



Speech by

Mrs J. GAMIN

MEMBER FOR BURLEIGH

Hansard 15 March 2000

POLICE POWERS AND RESPONSIBILITIES BILL

Mrs GAMIN (Burleigh—NPA) (3.21 p.m.): In debating the Police Powers and Responsibilities Bill 2000, I am conscious, as the member for a Gold Coast suburban seat, of the substantial need for action to counteract noise and other nuisances that impact on residents in their homes and on their streets. It is chiefly about the powers relating to noise, Part 3 of the Bill, that I will speak today. However, I would first like to echo some of the comments made yesterday by my colleague and shadow Minister, the honourable member for Toowoomba South. He expressed some very sound concerns over the move-on powers of the police. This Bill addresses that issue. I know that the honourable member for Toowoomba South has other plans in mind as well.

In the urban environment, the move-on provisions are particularly important in the times in which we live. As the honourable member for Toowoomba South pointed out yesterday, for some time there have been certain places where police have an automatic power to move people on. As he noted, this power to move on is under existing legislation applied only in places where there is an interference to trade, where there is a presence of groups or individuals who may not be breaking the law but who are causing anxiety and unpleasantness to people, or where people in a community are not allowed to enjoy a certain place, such as the main street or shopping area, or are not allowed to enjoy taking their children to or from school or to use railway stations or other facilities.

He takes the view—and I am sure he speaks for all members on this side of the House—that as a society we need to be a bit tougher on people who seem to like disrupting the lives of others. I believe it is essential that the law provide for proper protection for the elderly person or any other person using an ATM machine by means of move-on powers. It is commonsense to apply move-on laws to the immediate environs of ATM machines.

I am attracted to the fact that local governments have a role in determining what should be a move-on area in their locality. We on this side of the House are all in favour of empowering local communities to make their own decisions in line with their own demands and their own preferences. That seems to us to be commonsense. People closest to a situation—any situation—are always best placed to make decisions on how to respond. As my honourable friend the shadow Minister noted yesterday, we know that young people like to congregate in order to enjoy their youth and the pleasures of the suburb or town in which they live. But it is no part of sensible public policy to acquiesce in behaviour causing serious anxiety, unpleasantness or street disturbances.

I turn to the issue of powers relating to noise which, in many instances, capture the same imperative of public policy and call for the same sort of police attention and action as nuisances in public places like street malls and pavement dining areas. In particular, in my own area we have the problem of street parties. These are a phenomenon of our times and are assisted by the technology of the Internet and other means of broadcasting information brought to us by the communication revolution. It is very important that local communities are able to respond quickly to disturbances of the peace in our streets by what we might call mobile street parties. They are mobile in two senses: they arrive out of the blue on a street and a principal means of advertising their impending presence to potential party goers is the mobile telephone. I will speak a little more about that in a moment or two.

Clause 286(1) of the Bill states that police powers relating to noise apply to the abatement of environmental nuisance caused by excessive noise that is emitted from a place by a musical

instrument; an appliance for electrically producing or amplifying music or other sounds; a motor vehicle, other than a motor vehicle on a road; a gathering of people for a meeting, party, celebration or similar gathering; and is audible in any residential or commercial premises. This Bill provides that these provisions do not apply to the abatement of excessive noise from a place where an open air concert or commercial entertainment is being staged, by a public meeting under a permit under any Act or law authorising sound amplification by electrical or other means or in another way. So it is not a measure that will impact on big ticket events in any locality. It is simply a measure to control excessive interruption of other people's lives by essentially noisy neighbours—and, in the context of street parties to which I referred earlier, noisy temporary neighbours.

Let me talk a bit about street parties. About 15 to 18 months ago, when street parties first started to impact on my area, young people were communicating with each other by means of fliers. From time to time, the police would get hold of one of these fliers, they would know where the next party would be and they were able to target the area. But communications have improved vastly for young people over the past 12 to 18 months. They are now using mobile phones and the Internet.

Let me describe a street party held in a suburban street in my area the weekend before last a block or so from the main Gold Coast highway. Just as it was getting dark, the residents of the area noticed nobody out in the street at all. As the evening wore on, half a dozen young people gathered. More and more people gathered. At about 8 o'clock, the neighbours rang Broadbeach police to warn them that something was going to happen in the area and that it would be a good idea to nip it in the bud. Seeing that there were only 20 young people or so there, that would hardly warrant the communications room at the Broadbeach Police Station sending a police car.

