

Submission by
YOUTH ADVOCACY CENTRE INC
to the
LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE
of the
QUEENSLAND PARLIAMENT

Regarding the
POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL 2013

OCTOBER 2013



“Young people today are unbearable, without moderation... Our world is reaching a critical stage. Children no longer listen to their parents. More and more children are committing crimes and if urgent steps are not taken, the end of the world as we know it, is fast approaching”

Hesiod, Greek poet, **8th Century BC.**

“Our youth now love luxury. They show disrespect for their elders....they contradict their parents, chatter before company, gobble up dainties at the table and tyrannise their teachers”

Socrates, Greek Philosopher d. **399 BC.**

The Youth Advocacy Centre Inc (YAC) has been operating for over 30 years and offers free, legal services, youth support and family support assistance and services to young people generally 10 years to 18 years (inclusive), particularly those who are in, or are at risk of being in, the youth justice system or the child protection system, and who live in or around Brisbane. It provides support on a limited basis to those under 10 and over 18 years of age and to young people outside of Brisbane via telephone, website and publications.

All services offered are voluntary and confidential. This means that YAC staff only work with a young person if they want to work with YAC staff and no contact is made with anyone (eg families, teachers, police, other adults) without the young person's permission (unless there is a risk of serious, immediate harm to the young person or someone else).

In any dealings with a young person, YAC is guided by the Convention on the Rights of the Child, in particular:

- the right of young people to be treated equally irrespective of “colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”;
- the right of a young person to have an opinion and to be heard in all matters affecting the young person; and
- the best interests principle to include consideration of the views of the young person.

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Introduction

The Youth Advocacy Centre Inc (YAC) thanks the Committee for the opportunity to comment on the *Police Powers and Responsibilities and Other Legislation Amendment Bill (2013)* (the Bill).

YAC is in agreement that the police should have the ability to ensure the protection of public safety. However, we submit that the proposed amendments to chapter 2 of the *Police Powers and Responsibilities Act 2000* (PPRA) set out in the Bill are not only excessive but unnecessary and inappropriate:

- the PPRA already contains provisions that allow the police to intervene to prevent breaches of the peace or to prevent criminal or liquor related offences from being committed¹
- the behaviours which constitute “out-of-control conduct” are already criminal offences and punishable accordingly
- the proposed amendments will disproportionately and unfairly affect young people, who are the demographic most likely to congregate in groups and/or hold parties, particularly with the low threshold in terms of numbers
- in any event, the Bill does not address the problem complained of – large numbers of people, use of social media to advertise the event generally and some large events which become problematic being put on by people for financial gain
- similar legislation was introduced in Western Australia in late 2012, with questions being raised there as to the appropriateness and effectiveness of the proposed provisions. There is no information as to how they are working in WA and therefore the appropriateness or relevance of replicating that regime in Queensland
- an approach that suggests all social issues can be effectively dealt with by introducing legislation is unsound. It would be more effective, and less burdensome on the public purse in the long term, to introduce an education campaign for young people and their parents to ensure that the risks associated with hosting a “Facebook Party” are known and to give young people and their parents sufficient information on how to host an event and minimise the risk of it becoming out of control, without the additional financial and social costs associated with the creation of new offences and an expansion of police powers.

1. Current Legislation

Chapter 2 of the PPRA gives the police the power to: deal with breaches of the peace; prevent a riot; prevent criminal offences or offences relating to liquor from occurring.² **Section 50** of the PPRA states:

(1) This section applies if a police officer reasonably suspects—

- (a) a breach of the peace is happening or has happened; or
- (b) there is an imminent likelihood of a breach of the peace; or
- (c) there is a threatened breach of the peace.

(2) It is lawful for a police officer to take the steps the police officer considers reasonably necessary to prevent the breach of the peace happening or continuing, or the conduct that is the breach of the peace again happening, even though the conduct prevented might otherwise be lawful.

¹ *Police Powers and Responsibilities Act 2000* (QLD) ss50-53A.

