



Speech By
Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 18 September 2018

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

 **Ms SCANLON** (Gaven—ALP) (3.01 pm): I rise to speak in favour of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018. As the daughter of an ex-Gold Coast police officer, I know how important it is that we give our men and women in blue the powers they need to keep our communities safe. However, I am also very mindful of the need to have legislation that is consistent with our Constitution and strikes the right balance between a person's rights and the need to hold offenders to account. I believe that this bill addresses both of those points.

My office has received a number of complaints about hooning over the last few months. We have had some horrible incidents in my electorate where hoons have smashed into homes and stationary vehicles and then fled. People are rightfully concerned about their safety, both on the roads and in their homes. I know that our police do a great job with the resources and legislative framework they have, and this bill aims to strengthen those powers in relation to the evade police provisions. We know that police investigations into offences where the driver of a motor vehicle fails to stop at the direction of a police officer in a police vehicle often results in the offence remaining unsolved. This is primarily due to police not being able to identify the driver at the time of the offence.

Between 2014 and 2016 the number of reported evade police offences has increased from 3,249 to 5,031. In 2017 there were 4,628 reported instances of evade police offences. From the period 2014 to 2017 the percentage of unsolved evade police offences increased from 46 per cent to 63 per cent. We know that drivers evade police interceptions for a number of reasons. For example, the driver may be unlicensed, intoxicated or have committed an offence and is evading police to prevent capture. Research suggests that drivers who evade police tend to have extensive traffic and criminal histories, and these types of offences are more difficult to deter than drivers with no offence history.

The QPS pursuit policy encourages alternative options for apprehension other than pursuing drivers who evade police interception. This is due to risk based factors including the potential danger posed to members of the public, police officers and occupants of the fleeing vehicle. While I can certainly see the validity in this policy, the issue has been that when police allow a vehicle to flee—and in doing so avoid a potentially dangerous pursuit—the police may not know or be able to positively identify the driver at the time of the incident.

To address this concern, this bill provides police with investigative powers and tools to identify the driver of a fleeing offending vehicle without the need to engage in a pursuit. These include the power to serve an evasion offence notice on the registered owner of the vehicle that requires the owner to provide certain information to investigating police. In particular, when the owner is served with an evasion offence notice by the police and they do not know who the driver was, the owner will now be required to provide additional information in a statutory declaration including: who had access to their vehicle; how they had access to that vehicle; and how frequently each driver uses that vehicle. In effect,

this bill places a stronger onus on the owner or nominated person of a vehicle to assist police in the identification and successful prosecution of offenders. The maximum penalty for the new offence is 100 penalty units.

In order to balance these new information requirements, the bill increases the time an owner has to respond to an evasion offence notice from four business days to 14 business days. The bill also addresses the current situation where the owner of a vehicle used in an evasion offence is able to rely on the defence that they were not the driver at the time, even if they did not provide a statutory declaration as required. Under the bill, an owner will not be able to rely on the defence in circumstances where they have not provided a statutory declaration to police as required by an evasion offence notice.

The bill balances this restriction on the use of the defence with the ability of the owner to raise in court that they had a reasonable excuse for not giving the statutory declaration as required, or evidence in their defence came to their knowledge more than 14 days after the person was given an evasion notice, or it is in the interests of justice that the person be able to rely on the evidence in their defence. These provisions were subject to a review in 2011 by the then Crime and Misconduct Commission, which made 13 recommendations for change. Of these, seven required legislative amendments. The Palaszczuk government's tabled response supported the recommendations, and this bill gives effect to the seven legislative recommendations of that review.

I make no apology for strengthening the powers needed by front-line police to investigate and solve evasion offences. Drivers who wilfully evade police interception place all road users at serious risk of harm, and the amendments in this bill go a long way towards addressing this concern.

The other point I wish to speak to today relates to the monitoring of child sex offenders. It was a Labor government that had the foresight to introduce the Dangerous Prisoners (Sexual Offenders) Act in 2003, and these laws are working. Queensland has the strongest laws in the country to monitor dangerous sex offenders who have served their jail terms. The Palaszczuk government stands with these victims and we stand with the community and against those who prey on our children. That is why we are strengthening our tough laws to protect the community from child sex offenders.

These changes will ensure that child sex offenders who have completed their supervision under the Dangerous Prisoners (Sexual Offenders) Act will be monitored for the rest of their lives. When their DPSO order ends, a child sex offender will automatically be subject to reportable offender provisions under the Child Protection Act. That means that if they are living in the community they will have dozens of reporting conditions including where they live, where they travel, any contact with children, any changes to their name or appearance, what phone and internet companies they use, and their social media accounts and passwords. If they breach any of these reporting conditions they face up to five years in jail. This bill supports the Palaszczuk government's priority to keep our communities safe. It is a bill worthy of support and I commend this bill to the House.