



Speech by

**CHRIS CUMMINS**

**MEMBER FOR KAWANA**

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Hansard 7 August 2002

### **POLICE POWERS AND RESPONSIBILITIES AND ANOTHER ACT AMENDMENT BILL**

**Mr CUMMINS** (Kawana—ALP) (4.56 p.m.): In rising to speak to the Police Powers and Responsibilities and Another Act Amendment Bill I will outline how the proposed legislation addresses the significant issue of hooning and will benefit areas such as the Sunshine Coast. Like many other regions throughout the state, the Sunshine Coast has been frustrated by the inappropriate behaviour of some road users. The potential consequences of this inappropriate behaviour can never be underestimated, as in some cases the inappropriate behaviour is life endangering.

The proposed legislation which is now before us will provide the courts and the police with sufficient balanced powers to ensure the safety of all road users—in fact all residents—in the state of Queensland. When I say that it is balanced, we should be aware that one side of politics—the conservatives—have said that it does not go far enough, yet institutions such as the RACQ and others say that it goes too far. So while we will look at it in the future, I believe that this is a very good place to start.

The legislation will provide police with the power in the first prescribed offence to impound an offending vehicle for a period of 48 hours. For a second prescribed offence within a three-year period the offender may have their vehicle impounded for a period up to three months. Finally, should a person commit a third and subsequent prescribed offence within this three-year period their vehicle may be forfeited to the state. The proposed legislation will also address the behaviour commonly known as lapping. This involves vehicles being driven normally at a low speed repeatedly around a number of streets. The predominant source of the complaint is the extreme volume at which the stereo systems fitted to those vehicles are operated during lapping. The legislation will provide an extension to the existing noise abatement laws under the Police Powers and Responsibilities Act 2000 and allow police to require the noise emitted from the stereos of the lapping vehicles to be abated for a period of 12 hours. Failure to comply with the requirement to abate the noise of the stereo may result in the equipment being removed from the vehicle for a period of 24 hours and the driver being prosecuted for disobeying the lawful direction of a police officer.

Numerous safeguards are built into the proposed legislation to protect the rights of innocent parties. It is necessary for the courts to determine the question of a person's guilt for an offence. As a result it will be necessary for a police officer to commence proceedings by way of a notice to appear or arrest prior to the impounding of a vehicle. Should a person be found not guilty of a prescribed offence, or the prescribed offence is not proceeded with, the person will not suffer the initial costs of vehicle impoundment. Consequently, the towing and storage fees associated with the first empowerment initially will be paid by the state. That is a very good precedent, I believe, because police will no longer have to make a judgment; the case will actually have to proceed, and if it does not proceed then obviously the state will have to find the fees. I know that senior officers and others would not be very happy if that occurred.

In the case of a second or subsequent impoundment, the costs of the first 48 hours will also be met by the state. It will be necessary during this period for an application to the court to be made by the police officer for either a maximum three-month impoundment or a forfeiture of the vehicle to the state as is applicable. At this time the vehicle will be returned to the owner until the prescribed offence is heard and determined. The only exception to this is when the police officer is able to satisfy the court that the return of the vehicle would result in the commission of further offences.

A further safeguard in the proposed legislation relates to when a third party owns the vehicle but is not involved in the prescribed offence. Should a second or third subsequent offence occur without the knowledge or consent of the owner, the owner will not risk losing their car. The owner can raise this as a defence, and the vehicle can be returned to the owner by an order of the court. Should a second offence or an offence that enables the vehicle to be forfeited occur and the person is likely to suffer severe financial or physical hardship, then a court is entitled to return the vehicle to the person. Under these circumstances the court is entitled to order, in addition to any existing penalty, that the offender serve up to 240 hours community service.

The owners of vehicles that have been stolen and used in the commission of a prescribed offence and vehicles owned by a car rental company are exempted from the legislation. Finance provider companies and absentee vehicle owners are provided with defence provisions that have been included in the retrievable interest provisions of this legislation.

As a measure to address the current problems of hooning, additional police officers have been allocated to the State Traffic Task Force. This is a positive aspect which should be sung about long and loud. Often it is not. Those opposite seem to harp on the idea that we do not have sufficient police numbers. Upwards of 30 additional police have been allocated to the Sunshine Coast. Instead of conservative members of the Sunshine Coast whingeing and whining, they should be getting out and singing the praises of the minister. On behalf of Sunshine Coast residents I thank the minister. I am pretty sure the number of additional police is close to 30. In fact, the number of police in the Kawana water police has doubled. That is a great positive initiative that Sunshine Coast residents thank the minister for.