² *Police Powers and Responsibilities Act 2000* (QLD) ss50-53A.

Further **section 52** states:

(1) This section applies if a police officer reasonably suspects an offence has been committed, is being committed, or is about to be committed.

(2) It is lawful for a police officer to take the steps the police officer considers reasonably necessary to prevent the commission, continuation or repetition of an offence.

These two sections, along with sections 53 and 53A which deal with offences relating to liquor, give the police power to take reasonable steps to prevent the breach of the peace, or the unlawful offence from occurring. The stated purpose of the Bill is to give police power to prevent or shut down out-of-control events which cause a member of the public to reasonably fear violence to a person or damage to property. Given this intention and the manner in which it is carried through in the draft provisions, it would be reasonable to assume that an event of this nature would involve a breach of the peace, or the commission of a criminal offence. The event would therefore meet the requirement that a police officer reasonably suspects that a breach of the peace or unlawful offence is likely to occur.³ Given that the police already have sufficient powers to intervene or prevent these kinds of events from occurring, there would appear to be no justification for the proposed expansion of police powers. Certainly no demonstrable and verifiable evidence has been provided in the Explanatory Notes.

Section 53BC of the Bill states that each of the following is considered 'out of control' conduct:

- a) unlawfully entering, or remaining in, a place or threatening to enter a place;
- b) behaving in a disorderly, offensive, threatening or violent way;
 - *Examples for paragraph (b)*—using offensive, obscene, indecent, abusive or threatening language or
 - taking part in a fight;
- c) unlawfully assaulting, or threatening to assault, a person;
- d) unlawfully destroying or damaging, or threatening to destroy or damage, property;
- e) wilfully exposing a person's genitals or doing an indecent act;
- f) causing or contributing to the emission of excessive noise mentioned in section 576(1);
- g) driving a motor vehicle in a way that causes a burn out within the meaning of section 69;
- h) unlawfully lighting fires or using fireworks;
- i) throwing, releasing or placing a thing in a way that endangers, or is likely to endanger, the life, health or safety of a person;
- j) unreasonably obstructing the path of a vehicle or pedestrian;
- k) littering in a way that causes, or is likely to cause, harm to a person, property or the environment;
- l) being drunk in a public place;
- m) conduct that would contravene the *Liquor Act 1992*, part 6;
- n) conduct that would contravene the *Drugs Misuse Act 1986*, part 2.

Existing legislative provisions provide police with the ability to deal with each of these types of conduct as they are all current criminal offences. For example, the proposed section 53BC (a) and (b) states that unlawfully entering or remaining in a place or threatening to remain in a

³ Ibid.

place, or behaving in a disorderly, offensive, threatening or violent way constitutes “out-of-control conduct”. However, sections 46 and 48 of the PPRA already give the police power to give an individual a direction to move on in relation to public space where the individual is:

- a) causing anxiety to a person entering, at or leaving the place, reasonably arising in all the circumstances; or
- b) interfering with trade or business at the place by unnecessarily obstructing, hindering or impeding someone entering, at or leaving the place; or
- c) disorderly, indecent, offensive, or threatening to someone entering, at or leaving the place; or
- d) disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the place.⁴

Further, section 52 PPRA gives the police the power to take steps to prevent the commission, continuation or repetition of an offence. Given all of the acts that constitute “out-of-control conduct” in the proposed section 53BC c mirror offences contained in current legislation⁵ police already have adequate power to intervene at any point to prevent unlawful acts (re)occurring.

It is noted that the proposed amendments relate only to gatherings of more than 12 people whereas the current laws apply in relation to any number of people. This creates an anomaly within the criminal law in that people charged at an ‘out of control’ event will be at risk of consequences which they would not be subject to were they charged, in relation to the same conduct, under existing legislation.

