




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

 **Mr WATTS** (Toowoomba North—LNP) (4.23 pm): I rise to add my contribution to debate on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013. I first thank the minister for bringing this bill to the House. There are many important elements such as the blue-tape reduction, the out-of-control events and the evade provisions in the bill. As we all know, the evade provisions have been passed in a previous bill, so I will not spend any time on those today. I am a member of the Legal Affairs and Community Safety Committee and I certainly thank my colleagues on the committee and the secretariat for its hard work in preparing the report. I am pleased that the minister has accepted the recommendations that we put forward because they will add some weight to the bill.

I turn first to the issue of blue-tape reduction. A promise we made to Queenslanders upon getting elected was that we would restore front-line services. There are many ways to restore front-line services. For example, you could increase the number of police on the beat in Queensland, and we have done that and are making great strides in that direction and will continue to do so to ensure that we fully meet our commitments to the people of Queensland. Something else you can do is look for where you might be able to make some legislative changes to cut down on blue tape. Let us face it: if police are sitting down filling out forms and sitting in a back room doing blue-tape functions, then they are not out on the street protecting the community and they are not out there investigating crimes. They are simply going through processes that have been foisted upon them by this place and others. A review to identify various initiatives that have the potential to reduce the regulatory burden and increase operating efficiency is the kind of review that any good minister would want in order to get that kind of information, and that is exactly what this minister has done with the Queensland Police Service. It has reviewed and identified areas where it believes it can make simple legislative changes that will not affect anything other than freeing up police time. I will now deal with a few of those.

Clause 12 relates to the destruction of registered digital photographs. This clause will basically amend section 195L so that it will only require that the commissioner take reasonable steps to destroy copies. Subsection (5) inserts a broad definition of 'destroy' to include deleting an electronic copy and removing an electronic link to the photograph. What does all of this mean? It means that if the police have a photograph that needs to be destroyed they can simply delete it off their computer and the processes that existed before that which were taking considerable time for them to meet are no longer required. Can we guarantee on all occasions every party that ever might have seen this electronic photograph? In today's world I think that that is an impossibility. The commissioner has to take reasonable steps, and that would mean that any officer who did not follow those steps would face disciplinary action. So I think reasonable steps are good. I think this is a great amendment and certainly an initiative that will allow the police more time on the front line and less time in the office. Clause 13 is that a senior police officer can give written notice to a financial institution requiring it to

provide personal information about account holders, enabling police to gather necessary information to obtain a search warrant. This is also an important amendment. In a modern society, allowing the police to be able to do their job armed and equipped to follow up leads is a good thing. I am pleased with that amendment to the bill.

The one amendment that stands to make the biggest impact is clause 20, which allows the commissioner to use non-government laboratories to analyse DNA samples. This is an interesting amendment. As Assistant Commissioner Gollschewski said—

For example, the bill removes the requirement for a police officer to obtain a senior officer's approval before taking a DNA sample from a person being proceeded against for an indictable offence.

He went on, and this is the interesting statistic—

For the period 1 July 2012 to 17 June 2013 there were 14,378 DNA samples. The average length of time it takes a police officer to get a senior officer's approval is 10 minutes per sample; therefore, the removal of this requirement has a potential saving of about 2,396 police hours per year.

So members can see that a fairly simple amendment that is perfectly in line with what we would want—that is, a due process—can save 2,396 hours of police time a year. That will be time well saved that they will be able to spend in much better ways than seeking approvals from someone who is simply going to say yes.

The other clause that I wish to speak about relates to digital photographs. At the moment, there is a requirement that a photo be destroyed in the presence of a justice. With today's modern technology, can members imagine how long that would take and how much time front-line police would be using? This bill contains a good amendment relating to noise abatement. Anybody who has had anything to do with noise abatement legislation over the years would understand that one of the biggest frustrations for the police would be having to constantly go back to the same place to deal with the same complaint. One of the big fears for the complainant was that the noisy neighbour who was causing the problem may well have to be identified by the police when they arrived. So I think this amendment, which allows anonymity for the complainant and extends the period to 96 hours to stop the police having to constantly revisit, is a good amendment. In terms of blue-tape reduction, I think the amendments that are contained in this bill are sensible. I think they are measured. I believe that they will increase the police presence on the front line and reduce the blue tape that our police force has had to deal with. So I commend the minister for bringing forward those amendments and I would urge this House to support them.

