


POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JM DEMPSEY** (Bundaberg—LNP) (Minister for Police and Community Safety) (12.22 pm): I present a bill for an act to amend the Police Powers and Responsibilities Act 2000 and the Evidence Act 1977 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill 2013.

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill 2013, explanatory notes.

I am pleased to introduce the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013. The bill has a number of purposes including to:

- enhance the effectiveness of, and efficiency in, delivering front-line policing services to the Queensland community through blue-tape reduction;
- implement an out-of-control event scheme; and
- amend the evade police provision to ensure the minimum penalty is 50 penalty units (\$5,500) or the equivalent period of 50 days imprisonment is imposed.

This bill introduces tough laws to address the increasing occurrence of out-of-control events. The bill aims to minimise the community impact of out-of-control events and ensure police have the necessary powers to respond to or prevent these events from occurring. The bill will also bring those responsible for out-of-control events to account for their actions.

The bill supports the government's commitment to revitalising front-line services through reducing red tape and thereby increasing the capability of the Queensland Police Service to enhance community safety. Furthermore, the bill amends the evade police provision of the Police Powers and Responsibilities Act 2000 to ensure that penalties imposed by the courts remain equal with the risk posed by those persons who evade police.

The bill inserts the out-of-control event scheme into chapter 2, part 7 of the Police Powers and Responsibilities Act 2000. These events are at the more serious end of the scale of antisocial behaviour. They often involve large groups of people whose conduct results in community members fearing violence to themselves, their families or damage to property. Many participants in these out-of-control events become subject to mob mentality to the point that bottles, fence palings and even bricks have been thrown at our police officers and others in the community.

While police officers currently have powers to deal with a riot or an unlawful assembly, the conduct of persons at an out-of-control event may not reach this level of unlawful behaviour. Also, while police officers have powers to deal with breaches of the peace, public nuisance and affray, none of these offences are targeted at persons who organise events which become out of control and are, importantly, frequently undertaken for profit. Parents responsible for either allowing their child to hold the event or contributing to it through inadequate supervision cannot be held accountable under current laws. Furthermore, existing noise abatement and move-on powers are not applicable to all instances of out-of-control events. The most common events which become out of control are those generally referred to as open house parties or Facebook parties. These parties often result in large numbers of people attending, an excessive amount of alcohol consumption or drugs followed by alcohol fuelled violence and other antisocial or criminal conduct.

The government recognises that, of all the parties that occur, only a small number of events would require the use of this scheme. To ensure the out-of-control event powers are utilised in appropriate circumstances only, the bill requires the use of the powers to be authorised by a police officer of at least the rank of sergeant. The bill requires a sergeant or above to reasonably believe that an out-of-control event is occurring or that an event is likely to become an out-of-control event. In addition, for an event to be an out-of-control event, it must satisfy three criteria: It must be a gathering of 12 or more persons; three or more persons must engage in out-of-control conduct; and the out-of-control conduct must be of such a nature that it would likely cause a person to fear violence to a person or property or cause a person to reasonably believe a person would suffer a substantial interference to the rights or freedoms of a person or passage through or enjoyment of a public place.

The bill defines out-of-control conduct as including a number of unacceptable behaviours which typically occur at out-of-control events. These include unlawfully entering or remaining in a place or

threatening to enter a place; behaving in a disorderly, offensive, threatening or violent way; unlawfully assaulting or threatening to assault a person; unlawfully destroying or damaging property or threatening to destroy or damage property; wilfully exposing a person's genitals or doing an indecent act; unlawfully lighting fires 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; or unreasonably obstructing the path of vehicles or pedestrians.

The bill enables police officers to prevent out-of-control events from occurring, stopping out-of-control events that are underway, dispersing people involved in out-of-control events, minimising the impact of out-of-control events on public order or safety, and identifying people who organise such events or commit offences during such events under this scheme. To do this, the bill provides powers for police officers to stop a vehicle or enter a place without a warrant. Further, police officers can give a person or a group of people a direction to stop any conduct or to immediately leave the out-of-control event. A police officer can also take any further steps they consider reasonably necessary in the circumstances. The bill creates an offence for a person to organise an event which becomes an out-of-control event. It specifically says that, if a parent allows a child to organise the event, that parent will be liable for the offence.

It is important at this point to note that the 'parties to offences' provisions found in section 7 of the Criminal Code will also apply to these amendments. By this I mean that any person who helps or procures a child, or an adult for that matter, to have an out-of-control event will be as liable for the offence as if they committed it. The maximum penalty for organising an event that becomes out of control will be 110 penalty units (equivalent to \$12,100) or one year's imprisonment. If the person who organised the event does not reside at the place the event is held or does not have lawful authority to use the place for the event, the maximum penalty increases to 165 penalty units (equivalent to \$18,150) or three years imprisonment. The bill provides adequate safeguards by providing a defence for a person who proves they took reasonable steps to prevent the event becoming an out-of-control event.

