



Speech by

## John-Paul Langbroek

**MEMBER FOR SURFERS PARADISE**

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

**Mr LANGBROEK** (Surfers Paradise—Lib) (5.57 pm): I rise to speak to the Police Powers and Responsibilities and Other Acts Amendment Bill 2006. There would not be a member in this House who is not thankful for the work carried out by the dedicated members of the Queensland Police Service. We have the utmost respect for the work that they do in keeping law and order in our electorates. I am particularly lucky to have some of the best police officers working in the electorate of Surfers Paradise, which is a particularly challenging destination for police. This electorate hosts one of the most highly concentrated nightclub and entertainment districts in the country and plays host to some of the biggest social and sport events including, of course, the annual pilgrimage of Indy supporters and schoolies.

But the Gold Coast will only retain its reputation as being a desirable tourist destination if tourists and residents alike feel safe. The recent omission of the Gold Coast from tourist publications such as *Lonely Planet* are not encouraging. More police officers at the Surfers Paradise Police Station would undoubtedly help mend the electorate's seemingly blemished law and order reputation.

With that said, the relatively smooth running of events such as schoolies and the Indy is testament to the work that our police officers do and the respect their work is shown by the majority of residents and visitors to the Gold Coast's glitter strip. I commend the efforts of Assistant Commissioner David Melville, Superintendent Brett Pointing and the other senior staff who I often see when I attend Surfers Paradise community consultative committee meetings. In particular, since Assistant Commissioner David Melville has come to the Gold Coast, he has really turned things around and put his own stamp on proceedings in a very quiet but firm way.

It comes as quite a shock when we hear that our police are not being shown the respect they deserve. In recent times one of the most highly publicised and frightening examples of this was an alleged assault against two officers in the suburb of Helensvale on the Gold Coast. Two Coomera based officers were reported to have copped a 12-minute beating after being called to a disturbance in early March. The officers called for backup but were forced to fend for themselves as the closest crew was almost a quarter of an hour away at Mudgeeraba.

Despite the dedicated service our police officers accept as their duty, those sorts of attacks demonstrate that respect for police is not held by all, albeit a small minority. Assaults, be they verbal or physical, should not be tolerated. If we tolerate or ignore those sorts of incidents and do not properly protect our police against them, they will be seen and accepted by some members of the community as commonplace and without serious consequence, and the risk is that they could increase.

In the same way, knowledge within the criminal community that our police force is stretched and cannot necessarily come to the aid of attacked officers is a matter requiring immediate attention. Amending the Criminal Code to include more crimes against people who assault police officers to show that such attacks will not be tolerated is a welcome but necessary change.

In this respect, clause 89 of this bill will amend section 340 of the Criminal Code, making it a crime for a person to spit at, bite or throw bodily fluids or faeces at a police officer, amongst other assaults. This is a welcome provision, but I suggest that it is only one prong in the two-pronged strategy that is required for my electorate specifically. I continue my request for the second prong, that being for more police officers to be placed at Surfers Paradise Police Station in recognition of the high-density population of tourists and locals, the need to keep those people safe for the ongoing success of our tourists, events and entertainment industries, and further empowering our police officers.

I turn to the bill's effects on the Police Powers and Responsibilities Act 2000, which is the main objective of the bill. In her second reading speech the minister indicated that the extension of move-on powers was spurred by a number of gatecrashing incidents and the changes were said to address those who choose to illegally prey upon Queenslanders using public places. Let me say from the outset that I accept the approach of move-on powers as a good one. Indeed, this side of the House suggested specific gatecrasher move-on powers, and I do welcome further consideration to move-on powers.

Currently, police officers are authorised to give people whose behaviour or presence at or near a prescribed area or notified area causes anxiety, interference with trade or business, disruption or other specified adverse affects a move-on direction. The current definitions of prescribed and notified areas will be replaced with the new concept of regulated places, effectively extending the application of move-on laws to all public places and not just types of public places.

However, the problem that the Scrutiny of Legislation Committee found with the extension of move-on powers is the balance struck between the need to empower our police with these powers and the rights of the community. I believe that a balance between these extended move-on powers and the community's rights is fine but that an imbalance exists elsewhere in the current act in regard to regulating traffic. Unfortunately, the latest bill has not addressed that imbalance.

The practical effect of unbalanced powers has prompted a number of Surfers Paradise constituents to contact me in frustration about traffic regulation powers being used in the Surfers Paradise business centre; namely, blockading access to Cavill and Orchid avenues where many of the nightclubs, pubs, entertainment and food outlets are located. Currently, part 6 of the PPR act allows police to regulate traffic and stop vehicles for prescribed purposes, and gives them other vehicle related powers. The current bill makes amendments to those powers at clauses 13 through 17, but these amendments are just clarification and wording changes. They do not rectify practical problems with the traffic powers. They have not found a balance between empowering police to prevent crime and the rights of access of local residents, tourists and business operators, as evidenced by the amount of correspondence that I have received.

