



Speech by

**WARREN PITT**

**MEMBER FOR MULGRAVE**

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Hansard 21 June 2000

**POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS AMENDMENT BILL**

**Mr PITT** (Mulgrave—ALP) (10.21 p.m.): Tonight I am pleased to speak briefly to the Police Powers and Responsibilities and Other Acts Amendment Bill 2000. The Bill is one more step forward in bringing law enforcement into a situation that I believe is reflective of current community thinking. May I take the opportunity to congratulate the members for Lytton, Mount Ommaney and Springwood on their well researched contribution to this debate. I share their interest in the use of DNA databasing as an effective tool for bringing to justice those whose criminal behaviour undermines the fabric of our society. Arguments casting doubt on the value of DNA testing fail to impress me, as they do not take into account overseas experience, which proves the process to have dual and equally important functions. Not only does DNA testing have the capacity to bring the guilty to justice; it also has the capacity to clear the innocent.

It is not my intention to go over ground covered already by speakers from the Government side. Therefore, I will make a brief comment on the diversionary provisions contained in the Bill. Firstly, in respect of public drunkenness, people arrested for public drunkenness take up considerable police resources. They take up police time in their arresting and processing, they occupy watch-houses and they take up court time. Often these people, due to their intoxication, resist arrest, and this brings with it other charges by police.

This initiative will reduce the chances of those people entering the criminal justice system and save valuable police time and resources. The provisions in this Bill allow for police to divert people who are drunk in a public place to a place of safety—a place other than a watch-house—where the officer considers a person can receive treatment or care necessary to recover safely from the effects of being drunk. This may be the person's home, the home of a relative or a friend or a diversionary centre for accommodating such people. The police cannot release the person to a place of safety if the officer is not satisfied that a person at the place of safety is not able to provide care for the intoxicated person or the person's behaviour may pose a risk of harm, including an act of domestic violence, to other persons at that place of safety. In some centres where public drunkenness is a problem, watch-houses can be full of people largely charged with public drunkenness offences. Often these people have committed no offence other than being drunk in a public place.

This Bill will have the greatest impact on indigenous communities with drinking problems. It will mean that indigenous people will be less likely to enter the criminal justice system as a result of being drunk in a public place.

I turn to the provisions in the Bill for drug offences. The Bill will allow the police to divert minor drug offenders to a drug diversion assessment program instead of charging people for possession of a dangerous drug. This will avoid the situation in which a person, particularly a young person, is found in possession of a minor quantity of drugs or utensils for that purpose. This will stop that person from entering the criminal justice system as a result of their minor drug usage. It will also prevent convictions for drug possession, which can be a significant impediment to a young person's career prospects.

This provision applies if the person is arrested for and is being questioned by a police officer about a minor drugs offence and the person has not committed other indictable offences in circumstances related to the minor drug offence; that is, this provision would not apply if the person had committed a break and enter to obtain money to buy drugs. It also applies if the person has not been

previously convicted of an offence involving violence against a person or where the rehabilitation period for a violent offence has expired under the Criminal Law (Rehabilitation of Offenders) Act 1986. It also applies if an electronically recorded interview is taken and the person admits to having committed the offence. Finally, it will apply if the person has not been offered the opportunity to attend a drug diversion assessment program before.

If the offender is an adult or a juvenile who has previously been cautioned under the Juvenile Justice Act 1992 for a minor drug offence, the police must provide the person with the opportunity to attend a drug diversion program. If the person agrees, they must sign an agreement to attend a drug diversion assessment program. The police officer must give the person a written requirement to comply with the agreement and must inform the person that non-compliance is an offence against section 445, which provides that the maximum penalty for not complying with the direction of a police officer is 40 penalty units. We know that one penalty unit is equivalent to \$75. Therefore, that equates to a maximum penalty of \$3,000. All drugs and implements become the property of the State and are appropriately disposed of. This Bill also provides that the person cannot be charged for the original offence even if they fail to comply.

The Police Powers and Responsibilities and Other Acts Amendments Bill 2000 deserves the full support of the House. Police officers in the communities we represent demand that we provide effective measures to make our society safer. I commend the Bill to the House.

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