By 10 o'clock, there were several hundred young people gathered in this quiet suburban street. They had arrived on foot, on bikes, in maxi taxis and in many instances their parents had dropped them. Many of them brought their own folding chairs and eskies. Booze was being sold out of cars. Older people had bought the booze, and the younger ones were paying for it. By 10 o'clock that night, they were literally off their faces. They were urinating, defecating and vomiting in people's gardens and against their carport walls. It was a horrendous situation.

At about half past 10, it took quite a large number of police officers to clear them away from the area. They moved across the highway to McDonald's, which had to close its front doors and direct its customers through the drive-in. This was a very serious situation. These young people are mostly 12 or 13 years old. They are in Years 8 and 9 at school.

Over the summer holidays, every Friday and Saturday night in my area of Goodwin Terrace, along the main beachfront of Burleigh Heads, it was an absolute nightmare for the residents and the tourists of the area. It reached such an extraordinary degree that eventually early in January I had a meeting in my office between local residents and some of the senior members of the Gold Coast regional police. They decided that they would target this area and try to get rid of these street parties—the "point parties" they called them, after Burleigh Point. That is how they notified each other, "The point party is on tonight."

The police tried to get rid of them from this particular area. To do so, they had to bring in a regional response. This involved far more than one police car from Broadbeach. There were several hundred young people. There were so many young people that they could overrun a police car like a swarm of ants on a piece of meat. To control this situation, over several weekends we had three police cars, two paddy wagons, traffic police in unmarked cars and dogs. Then the police started videoing them. Once the police started operating video cameras, that was the turning point in getting rid of these point parties.

As the police questioned these young people, they found that they came from high schools from all over the southern Gold Coast—Palm Beach, Elanora, Marymount, Miami, Merrimac—and as far away as Helensvale. The Gold Coast police say that 80% or 90% of the young people who gather at these street parties are basically decent kids who are caught up in this modern trend. They say also that 10% to 20% of them are hardcore trouble-makers. Honourable members would be amazed at the number of people with outstanding warrants who are questioned by the police.

On the first night that the three police cars, two paddy wagons, the Traffic Branch and the police Dog Squad were on hand a police officer was injured, one girl was raped and a large number of notices to appear were issued. I join with the local people of that area in congratulating the Gold Coast police on the way they handled, and have been handling, this difficult and serious situation. They have been handling it in a calm manner. Videoing these parties is an excellent idea. The videos are then taken around to the schools and shown to the students in an attempt to identify the ringleaders. Senior police in the Gold Coast region took the matter so seriously that at one stage it was suggested that the Tactical Response Group should be brought in. That is not what we want. I do not want to see 150 twelve year old kids in the Southport Watch-house. I do not wish to see the Tactical Response Group turning up with its flak jackets and batons. The Gold Coast police are handling it, but it is a serious and worrying situation.

As I said earlier, the parties are highly mobile. They might have shifted from Goodwin Terrace for the time being, but we do not know where they will be next. A few weeks ago they were held at Ashmore. I note that the Minister for Tourism, the honourable member for Currumbin, is in the House. I am sure she has had exactly the same experiences in her area. Last year when these problems were starting and party goers were congregating in the Palm Beach area, the Palm Beach officers collected a few of the female party goers and took them to the Palm Beach Police Station in the middle of the night and rang their parents. Guess who was abused? The parents abused the police!

Just after the Christmas holidays started in December, I had a visit to my office from a couple of parents and I also had a couple of phone calls from parents asking me various questions. They asked, "Mrs Gamin, what is the Government going to do to provide entertainment for my child?" I asked, "How old is your child?" The children were aged 12 and 14 years. I know times have changed, but I truly do not believe it is the responsibility of Government to provide permanent entertainment for 12 and 14 year old children. One parent was particularly aggressive towards me. I suggested sporting clubs and the surf-lifesaving clubs. The lifesaving clubs in my electorate are excellent. They pay particular attention to young people. They are great. I suggested to one mother that there are sporting and lifesaving clubs. She said, "Mrs Gamin, I work and I'm tired on weekends. I can't be bothered driving the kids around and I want to spend a bit of time with my partner." I am a bit horrified by all of this. I do not know what the answers are. I do not have any facile answers to this problem. However, I do know that the Gold Coast police and I are finding these mobile street parties extremely worrying and very concerning. We have to be able to deal with them adequately.

