Speech By

Melissa McMahon

MEMBER FOR MACALISTER

Record of Proceedings, 24 August 2023

CHILD PROTECTION (OFFENDER REPORTING AND OFFENDER PROHIBITION ORDER) AND OTHER LEGISLATION AMENDMENT BILL

Mrs McMAHON (Macalister—ALP) (4.35 pm): I rise to make a contribution to the bill and amendments that are currently before the House. Like a few other speakers, I will talk to the substantive bill briefly. I acknowledge that the origin of the bill is at the request of police who work in this particularly delicate area and are requesting the tools and powers they need to keep children safe. It is noted that the mode of offending is always changing. Technology is always advancing and offending is always at the forefront of that technology and, as always, we seem to be playing catch-up.

I also note in the substantive bill there is reference to supporting our federal agencies and sharing information with them, particularly in relation to the development of registers. I have had some experience working with other states and federal agencies in putting registers together, particularly in relation to offenders, so I understand that this is an important step, but I caution people that it will take time to bring all states together to make sure that we have a register that is fit for purpose across all states. I commend the work that the QPS and other agencies will be doing to deliver that.

What I want to do now is focus on the amendments that are before the House. There are a few so I will drill down to the areas that I feel that I can speak to and perhaps help a few members of the House who are perhaps not as well informed about some of the procedures, particularly around policing and custody.

First is the work around the decriminalisation of section 10 of the Summary Offences Act—that is, decriminalising public intoxication. This is an issue that has already been considered by the parliament. There was an inquiry into it, a report into it and we debated that report in this House. Stakeholders have been engaged and they have made submissions.

What this amendment does is provide an alternative framework for dealing with intoxicated people in public. For those who are not aware, this was largely already in place. Under section 378 of the Police Powers and Responsibilities Act police were able to take action other than arrest for someone who is intoxicated in a public place. I will highlight this for people. The one thing that a police officer generally does not want to do is have somebody in custody. If there is a way they can deal with a public order job that does not involve paperwork, police are all for it.

I worked for many years in high public disorder areas such as Surfers Paradise. I did this before section 378 was enacted and after section 378 was enacted. I can tell members that in every single instance when we came across a person who was intoxicated in public, the first thing we tried to do was find their mates and say, 'I suggest that your friend has had a little bit too much to drink. It might be time for him or her to go home. How about we make that happen.' That is the best possible alternative. The person who is drunk and could potentially be a danger to themselves or others is in the care of their friends and off they go. That is great. Everyone continues on and we all have a good night.

Section 378 also provided us with the opportunity to take someone to a place of safety. This place of safety regime has been in since 2000. In those instances, if we came across an intoxicated person and they did not have any friends looking after them, we were able to say, 'Is there somewhere I can take you? Are you able to go home? Do you have a friend's place?' You would transport them there. You would find a person at the place of safety who was prepared to look after them. They even signed a bit of paperwork to say that they would look after them. That is it—job done. No-one is in custody. No-one is arrested. If that did not work, you could take them to another organisation, an NGO, who provided a dry out space such as Murri Watch in Woolloongabba. I did that many times. We did not go to the watch house. No-one was arrested.

Finally, if there was no other option, we could arrest and we would hold them in the watch house until such time as they sobered up. Then they would be cash bailed for an amazing sum like $2 and out they would go. They would forfeit the $2. They would never have to appear in court. That was a cash bail system. They were arrested, but there was no criminal court process that happened after that.

In the inquiry there was a submission from the QPS. I heard members opposite saying that the QPS does not want this. Actually, the submission by the QPS said that they would still need to have some level of detention framework. They could not operate in the public order space without the ability to detain as a last resort. That is exactly what this amendment provides. It provides for a last resort, for police to detain, for police to search and for police to transport a person to a watch house for only as long as it takes for them to sober up and then they are released. It is much like the system already in place, where someone is not fronting the courthouse system. They are just there for their own safety and everyone else's safety. It is business as usual for police but without the idea of them being arrested and criminalisation after that.

I understand that there was some concern by people that, when we take away the ability of police to charge someone with public drunkenness, police are going to go for the public disorder offence. I can tell members that that means more paperwork. Let's go back to rule No. 1: we do not want to do paperwork if we can get away with it. Police will charge someone with a public disorder offence—public nuisance—if the person is creating a public nuisance, and there are behaviours someone must display in order to do that. It is not just being drunk in a public place. That was always the difference. For police, this is, as I said, business as usual.

The last thing I want to touch on is the issue of custody and changes within the youth justice system. I spent quite a bit of time as a watch house keeper. I can tell members it is not a jolly. We do not want you walking through a watch house. It is not there for fun. It is not a great place to be. I can tell you that the grumpy watch house keeper is because someone has brought someone in for custody. Even the watch house keeper does not want anyone in the watch house.

When a juvenile comes into a watch house, believe me, that is the last place that we want them, but it happens. The process is that the juvenile goes to court and, if the magistrate places a juvenile on remand or on a custodial sentence, they have to go somewhere—and guess what? Police watch houses are co-located with courts, so the police officers in the dock will escort the juvenile to the watch house, process them, put them in a separate cell to everyone else and then call Corrective Services and organise for the prison van to come and take them to the jail. Sometimes that can happen that same day. Sometimes it can happen the next day, depending on the time of the court and what the round of the prison van is doing. Sometimes if they are waiting for a bed it can take a few more days. Believe me, no-one wants that juvenile in there for any longer than they have to be.

This amendment is legalising the current process. We are not going to have more juveniles in custody. It is the same process we already have. It is just that when magistrates order sentences or remand where someone needs to go into the custody of the chief executive of Corrective Services, for that short time that juvenile is in the watch house they will be considered to be in the custody or under the care of the chief executive of Corrective Services. We are not increasing the number of juveniles in the watch house; we are just providing the legal basis for the process that is already happening.

The fact that this government is investing in two new therapeutic juvenile justice detention centres shows that we do have a plan, and that is why there is a sunset clause on this. I am sorry that these detention centres do not pop up overnight. It takes a lot more effort to build a juvenile detention centre than an adult one because we need all these other things. It takes longer. We will put these things in place to make sure that any juvenile who goes into a watch house is out of there as soon as possible. I commend the amendments to the House.