



Speech by

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MEMBER FOR SURFERS PARADISE

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SUMMARY OFFENCES BILL

Mr LANGBROEK (Surfers Paradise—Lib) (12.26 pm): I rise to speak to the Summary Offences Bill 2004. In doing so, I offer the Liberal Party's support for this bill, albeit with a number of reservations. I want to say at the outset that comments by anyone that the Liberal Party is using police for political purposes or that we are in any way having a go at the Police Service are wrong and completely inflammatory. The work of the Police Service is outstanding. Having been on the Surfers Paradise Community Consultative Committee for five years and dealing with police in the area, I know the wonderful work they do. These people are friends of mine and have been patients, and they are wonderful members of the community. I am just saddened when a member of the community comes to the community consultative committee to ask why their house break-in was not attended to or why their hooning concern was overlooked and the police have to tell them that there were more important things on at the time. Sadly, this is another way of saying that there are not enough police. Any disagreement between the Queensland Liberals and the police minister is exactly that and it is not a slight on the police department, which is doing wonderful work under trying circumstances.

Essentially, the bill cleans up some of the very outdated sections of the Vagrants, Gaming and Other Offences Act. This is obviously very important for the upkeep and relevance of this legislation. I am also very pleased that the government is taking a strong stance on antisocial behaviour and incidents of crime that can lead to more serious offences. It has been a strong stance of mine since I was elected that the moral capital of society needs to be protected, and whatever we can do in this place to ensure that that civility is maintained should be done. This bill addresses some of the most uncivil yet sadly common behaviour that we see on our streets today. The behaviour I am describing is of the kind that is contained in the public nuisance section of this bill. Such behaviour, while not overtly criminal or destructive, does erode the fabric of society and our perceptions of the world we live in. As such, this behaviour needs to be deterred and kept in check.

Similarly, this behaviour generally, though not always, committed by younger people with nothing better to do with their time can be indicative of a personality that will be involved in more serious offences down the track. By monitoring and punishing this behaviour early, there is a greater chance that it will prevent crime later in life. I also do not have any problems with the provisions regarding begging or wilful exposure. I am particularly pleased with the explanation and the division of the wilful exposure provisions. I think this clears up the existing situation considerably and the penalties seem fair for the offences outlined.

With regard to clause 10, although I realise that this is just a replication of section 164(2) of the Liquor Act 1992, I have a problem with the wording and possible misuse of this section. It may be that this provision is used in a general sense as an excuse to move on someone who is being a general nuisance and happens to be drunk. In the absence of any other reason to move on the person, section 164(2) could be used. However, the wording is very tight and leaves little to the interpretation of a given set of circumstances. For example, if someone has been drinking at a nightclub and is then refused service on the basis that they are drunk, they might then decide to make their way home. Whether they walk home, walk to and wait in a cab or bus line, or if they wait on the side of a street for a sober friend to pick them up,

they have to spend some time in public. I would not like to see someone fined \$150 if they are not causing a disturbance, not carrying alcohol, and are doing the responsible thing by heading home, but just fined because they are clearly drunk. I ask the minister to consider a rewording of this clause.

Section 164(1) of the Liquor Act deals with disorderly behaviour in a licensed premises and carries a maximum penalty of 25 penalty units. Perhaps a similar clause can be drafted for a disturbance outside licensed premises. The same end can be achieved by a more tightly worded clause. Being drunk in a public place, while a nuisance, is not necessarily the targeted offence; it is the crime and disorder that goes along with people in that state of inebriation. Some of this violence has been seen over the past few weeks, particularly in the CBD. We need to ensure that we are putting in new legislation that is aimed at addressing the real problem and is not able to be interpreted in a manner that was not contemplated by those in this House.

For safety and litigation reasons, I have no problems with the clauses that deal with trespass and high-risk activities. I have no sympathy for those who do highly dangerous things, such as jumping off buildings, and who may get hurt because they did not seek the proper approvals and take the appropriate precautions. Unfortunately, such people sometimes receive payouts of a substantial magnitude and this should not happen. To some degree, this legislation will stop that.

I am also concerned that clause 15, which relates to the possession of an implement that could be used unlawfully, may have an impractical interpretation. On reading the clause and then reading the explanatory notes, I do not see how a person in the possession of a metal bar in their car could be considered to be in violation of that clause, yet a person with the same metal bar in their house is not considered to be in violation. Although it is made clear that a person with the metal bar must have the intent to use it when they are annoyed by another driver—and the reference to the person in the home was that such a person would use the implement for self-defence—what of the person who has the metal bar in their car for self-defence? As rightly implied by the explanatory notes, in considering such a situation, road rage is a big issue. So just as a person may have an implement to hurt someone, perhaps a person will have an implement in their car in order to prevent them from being hurt. I would hate to see such a person fined under this clause. Moreover, I find it difficult to imagine a situation where a police officer would be able to tell the difference between a person with such an implement who has the intent to hurt people with it and a person with such an implement who has the intent to use it for self-defence.

As for the rest of the bill, I find few problems with it. I particularly commend the minister for the graffiti provisions. If nothing else, graffiti seems to be the one thing that leads to other crimes. The less graffiti, the less crime. That is the case for a range of reasons. I have been a strong campaigner for tougher penalties for those who commit graffiti. I mentioned it in my maiden speech. So it is good to see the provisions relating to graffiti in this bill. With those reservations, I commend the bill to the House.