I wish to return specifically to the provisions of the Bill that relate to noise abatement. Proposed section 287 makes it possible for a person who reasonably believes noise emitted from a place to be excessive to make a complaint to a police officer. It requires that, as soon as practicable after a complaint is made, a police officer must investigate that complaint or cause it to be investigated unless it is judged frivolous or vexatious. That brings us to the great question mark that hangs over the exercise of all police powers and responsibilities: are there sufficient resources, including human resources, available to do the job?

While the Minister is in the House, I make a plea for more police on the Gold Coast. The Minister was at the Palm Beach Police Station a few weeks ago, when it was dedicated as a model police station. That is a great honour for Palm Beach and a feather in its cap. It has systems and programs in place that will be followed by similar stations of the same size throughout Queensland. But it does not have enough staff. It is a 35-man police station. I am sure that, if we asked for the list, we would find 35 names or 35 positions. A couple of sergeants positions might be waiting to be filled, but 35 officers is the strength of the station. However, on any given day the rostering officer would not have 25 blokes to man the cars and to do the rostered tasks required of that station. The Palm Beach Police Station is not unusual. Every police station would be in the same situation. There are never sufficient numbers. They are always short. On any given day the Palm Beach Police Station would be 10 officers short. They might be on recreation leave, sick leave, RDOs or in court or somewhere else. They are not there. I make an impassioned plea for more police strength on the Gold Coast, particularly on the southern coast and more particularly at Palm Beach. The great unresolved question of this Government's police policy is the eternal budgetary question. The question is very difficult to answer and address in a meaningful way.

However, there can be no arguments about the powers of police officers investigating complaints. Excessive noise is one of the most worrisome aspects of life in the urban environment, and I am sure people will welcome any measures to tighten up on compliance with the norms of civilised society.

Proposed sections 288 and 289 deal with the powers of police officers on investigation of complaints. Proposed section 288(1) applies if a police officer is reasonably satisfied—

- "(a) the noise complained of is clearly audible at or near the complainant's residential or commercial premises; and
- (b) the noise is excessive noise in the circumstances."

The proposed section continues—

- "(2) In deciding whether noise is excessive noise in the circumstances, a police officer may have regard to—
 - (a) the degree of interference the noise is causing or is likely to cause to the conduct of the activities ordinarily carried out in the neighbourhood of the place from which the noise is being emitted; and
 - (b) the nature of the lawful uses permitted for premises in the neighbourhood of the place from which the noise is being emitted.
- (3) A police officer may—

- (a) without a warrant, enter the place from which the noise is being emitted; and
- (b) direct the occupier of the place, and the other persons who appear to the officer to be responsible for causing the noise or permitting the noise to be caused, to immediately abate the excessive noise from the place (a 'noise abatement direction').

(4) A noise abatement direction may be given orally or by written notice."

Proposed section 289 states—

"Compliance with noise abatement direction

289(1) A person to whom a noise abatement direction is given must—

- (a) immediately comply with the direction; and
- (b) refrain from the emission, or contributing to the emission, of excessive noise from the place to which the direction relates for a period of 12 hours from the giving of the direction."

I will not go through all of the rest of proposed section 289 or proposed section 290, which is headed "Additional powers of police officers on later investigation".

One of the real problems of today's society is that some people—people who hold noisy parties without any thought for their neighbours, for example—are apt to thumb their noses at the authorities who have told them to behave. Interestingly, section 289 provides that, if a noise abatement direction has been given about a place and within 12 hours the same problem is reported, the police may seize the offending equipment. As a general rule, I do not believe in arbitrary powers, but I have to say on the question of peace in our suburbs that the prospect of some rudely errant boom box being subject to seizure by police has definite appeal.

There are some areas of this Bill that are less than ideal. After all, it has been presented by a Government that has shown itself to be profoundly uninterested in genuine consultation with interest groups in the community. It says all the right things and the Government always gets squadrons of public relation consultants out in spruiking mode at the drop of a hat but, as many people are discovering, this is all a bit of a sham. We will be watching very carefully the implementation of this legislation, which I do support. I support the Bill before the House.