Section 50 of the act, which will be amended by this bill to be titled 'Power for regulating traffic' states that a police officer may give to a driver of a vehicle or to a pedestrian on or about to enter a road any direction the police officer reasonably considers necessary for the safe and effective regulation of traffic on the road. Subsection (3) effectively extends this power, stating that a police officer may act if he or she reasonably suspects an emergency exists or it is otherwise necessary to temporarily prohibit, divert or direct traffic and pedestrians.

In practical effect, for some time now police officers can and have been blocking entry into Cavill and, thus, Orchid avenues. Of course, the safety of pedestrians in this area is not to be lightly forgotten. Police should have a discretionary power to regulate traffic in certain circumstances where the safety of people is potentially at risk, but currently the rights of the community are not being considered as a mitigating factor when a blanket traffic regulation measure, such as blocking all traffic access, is administered.

I turn to the correspondence that I have received. It should be noted that, as well as contacting me at my electorate office, many of these people have also attended and brought their concerns up at the local police consultative community committee meetings. Nightclubs, pubs and restaurants line Cavill and Orchid avenues, and other businesses such as motel operators and residential apartments are located on this road. When blockades into the avenues are put up, people get extremely frustrated that they are not provided access in or out of the area. They say that no consideration is given to them. People cannot get out or in and, due to the immediacy of their power, the police give no notice to residents and tourists staying in the motels and apartments when blockades are to be put up, sometimes at 10.30 or 11 o'clock at night.

It is very annoying for residents to be told by police that they are ignoring a direction of a Queensland police officer and that they have to move on, when they are just trying to get home. There are some hundreds of residents in this particular block. Often women and workers finishing late have nowhere to park. Even if, as in Schoolies Week, parking is provided in the Bruce Bishop car park, those people do not want to have to park some distance from their homes, leave their vehicles in a car park and walk home. Local residents and tourists frequenting the apartments are treated like all other drivers and are often very frustrated. The problem is that it is now happening on other occasions and not just Saturday nights or

Schoolies Week, raising the ire of residents, hotel managers and tourists who get plonked down at the entrance to Cavill Avenue and told to walk to their accommodation.

There is no local or resident pass system, despite the suggestion that that could be done. The residents have even formulated a new strategy to give them access to the avenue from the less busy northern end. People who have contacted me from the Orchid Hotel, Top of the Mark Apartments, San Tropez Apartments and the Cosmopolitan Building have all made it clear that they are aware that they have placed themselves in an area that has to be regulated more than most, but they feel that the police, especially those on the ground, are insensitive to their situation.

It is unreasonable to restrict people's access to their vehicles and properties without any consideration or provision for exceptions for local non-threatening people, in particular, when the power can be invoked at different times on different nights. The manager of the Orchid Hotel has said that she is not confident that tourists will return to the hotel after being locked out of the street and denied access to the secure car park under the hotel. After being contacted by so many members of the community concerning these powers, the discretionary power to regulate traffic should be changed to provide a better balance between the need to keep people safe and empower people to this aim with the access rights of locals.

With regard to Surfers Paradise where people invoke the traffic regulation section more than in other parts of the state, the minister should either give direction to the police as to suggested alternatives like other entry points to the area for residents or provide exceptions for business owners, locals and identified visitors if safety will not reasonably be put at risk. I only ask this of the minister because in practise the current power, which is meant to be discretionary, is being employed without reasonable consideration of the rights of the local community. Unlike the extended move-on powers in this bill, which do strike a good balance, in practice the traffic regulations are off balance.

I welcome the introduction of provisions about evading police officers, making it an offence for the driver of a vehicle to fail to stop when directed to do so by a police officer. However, section 443ZD does not appear to expressly require that the driver of the vehicle receiving a direction from a police officer be aware of the fact that the direction has been given. This may affect its practical application.

It was seemingly poor drafting that produced legal anomalies in the original antihooning legislation. This bill recognises that and has done well in addressing some of the shortcomings in the original act's drafting, and the extension of move-on powers and the Criminal Code is a welcome change. However, the practical operation of some of those powers remain in balance and, unfortunately, these draw criticism upon the admirable work that our police officers do for our community.

The police in the Surfers Paradise electorate do a super job. They are understaffed but they do a super job. Extending move-on powers—effectively, the coalition's gatecrasher policies—is a move that contemplates the practice of this super work. Imbalance remains where the practical operations of powers has not properly been contemplated. With those thoughts, I support this bill.