That brings me to the second main thrust of this bill, which is to address out-of-control events. I have been involved in the hospitality industry and at different times I have provided a service to people who want to have a party at home but who are terrified of the consequences that might happen if information about their party gets out on social media. As someone who has helped people provide security for those events to make sure that they are properly managed, to make sure that they are properly staffed, to think through fire exits from homes and gardens and to make sure that people can come and enjoy a party in a sensible way and to make sure that only invited people are there, I can honestly say that the police have been handicapped when dealing with such events. This legislation will remove that handicap. We have to understand that social media has changed our world and that there needs to be a legislative response to what social media is capable of doing. In an electorate such as mine of Toowoomba North, someone might have 5,000 friends and they can send out one message on social media promoting a party to people who they put down as friends but who may be a little bit less of a friend and a little bit more of an acquaintance. That message goes out to potentially 5,000 people and all of a sudden the poor organiser of this party has people turning up who they do not want.

Unlike the member for Rockhampton, who thinks that this legislation will endanger family get-togethers and parties and stop people having the free use of their home, I believe that it will protect them. If unwanted people turn up to a party and the householder is trying to take reasonable steps to prevent them from coming inside, the police will have the power and the ability to deal with the people who are committing the offence. The member for Rockhampton thinks that that is a bad idea. With four teenage children who are looking to have parties at home, I would be very pleased to have the police turn up and get rid of people who are not invited, who are not welcome, who are in the wrong age bracket, who have brought alcohol to my home that I do not want and who start causing a ruckus and become a problem. I think that anybody who has a problem with this legislation really has rocks in their head and they would be very afraid to visit their mother or their grandmother, who could potentially have one of these out-of-control parties in the house next door to them. Those people would be asking them why the police do not have the power to stop that or to do anything about it. Here are the powers to be able to do it.

Then there was some talk about all of these things happening and that it would be absolutely terrible for the poor people who just wanted to have a barbecue with their friends. I ask the member to read the legislation and to look at the key definitions contained in it. An out-of-control event is defined as follows—

To reasonably fear violence to a person or damage to property.

What is wrong with a person being able to remove someone from the premises if they have a reasonable fear of violence to a person or property? Certainly, if someone like that was on my property I would want them to be able to be removed. I think it is good to have that meaning in the legislation to define what is an out-of-control event. An out-of-control event is further defined as—

To reasonably believe a person would suffer substantial interference with their rights and freedoms ...

I can see how the member for Rockhampton would be so offended by having the meaning of an out-of-control event defined as—

To reasonably believe a person would suffer substantial interference with their rights and freedoms ...

Why would it be so unreasonable to have that definition for an out-of-control event? These are the processes that will define what is an out-of-control event. If a person has some people on their premises who are committing violence or damage to a property, if they have a reasonable belief that these people will interfere with the rights and liberties of others, the police can come in and remove them. That is what I would want my police force to be able to do. So I am more than happy for that definition to be contained in this legislation.

The legislation provides the following further plank to the meaning of an 'out-of-control event'—

To reasonably believe a person would suffer substantial interference with ... peaceful passage through, or enjoyment of, a public place.

Here we go again! Is it such a terrible thing to protect the innocent from someone who might be wanting to interfere with their quiet enjoyment of a public place? Of course, we would want to give the police that kind of power and control over an unlawful event. The legislation provides the key definitions for an unlawful event to be regarded as an out-of-control event. People can have a barbecue with their family and friends. Unless their family and friends are committing violence or interfering with the rights and liberties of other people, or interfering with the peaceful passage of people through or the enjoyment of a public place, the event is not captured by this legislation. So what is it that we are worried about? Are we worried about protecting the rights of people who would commit violence and interfere with other people's rights and interfere with other people's peaceful passage through a public place? If we are, I suggest that this legislation is good and I certainly endorse it.

