enough for the member for Surfers Paradise and the member for Toowoomba South.
