




Speech By  
**Adrian Tantari**

**MEMBER FOR HERVEY BAY**

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Record of Proceedings, 19 April 2023

**POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION  
AMENDMENT BILL 2022; POLICE POWERS AND RESPONSIBILITIES AND  
OTHER LEGISLATION AMENDMENT BILL 2023**

 **Mr TANTARI** (Hervey Bay—ALP) (4.36 pm): I rise in support of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 and Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 that we are debating in cognate this afternoon. In my contribution I want to address the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 that the Economics and Governance Committee, of which I am a member, examined. The main objective of the bill is to address several issues of community concern including child sexual offending, hooning and cybercrime offences. It will do that by amending various acts covering these offences. Firstly, I will turn to child sex offender reporting periods.

By way of a little bit of background, child sex offender reporting obligations in Queensland are currently five years, 10 years and then life. As a result of amendments introduced in 2014 by the previous Newman LNP government, at that time Queensland had the shortest reporting periods of any Australian jurisdiction. All other Australian jurisdictions have incremental reporting periods from eight years to 15 years and then life, depending on the offender's history or child related offending. This bill will amend the child protection act of 2004 to make the incremental reporting periods in Queensland from 10 years to 20 years and then life. This will result in Queensland having the toughest child protection reporting regime in Australia. This change to the legislation locks in and enhances protection for some of the most vulnerable within our community and that is our children. With this legislation the Palaszczuk government is ensuring the reporting obligations of child sex offenders are extended to provide maximum safety and security for the community. This must be welcomed by all of us in this chamber.

I want to now concentrate on the other offences in this legislation, which are covered by that section of the bill that relates to offences connected to type 1 vehicle related offences. There is no single hooning offence under the Queensland law. The type of antisocial driving behaviour collectively recognised as hooning is defined as type 1 vehicle related offences. They include any of the following offences committed in circumstances that involve: a speed trial, a race between motor vehicles or burnouts; an offence against the Criminal Code, effectively dangerous operation of a vehicle committed on a road or in a public place; an offence against the transport operations act, basically careless driving; an offence against other parts of the transport operations act, which includes racing and speed trials on roads; or wilfully starting a motor vehicle or driving a motor vehicle in a way that makes unnecessary noise or smoke.

Under this legislation if a person is caught committing a type 1 vehicle related offence, their vehicle may be impounded for 90 days for that offence. If a person is caught committing a subsequent type 1 vehicle related offence within five years of committing their first type 1 vehicle related offence, the vehicle may be forfeited to the state. For five years after the first offence, the offender is on notice

that if they are caught committing another offence, their car could be seized. Members may recall an example of that recently when we saw what happened to a seized car out the front of this place. Suffice to say it was not pretty by the time Emergency Services staff had finished their training on it.

We know that this penalty is pretty strong, but it is meant to be. This legislation serves as a warning. This change to legislation is necessary because far too many drivers are endangering the lives of others by their reckless acts of dangerous behaviour on our public roads. Our local roads are not racetracks. If you like the thrill of speed and want to drive a vehicle at speed, join a motor club. There are many safe options available for people to pursue that activity and keep our local roads safe. Like many in my community, I applaud the police minister, Mark Ryan, and the Palaszczuk government for taking this action to further secure the safety of the drivers on our roads who do the right thing.

It is acknowledged that there is frustration for police and the wider community with the mass gatherings at night that attract hoons at locations such as industrial estates, shopping centre car parks and other car park areas. At these places, individuals are encouraged in their hooning activity by spectators who may upload recordings. Organised groups record and promote this offensive behaviour by uploading recordings and images on social media. Investigations of these offences are made very difficult by offenders hooning in motor vehicles that cannot be readily identified through the removal or alteration of the vehicle's numberplates, or by the attaching of numberplates that are stolen or do not belong to the vehicle. Additionally, individuals may have been located by police at car meets in the possession of vehicle registration plates that do not match any vehicles that are present at that meeting. It is suspected that these plates will be later fixed to vehicles intended to be used to commit type 1 related offences.

The bill amends the Summary Offences Act to include conduct involving a type 1 vehicle related offence by including new offences that prohibit the encouragement of and complicity in hooning offences and by including the possession of items for the purpose of committing a type 1 offence; for example, numberplates, spare wheels and hydraulic jacks. These offence provisions will carry a maximum penalty of 40 penalty units, or 12 months imprisonment. Elements of the offence will not capture a person who films hooning activity for the purpose of making a complaint to police or who films or photographs as a part of a lawful event. The effect of the new offence will be applicable to a person who photographs or films a motor vehicle being operated to commit a type 1 vehicle offence for the purpose of organising or promoting the participation of persons in such group activity.

We all know through our electorates that public notoriety has become a key determinant for individuals to commit serious offences, particularly in this age of social media. This alteration to the act will limit and deter this behaviour. What the government is doing here is effectively nipping this type of activity in the bud, limiting the capacity for individuals and their mates to grandstand and endanger our community. We all need to fight this hard, and this legislation enables the Queensland Police Service to take action against this rampant narcissistic behaviour.

It is acknowledged that a further loophole that is exploited by hoons is the wording of the offence of making 'unnecessary noise or smoke'. Hoons place substances on the road, such as fuel or oil, to reduce friction between the vehicle and the road resulting in the loss of traction and enabling the reckless driving a vehicle without necessarily causing noise or smoke. This bill includes a new offence in the transport operations act to prohibit a person from wilfully operating a motor vehicle in a manner that causes the vehicle to undergo a sustained loss of traction by one or more of the vehicle's wheels. This offence will apply in a public place as well as on the road.

A common tactic to avoid detection when committing hooning offences is to obscure or remove the numberplates of the vehicle used to commit the offence. An alternative method to avoid detection is to affix the numberplates from another vehicle. Although the transport operations act regulation comprehensively outlines the various ways numberplates can be inappropriately used, this offence provision does not appropriately penalise offenders who commit this offence when hooning. The bill changes this and will increase the maximum penalty for these offences from 20 penalty points to 40 penalty points where the circumstance of aggravation of a type 1 vehicle offence is involved.

I take this opportunity to give a shout-out to those hardworking men and women of the Queensland Police Service across the regions who undertake their work in a very professional way every single day and who give their heart and soul to their duties for the people, particularly of Queensland and Hervey Bay. They do a great job and work hard to keep our community members safe. I have no doubt that members in this place are grateful for the service that members of the Queensland Police Service give to our community, albeit at times subject to the most disgraceful and threatening behaviours from individuals who believe it is their right to abuse and threaten.

I would also like to support the amendment to be moved by the minister in consideration in detail. The amendment of the Police Service Administration Act 1990 is to establish a police reserves workforce. I think this is a good move to support frontline policing and will use the vast experience of

former police officers who can be employed at short notice. While not underplaying the value of this amendment, it may also give opportunity for some of our current sitting members—such as the member for Ninderry—to take up employment after their time here, particularly if things go south for them at the next election! We are looking after you, Dan. We considered you when formulating that amendment.

I thank all participants for their contribution to this legislation. As a member of Economics and Governance Committee, I acknowledge the work done by the committee and acknowledge the chair, the member for Logan; the deputy chair, the member for Mermaid Beach; and the committee secretariat for their work in reviewing the legislation. I have no doubt that members in this place are grateful for the work that has been done. This legislation creates a more modern legislative framework to underpin policing powers in our state. I support the bill and the foreshadowed amendments.