



Speech by

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MEMBER FOR BROADWATER

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POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS AMENDMENT BILL

Ms CROFT (Broadwater—ALP) (5.51 pm): Policing matters and the way in which local police respond to criminal activities is of great interest to the people of my electorate. My electorate has a number of active Neighbourhood Watch groups that meet regularly and there is a police consultative committee that is attended by representatives of various community organisations such as Rotary, the Progress Association, and the management of two major shopping centres. Police officers are held in high regard by my community. In my dealings with the Runaway Bay Police Station, under the stewardship of Senior Sergeant Murray Underwood, an efficient and effective service has always been provided to the residents and the business community of my electorate.

I rise to speak in support of the Police Powers and Responsibilities and Other Acts Amendment Bill 2006. The act was reviewed in 2003 by a committee and many of the changes that this legislation makes are as a result of the recommendations of that committee. The bill also includes some recommendations that were made by the QPS, the union, local government and this government.

Other speakers have and will continue to address the many changes that are contained within the bill—all of which I, too, support. However, I wish to place on record my support for a number of changes that relate to matters that were raised by residents through my office. In particular, I would like to talk briefly about the new offence of evading police. This initiative will save the lives of Queenslanders. Police pursuits result in the death of offenders, police and innocent bystanders. To minimise such deaths, it is necessary to minimise police pursuits. If police do not pursue under any circumstances, another problem is created for the community through the inability of the police to enforce the traffic and criminal laws.

Although in most cases police policy will prohibit pursuits, a scheme is necessary to deter offenders from evading the police and to give police the ability to investigate and prosecute people who fail to stop. The problem is one of identity. If police do not know who was driving the car, it is difficult to prosecute the offender, even if the registration number of the vehicle is known. Therefore, the scheme involves a limited reversal of the onus of proof. Where an owner or a nominated person is served with an evasion notice and does not make a declaration as to who was using the vehicle, the owner or person named by the owner will be taken to have been driving the car. It is a defence for a person to prove on the balance of probabilities that they were not the driver of the motor vehicle when the offence was committed.

These provisions involve proper police investigation and are not automatic in their application, as is the case with camera-detected offences. Whether a person actually evaded the police, as opposed to a person who is merely inattentive, is a question of fact to be investigated by the police and, ultimately, to be determined by the court in all the circumstances of the case.

The scheme makes provision for the impoundment and forfeiture of an offender's vehicle upon conviction and at the discretion of the court. Impoundment and forfeiture is in addition to any penalty otherwise imposed by the sentencing court. In principle, the provisions are similar to the road hoon car impoundment and forfeiture provisions.

I am confident that residents in my electorate will be pleased with these provisions. I am also confident that they will be pleased that the bill amends the assaulting police offence by creating a circumstance of aggravation for spitting on, biting or wilfully exposing a police officer to bodily fluids. This bill proposes that such crimes will be punishable by seven years imprisonment. It is also proposed that the election for dealing with the crime by indictment or summarily will rest with the prosecution. I believe that most people in my electorate will agree that this amendment meets the community's expectations. They highly respect our police officers.

I would also like to touch on the fact that the bill contains some amendments to the domestic violence legislation. These amendments allow any officer to be able to serve a domestic violence order. Previously, only a specific officer was able to serve an order. I am sure that that amendment will enable the apprehension and prosecution process of offenders to go through more smoothly.

I also want to mention the amendments that this bill makes to the powers for watch-house assistants. These changes will effectively provide police powers to appropriately trained civilians in the context of watch-house duties. This change will release sworn police officers from watch-house duties.

I am very pleased that these amendments that I have mentioned are included in this bill. Every day people I speak to tell me that they feel very strongly about the need to have practical measures that will ensure the better use of policing resources and will further deter inappropriate behaviour towards our hardworking law enforcement officers. I commend the committee for the work that they did in reviewing the very lengthy police powers and responsibilities legislation. I commend the bill to the House.