I refer now to the definition of 'out-of-control conduct' as contained in this legislation. Importantly, a person does not have to be committing an offence to meet this conduct criteria. This is a key point that has been missed by some on the other side. As someone who has been involved in the hospitality industry, I certainly understand that sometimes it would be really nice to pre-emptively remove someone before they cause a problem. There is nothing worse than having to stand there and wait until someone has been hit before you can act. So on private premises and in pubs that I have run, of course you would remove that person and the legislation exists to do that. This legislation, if passed, will give the police the ability to be able to do that. So the following are all classified in this legislation as out-of-control conduct—

(a) unlawfully entering, or remaining in, a place or threatening to enter a place.

That definition relates to a bunch of people who have received a message on their Facebook page turning up at your house and trying to get in and you saying no, they cannot come in. Why would people be concerned about giving the police the power to move those people on? If they are threatening to enter a place or if they are remaining in a place beyond when they are wanted to be there, I would want the police to remove them.

Out-of-control conduct is further defined in the legislation as follows—

Behaving in a disorderly, offensive, threatening or violent way—

for example—

Using offensive, obscene, indecent, abusive or threatening language—

or—

Taking part in a fight.

I do not know what kinds of parties the member for Rockhampton has with his family, but if I had family members around my place who were being abusive and offensive and using obscene or

threatening language or taking part in a fight, I would be only too happy for the police to turn up and remove them.

Again I do not see why people would be concerned about this act giving the police the power to be able to do that. The next classification of out-of-control conduct is unlawfully assaulting, or threatening to assault, a person. The event can be closed down if there are people exhibiting these things. Under current legislation, if someone assaulted someone on someone's premises the police do not necessarily have the ability to close that party down. There would be a great deal of hoops to jump through and a great deal of arguments. Under this legislation, they can take control of the situation, they can remove those people and those people can be dealt with according to the law. I think it is a good piece of law.

Let us have a look at another one: unlawfully destroying or damaging, or threatening to destroy or damage, property. Why would anybody be afraid of giving the police the ability to stop people destroying or damaging or threatening to destroy our property whilst they are at a party at our home? The next out-of-control conduct is wilfully exposing a person's genitals or doing an indecent act. While I do not know what kind of parties some members might attend, if people are doing that at a party at my house I am only too happy for that to be considered out-of-control conduct and remove that individual. In relation to the next classification, causing or contributing to the emission of excessive noise, this comes back to the noise abatement that we were talking about earlier. I think if people buy homes in the suburbs and want to live in the suburbs then they should be able to have the quiet enjoyment of their home. This legislation will stop people abusing the power to have a party in the street. There are strict guidelines for pubs and clubs where they have to abide by such legislation and to extend that into people's homes if they have organised one of those parties is a good piece of legislation, particularly if this party has been organised for profit. I am aware of some of these parties that get out on social media where people are making \$10,000 and \$15,000 profit off people coming through. To be able to give the police the ability to close that down and take action against that person I think is a particularly good piece of legislation.

The classifications go on: unlawfully lighting fireworks or using fireworks; throwing, releasing or placing a thing in a way that endangers, or is likely to endanger, the life, health or safety of a person. All of these such unreasonable things the member for Rockhampton would allow people to come into my home and do without giving the police the ability to remove them. I do not think that the people of Queensland want these acts going on in their homes, particularly if these people have not been invited. The legislation to give the police the ability to control these situations, particularly before they get out of control, is a good piece of legislation. I do not understand why there would be such an offence committed to people to provide this legislation that will allow us the quiet enjoyment of living in the suburbs. If people want to party, party in the precincts where there are police and procedures in place to protect them and to provide safe environments where people have been given licences to do so.

Before I run out of time I will talk about the meaning of 'organised' because it is important. The meaning of 'organised' is 'being substantially involved in arranging, hosting, managing, advertising or promoting the event'. Some of these people are making thousands of dollars by using social media to have an illegal party in the suburbs that destroys everybody else's quiet enjoyment of their suburb, of their home, and we at the LNP are not going to tolerate this kind of behaviour in our society. I commend the minister for giving the police the pre-emptive ability to control it before someone gets hurt, before it gets out of control, before property gets damaged. I commend the bill to the House.