019 The bill also includes an offence provision for when a person has been refused entry to an event and that person engages in out-of-control conduct, causing the event to become an out-of-control event. In this circumstance, the maximum penalty is 110 penalty units or one year's imprisonment.

A person who contravenes a direction given by a police officer under this scheme commits an offence with a maximum penalty of 110 penalty units, or one year's imprisonment. The maximum penalty increases to 165 penalty units, or three years imprisonment, if that person contravenes a direction by: unlawfully assaulting, or threatening to assault, another person; unlawfully destroying or damaging, or threatening to destroy or damage, property; or throwing, releasing or placing a thing in a way that endangers, or is likely to endanger, the life, health or safety of another person. Out-of-control events impose a heavy burden on police resources and significantly impact on the delivery of police services to the remainder of the community. Resourcing impacts are not limited to the event location, but extend to the broader locality as attendees disperse and continue to commit offences and display antisocial behaviour. This includes areas where groups of people recongregate, such as parks and transport hubs.

The bill allows a court to make a costs order against an adult, child or parent of a child offender who is found guilty of any of the offences I have mentioned. The costs order is in addition to any penalty to which the person is liable. The court may order the person to pay some or all of the reasonable expenses of the police response to the out-of-control event. If the offender is a child, the court may consider whether the child has the capacity to pay. If the court considers the child does not have the capacity to pay, the court may, on its own initiative or upon an application by the Commissioner of Police, decide to call on the child's parent to show cause as to why the parent should not pay all or some of the reasonable expenses of the police response.

This bill inserts chapter 7, part 7 into the Police Powers and Responsibilities Act 2000 as one of the amendments aimed at enhancing the efficiency of the Police Service. Part 7 enables a police officer of at least the rank of inspector to require a financial institution to provide account name or account number details within a stated time period. The requirement for the supply of information is supported by an offence provision in the event of noncompliance with a maximum penalty of 100 penalty units. The offence is balanced with a defence provision.

The bill makes a number of other amendments to the Police Powers and Responsibilities Act 2000 aimed at enhancing efficiency of police services. For example, the bill extends the duration of a

noise abatement period from 12 hours to 96 hours and allows police officers to act on an anonymous noise complaint. The bill removes the requirement for senior officer approval to be sought to take a DNA sample from a person being proceeded against for an indictable offence. The bill enables the Commissioner of Police to use non-government laboratories, in addition to Queensland Health, to analyse DNA samples. The bill will also authorise forensic nurse examiners to perform forensic procedures.

The bill amends section 754, 'Offence for driver of motor vehicle to fail to stop motor vehicle' to clarify that the only alternative minimum penalty that a court can impose, instead of the 50 penalty unit fine, is 50 days imprisonment to be served wholly in a corrective service facility. This amendment removes other sentencing options such as suspended sentence and probation as alternatives to the minimum penalty of 50 penalty units for evading police. The amendment further clarifies that a court cannot fix a date for parole eligibility or parole release which will reduce the 50 days imprisonment period the person must serve if a court sentences the person to a term of imprisonment.

This bill enhances the efficiency and effectiveness of front-line police services to Queenslanders by removing unnecessary red tape and ensuring police officers have the necessary powers to enhance community safety. Additionally, the bill sends a strong and clear message that people who organise out-of-control events or cause events to become out of control will face significant fines and prison terms. Those people will also be made to pay for all or some of the costs of the police response to the events. This includes parents who allow their children to organise these events or contribute to their occurrence through failing to adequately supervise their children. The significant penalties detailed in the bill will deter people from organising these events for monetary gain by removing their ability to profit from such events.

This government listens to the Queensland community, who have had enough of these out-of-control events and the resulting alcohol fuelled violence, mob mentality and destruction of property. This government will protect Queenslanders by providing police with the powers to shut down an event which is likely to become an out-of-control event. I commend this bill to the House.

First Reading

Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police and Community Safety) (12.35 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date

Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police and Community Safety) (12.35 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee reports to the House on the Police Powers and Responsibilities and Other Legislation Amendment Bill by 11 November 2013.

Question put—That the motion be agreed to.

Motion agreed to.

~~PARLIAMENT OF QUEENSLAND AMENDMENT BILL~~

~~Introduction~~

~~**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney General and Minister for Justice) (12.35 pm): I present a bill for an act to amend the Parliament of Queensland Act 2001 for a particular purpose. I table the bill and the explanatory notes.~~

~~Tabled paper: Parliament of Queensland Amendment Bill 2013.~~