The officers of the traffic response group have been equipped with unmarked police vehicles and a police motorcycle, as well as the equipment necessary for them to conduct traffic based enforcement. The primary role of the traffic response group is to assist police in areas such as the Sunshine Coast with specific intelligence based enforcement aimed at reducing the extent of the antisocial behaviour being exhibited by the hooning elements of our society. The legislation proposed by our government will ensure that continual offenders, both on the Sunshine Coast and elsewhere in Queensland, do not continue to flout the law and will allow people and businesses to enjoy the peace and quiet of our surroundings.

It would be remiss of me not to mention one of Queensland's best examples of an empty vessel that does absolutely nothing but make a lot of sound. I refer of course to National Party turncoat and now Liberal federal member for Fisher, Peter Slipper. His constant abuse of taxpayers' funds disgusts not only me but also thousands on the Sunshine Coast. His self-congratulating propaganda report regularly contains blatant untruths and lies to Sunshine Coast residents. For example, recently he said that he would be convening a meeting of local, state and federal elected representatives to ensure they all work together for the Sunshine Coast. I RSVP'd over 12 months ago, but that was the last we heard of that.

Most recently there was his first hoon forum. Again he said that he would invite all elected representatives. He did not even have the courtesy to advise the community that he had postponed the first one. Residents did show up at the surf club when it was to be held, with Queensland's best-known underachiever grandstanding on centre stage. When it was finally held I advised the gathering, including Mr Slipper's lap-dog Liberal councillors, that the community is awake up to them. The community is supportive of this hooning legislation that is before us.

I have to point out that not one phone call, not one fax, not one letter and not one email from him or his lackey councillors has ever been received by me or my office on this issue. This is a state issue that is being addressed by the Beattie state Labor government and a very proactive minister. Maybe these conservatives are just too stupid to realise that it is a state government issue being addressed before the state House.

There have been various letters to the editor on this issue. One, which I believe the minister addressed, appeared in the *Sunshine Coast Daily* under the heading 'Not the answer'. It states—

New anti-hoon legislation has been introduced into State Parliament by a Labor government unwilling to address the real problems.

The new legislation will be difficult to implement, and could tie police officers time up unnecessarily.

I can envisage yards full of unwanted impounded cars, arguments as to title with finance companies, and disputes as to the payment of towing and storage fees.

...

Losing your driver's licence and the risk of heavy fines would be a larger deterrent than the potential seizure of a car that may be worth very little anyway.

...

We need to have more police out on the road. We need a police academy capable of turning out more recruits per year, and we need better pay and conditions for police officers.

Liberal branch stacker Harry Burnett has absolutely no idea, because we do have more police officers. The academy is turning out more police recruits. This antihoon legislation will work.

**Mr English** interjected.

**Mr CUMMINS:** Over 300 per year. That is something this Labor government is proud of. More than 30 new police officers from the academy have come to the Sunshine Coast in the short time I have been in this House, since February 2001. We thank the minister for that. The conservatives may be ready to branch-stack and whinge and whine, but it is about time they gave credit where credit is due. I am aware also that the minister has responded to numerous residents from Alexandra Headlands and other areas who have met with me. Their lives were badly affected by the excessive noise of hoon drivers. They are very pleased and have written to me. They have rung my office in support of this legislation.

I would also like to comment on the input I have had from Sunshine Coast police. I am very thankful for the police and the way they have responded. Local police have developed strategies targeting the unlawful activities of motorists who congregate in the Alexandra Headland area, particularly at weekends. Police from Maroochydore station and the Sunshine Coast traffic branch regularly patrol the locations in question at Alexandra Headland. These patrols specifically target the hoon element and take enforcement action wherever possible. In addition, police from the Brisbane based traffic response team attend the area periodically to enhance police enforcement efforts. The team has been recently established as a Beattie government initiative to combat the hooning problem.

Maroochydore police are coordinators of an ongoing multi-agency operation, often named Operation Bad Behaviour, to combat the local hooning problem in the area during the times the offences most commonly occur. In addition to police from Maroochydore station, this operation includes officers from the Mooloolaba station, the Sunshine Coast district traffic branch, the State Traffic Task Force and the Sunshine Coast district tactical crime unit, as well as representatives from Maroochy Shire Council and the Department of Transport. I commend the police, other government agencies and the Maroochy Shire Council for working in cooperation to address this issue. This stronger legislation will be much more beneficial.

In finishing, I sincerely thank Assistant Commissioner Grahame Gronow, the assistant commissioner for the north coast region. He has constantly kept in contact with me on this issue, offering his advice. I also thank the regional traffic coordinator for the north coast region, Daryl Powell. I commend the minister and his department for bringing this legislation to the House. I will be very interested to see if it is supported by all members.