



Speech by

**HOWARD HOBBS**

**MEMBER FOR WARREGO**

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Hansard 25 November 2003

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

**Mr HOBBS** (Warrego—NPA) (4.33 p.m.): I am pleased today to speak to the Police Powers and Responsibilities and Other Legislation Amendment Bill. As mentioned by the shadow minister, the member for Gregory, we will be supporting this legislation. This bill makes a number of changes that will certainly improve the responsibilities and the powers of the police in Queensland. Some of the main objectives of the bill are to amend the Police Powers and Responsibilities Act to clearly specify when a vehicle may be impounded or forfeited for a 'road hoon' related offence, to allow for the seizing of potentially harmful things and to allow a person affected by a potentially harmful thing to be taken to a place of safety. The hooning laws seem to be working but there are a few problems in relation to it.

I wish to speak now in relation to the power of the police to seize potentially harmful things. The increase in chroming and the sniffing of glue, petrol and other substances is a very sad situation. No doubt it is a worldwide problem. It does enormous damage to those people, which is quite extraordinary. It is disappointing that these people do not realise the impact it will have on them further down the track.

I noticed that in his second reading speech the minister talked about the confiscation of liquor. In the past it was only opened liquor that could be confiscated. For instance, if a person had a carton of stubbies and there was one opened, the police could take only the one that was opened, not the unopened ones in the carton. Once this legislation is passed they will be able to take also the unopened ones. That is fine, as people with that much alcohol on board are probably only going to cause trouble down the track. However, we have to make sure that if, for instance, the police have picked somebody up and the situation is not all that serious, they do not go around confiscating full cartons that people have on board. That can happen in certain circumstances when people get a little bit overzealous.

Another issue that was raised in the minister's second reading speech, which surprised me, is the practice adopted by some shopkeepers of keeping metho in the fridge. I find it quite extraordinary that they actually do that. I am probably pretty naive. I know that metho can be used for cleaning and so forth, but, holy smokes, it would be a dreadful thing to drink. It is a sad situation for those poor souls who reach the stage where they do drink it. That has been occurring in our communities for a long time. It is quite extraordinary that shopkeepers chill it down for them so they get a better drink, and the book should be thrown at them.

One issue that I wish to refer to in the debate on this legislation is the supply of drugs. We have made some significant progress in our schools—although there is still a way to go. Drugs are still present in schools. We use a three-pronged approach in combating drugs. The first is awareness of the danger of drugs, and those programs in the schools are working quite well. The second is the process that people go through if they do have a drug problem. The third one is the hard one, that is, to actually catch the drug dealers. They may not be the big people, but they are certainly the people who peddle these dreadful products to our children. They do tend to move around in a lot of districts and communities, even in my electorate where people would not think drugs would exist. However, I can tell honourable members that they are present in my electorate. I have spoken to the police about it as well. Recently in one of our towns the police were able to nab a few of these drug dealers. They just seemed to be wandering around the streets. It is dreadful that they are out there. Some progress is being made, but we have to be ever vigilant to that problem and give the police all the support we can to try to catch these people.

The bill also amends the Bail Act and the Juvenile Justice Act to allow police officers other than the officers in charge of police stations and police establishments and watch-house managers to grant bail. In the past it was the responsibility of the officer in charge. In this day and age and with the increased population they more or less have to be on duty 24 hours a day. That is difficult, so this amendment will make police administration a bit easier.

The bill also amends the Corrective Services Act to provide a more efficient method to arrange for prisoners to appear before a court. In other words, in future they will be given a notice to appear rather than having to go through a much longer process. It also amends the Police Service Administration Act to provide for criminal history checks to be undertaken on persons applying for employment or directly or indirectly employed by the Queensland Police Service. The checks are supported by legislation. That is obviously a good idea to make sure that we get the right people in the right places.

The bill also amends the Prostitution Act 1999 to abolish the Prostitution Advisory Council, to increase the membership of the Prostitution Licensing Authority and to address a health related matter. The bill also amends the Vagrants, Gaming and Other Offences Act 1931 to provide a new part dealing with the quality of community use of public places, to provide for the unlawful sale of potentially harmful things, and to prevent the unlawful tattooing and body piercing of minors. Certainly, the sale of glues and methylated spirits to those who intend to inhale or ingest them is a bad thing. That amendment will be welcomed. The amendments that relate to the genital and nipple piercing of minors is also welcomed. It is quite extraordinary what we see these days. The other day in the *Courier-Mail* there was a photograph of someone who had the most studs in them. I am not sure whether it was a girl or a boy, but it looked like they had been caught by an exploding hand grenade full of ball bearings. There were studs all over them. It is quite extraordinary that people go to that level. Anyway, I guess they think that they look pretty good and that is important for them.

This bill also amends the Liquor Act to complement the amendments to the Vagrants, Gaming and Other Offences Act by increasing the penalty for the sale of alcohol to certain persons. Obviously, that penalty already exists, but this bill increases the penalty. So that should work out pretty good.

The bill also amends the Weapons Act, the Weapons Regulation and the Weapons (Categories) Regulation to require the licensing of crossbows, to regulate the use of shanghais and swords, and to clarify the licensing conditions on weapons. I want to raise a few points in relation to this issue. In my area people, particularly those who are engaged in wild game harvesting, have to use weapons as part of their livelihood. It seems to be one rule for everybody. Quite a few people in my electorate have had their livelihoods affected when various things have occurred.

I want to raise an issue with the minister in relation to the amendments in this bill that relate to the Weapons Act. Sometimes the legislation can create anomalies. In my area particularly, and also in some parts of the minister's area, people are involved in the wild game harvesting industry, such as kangaroo shooters and suchlike. Sometimes lineball issues arise. For some reason, those people have their weapons confiscated. Maybe they are caught up in a legal case.

I have one example of this issue that I would like to raise with the minister today. I have written to the minister about this; it will be in his files somewhere. A chap's gun licence was revoked. The police removed his guns that were located in a secure cupboard, but which was unlocked at the time. On that day, this particular fellow was called away to attend to his elderly father, who is disabled. His partner stayed at home. In other words, there was somebody at home all the time. So somebody was virtually in charge. In April 2002 this particular chap was advised that pleading guilty to failing to secure weapons would not affect his ability to hold a gun licence and carry on his profession as a kangaroo shooter. On 20 April 2002 he was fined \$300 and has since outlaid a considerable amount of money to purchase a freezer and an accredited aluminium tray for his vehicle. He has almost completed his level III meat importer's certificate.

Since then, a problem arose for this chap when he wanted to upgrade his licence. The computer showed that he had committed an offence. An amendment to the Weapons and Other Amendment Act 2002 attempted to clarify the application of sections 10A and 10B. As the bill was assented to on only 4 March, it could be argued that the relevant period of this amendment commenced on 4 March 2003. However, in this man's case his gun licence was revoked for an offence that occurred well prior to 4 March 2003. That means that, effectively, there has been a retrospective application of the relevant period, which is a denial of natural justice to this particular chap.

Had this person known in April 2002 that the conviction for the offence would have affected his ability to hold a gun licence in 2003, he would have strongly challenged the charge. But he was told, 'Three hundred dollars and everything is right and you can carry on.' He did that. I think that this is a genuine case of a problem with the legislation. It is a ridiculous situation because this person is of good character—and I will give the minister a copy of this letter later—and he is a wonderful worker for the community, but he is likely to lose his livelihood. There are very few other opportunities for employment in the district where he lives. This chap is caught up in the legislation and that has created quite an

unsatisfactory situation. With those few comments, along with the comments of the shadow minister, I support the legislation.