



Speech by

Dr LESLEY CLARK

MEMBER FOR BARRON RIVER

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Dr LESLEY CLARK (Barron River—ALP) (3.00 p.m.): I am very pleased to rise to speak to the Police Powers and Responsibilities and Other Legislation Amendment Bill because it contains some very significant reforms which will assist police to deal with a number of problems that we have experienced in Cairns, particularly in the CBD, which have been the subject of quite extensive adverse public comment. I am referring here to public drunkenness, harassment of retailers and theft of glue, solvents and methylated spirits, verbal abuse of outdoor diners and demands by passing drunks for money from tourists.

I think all members in this House recognise that these problems are just as much social community problems as they are policing problems requiring a comprehensive range of strategies. However, the proposals in this legislation came largely from a summit in Townsville that was convened by the Police Minister, Tony McGrady, in recognition of the fact that we did need additional police powers and other new laws and penalties because they are an integral and essential part of solving a range of public offences, many of which have regrettably been committed by homeless alcoholics.

This legislation will give police the ability to seize and dispose of unopened as well as open liquor from people drinking in public places. It will also create an offence of public nuisance under a new section in the Vagrants, Gaming and Other Offences Act entitled 'Quality of Community Use of Public Places'. This is a very new piece of legislation. I think it is a commendable attempt to try to deal with what is, in some sense, quite a subjective view of what constitutes a public nuisance. It is designed to enable people to enjoy public places without being abused, harassed or intimidated by drunken or aggressive individuals. I think we would all agree that that is everybody's right. Indeed, it is a right of police officers as well when dealing with the public in those situations.

Some examples of offensive language and offensive behaviour are given in the explanatory notes to this legislation to give some concept of what is covered by this new community nuisance provision. I will mention a couple of examples because they are ones which, as the minister is aware, have caused quite a deal of concern in Cairns. Examples are included to assist the courts in making decisions as to what constitutes a public nuisance. Examples are a person walking past persons dining and interfering with that person's food; a person seeking money or property from another in a manner that causes a person to be intimidated, have concerns about their safety or such as to cause a person to leave a public place; a person urinating in view of another in a public place; and a person who encourages another to participate in a fight. An example of offensive language is that of a person calling another person a 'slut' in a shopping centre or a park. As I have said, I think that is a very good attempt to try to deal with what is a very difficult problem.

The Liquor Act will be amended by this legislation to double the penalties for licensees and employees of licensed premises who sell or supply liquor to intoxicated persons. Again, I think that is something which we need to crack down on. I hear complaints from people within my electorate that that is a significant issue. That is certainly the case in the CBD of Cairns. I am quite sure that these amendments will be welcomed both by the residents of Cairns and by tourists who are often reported as being quite frightened or offended by the behaviour of drunks or itinerants in public places like The Esplanade in Cairns.

As others who have spoken on this legislation have said, I think it is important that we have a review to determine its effectiveness. Because the reality is that many people who will be the subject of

these new changes will be indigenous persons, I think it is important we are satisfied that this is not abused and that people do not feel they have been victimised by virtue of their cultural and ethnic background.

The legislation is also very important insofar as it is a first attempt in Queensland, and I think anywhere in Australia, to protect young people who are putting themselves at enormous risk by chroming—that is, using volatile substances such as glue, paint and petrol to get a high. Whilst that is not a problem in Cairns to the same extent as it is in other parts of the state, it is a reality. We have a group which is coordinating a response to that issue. I am sure that group will welcome the powers that police will now have to search young people and to detain them and take them home if they find them in the possession of such substances or affected by those substances and are putting themselves at risk. To be able to take them to a safe place if home is not the appropriate place is very appropriate.

I am pleased, too, that retailers who refuse to sell such substances will be protected. At the same time if they do sell those substances to young people who they know or should be reasonably expected to know would be abusing such substances then they can find themselves in breach of this legislation and be fined. I am pleased that Cairns is one of the four trial communities with respect to this legislation because it gives us the opportunity to see how it works in a regional centre as well as in a centre such as Brisbane.

The electorate of Barron River is—

Mr Mickel: Well represented.

Dr LESLEY CLARK: I take that interjection; it is well represented. What I was going to say is that it is very fortunate in that it has a relatively low rate of crime. The northern beaches and western suburbs of Cairns, which are in the electorate of Barron River, have low crime rates. I enjoy being part of the Neighbourhood Watch movement as a Neighbourhood Watch coordinator in Freshwater, where I live.

I would like to put on the record my appreciation of the Neighbourhood Watch teams and officers, particularly in the Smithfield division. I have some statistics that demonstrate the good work they are doing in my electorate. The Smithfield division has a population of around 38,500 and extends from the Barron River to Ellis Beach. In 2002-03 there was a total of 1,959 offences. As I said, this is a relatively low crime rate of which we are very proud. This is the second year in a row that crime rates have fallen for this area, with 2,290 offences in 2001-02 and 2,302 offences in 2000-01. We are definitely on the downward trend, as is the case with many other parts of the state.

I was particularly pleased to see that, overall, assaults were down 9.8 per cent. Property offences also showed a decrease—in this case, 12.3 per cent, with break-ins to houses and shops down by 20 per cent. That is a great result. As I say, I would like to commend the police and the community on their effectiveness in working together to get those results. In particular, as I have said, I commend the Smithfield division, Tim Nolan and his team; our police beat officers, Russell Parker and Paul Stanley at Trinity Beach and Holloways Beach respectively; and all the volunteers in the Machans Beach, Holloways Beach and Kewarra Beach Neighbourhood Watch groups who are all doing excellent work.

At a future time in this House I would like to debate a couple of other amendments to the Police Powers and Responsibilities Act, and that is in relation to the powers that police have to deal with trail bike riders. I think it is an illustration of the fact that we do have a very low crime rate in comparison to other places in Barron River that most complaints I am receiving at the moment relate to the noise and trespass that comes from illegal trail bike riding.

I commend the Police Minister for the support that he has given to the parliamentary legislative committee to work together to provide recommendations to him as to how we might address this issue, which is a very difficult one. In relation to police powers in particular, we have suggested that complaints should be able to be anonymous, that police should not have to attend a complaint to a house to hear the noise themselves but, rather, if a complaint is made they can go to the area where trail bikes are operating and have the power to seize a trail bike for a short period of time. They can then refer the matter to the courts which would have the power to seize the bike for longer or to permanently confiscate it.

The same goes for a case of trespass. If a young trail bike rider is trespassing on private land, the police need to have powers to go out there, see what is happening, seize the bike for a short period and then refer the matter to the court, which could end up with a permanent confiscation. It is very similar to what we have done with the hooning legislation.

I look forward to those amendments coming to the House because I think that will make a significant difference to the way that we can address that problem, as well as working together to find legal places for these young people to ride. I have a problem with trail bike riding only when it causes problems to other people. I know many other members in this House share the view that we need to find places for these young people so that they can get out in the environment and enjoy themselves.

Mr Mickel interjected.

Dr LESLEY CLARK: Yes, that is very good. I think we all need to find those sorts of solutions.

In conclusion, I congratulate the minister on bringing another fine piece of legislation to this parliament. I would also like to make mention of Assistant Commissioner Alan Roberts from far-north Queensland. He is retiring shortly. I would like to place on record my thanks to him for the fine work that he has done and wish him well in his retirement. With that, I commend the bill to the House.