Western Australia

Amendments similar to those proposed by the Bill were passed by the Western Australian Parliament in late 2012. Prior to the *Criminal Law (Out-of-Control Gatherings) Bill 2012* (the WA Bill) being passed, a number of issues were raised, bringing the effectiveness and appropriateness of that legislation into question. As with the proposed Queensland legislation, the purpose of the WA Bill was to give the police additional powers to: declare an event an out of control event; prevent an event from becoming an out of control event or shutting down an event that has been declared an out of control event. Similarly, the WA Bill made provision for the host, whether a young person or an adult, to bear the cost of any damage caused by hosting an out of control event (although it does not make a parent or guardian liable as the Queensland Bill proposes). The WA Bill was criticised on a number of accounts, which would be applicable to the Queensland Bill.⁶

It might seem to the general observer that Queensland is simply following the lead of WA without there being any real evidence of the need for “copycat” legislation – quite literally as it is clear from comparison of the two pieces of legislation that the WA Bill has been used as the template for the Queensland one. This is discussed further below.

Young people’s behaviour has always been the subject of moral panic

The Explanatory Notes to the Bill note:

⁴ *Police Powers and Responsibilities Act 2000* (QLD) s 46, 48.

⁵ *Criminal Code 1899* (QLD) ss245, 461, 469; *Summary Offences Act 2005* (QLD) ss6, 9 and 10; *Police Powers and Responsibilities Act 2000* (QLD) s 576(1), 69A; *Liquor Act 1992* (QLD) part 6; *Drugs Misuse Act 1986* (QLD) part 2; *Explosives Act 1999* (QLD) s 11; *Littering and Waste Reduction Act 2011* (QLD) s 103

⁶ Western Australia. 2012. “Criminal Law Amendment (Out- Of –Control Gatherings) Bill (Hansard)” Accessed 26 September, 2013.

A typical out-of-control event is characterised in part by the large number of people attending, many of whom are under 18 years of age. The most common events of this type are generally referred to as 'open house parties' or 'Facebook parties' due to the use of social media to promote or advertise the event. People attending bring their own alcohol, which is consumed to excess, leading to alcohol fuelled violence and other anti-social or criminal conduct.

Out-of-control events impose a heavy burden on police resources and significantly impede the delivery of policing 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 re-congregate such as parks or transport hubs. It is not uncommon for this sort of anti-social behaviour to result in excessive noise and party goers fighting in the street, smashing bottles and screaming abuse at local residents.

Whilst police have always dealt with anti-social events, the ever increasing size, frequency and societal impact of these out-of-control events in recent times has necessitated the development of specific legislation. Such legislation is required to provide police with the power to effectively respond to these events and to provide a greater deterrence to overcome the celebrity or profit individuals seek through organising such events.

Young people are the dominant demographic likely to go to or host parties that have the potential to be captured by the legislative amendments, as young people do not have access to entertainment facilities available to adults, most of which require money – tickets, entry fees, etc. Young people also have a tendency to gather in groups and this seems to be the basis of most fear around, and distrust of, young people.

The notion that punitive legislation is necessary to prevent young people from hosting parties which are at risk of becoming "out of control" is not a new one. Youth culture has long been the subject of moral panic.⁷ (See also the quotes on the cover page to this submission.) However importantly no evidence has been presented to support the contentions that:

Whilst police have always dealt with anti-social events, **the ever increasing size, frequency and societal impact of these out-of-control events in recent times** has necessitated the development of specific legislation⁸; or

A **typical out-of-control** event is characterised in part by the **large number of people attending, many of whom are under 18** years of age.

The public support for making both young people and their parents liable for conduct occurring as the result of large parties is very similar to the public outrage regarding the behaviour of young people involved in the Bodgie and Widgie culture in the 1950s, where young people were portrayed as immoral and corrupt and were frequently hosting house parties that were disturbing the peace. This behaviour sparked numerous media reports that called for increased punishments to be imposed on both the young people and their parents to prevent and deter their behaviour. Some of the newspaper articles included headlines such as "Bodgie Party Wrecks Private Home",⁹ and included statements like: "As a tax payer I object to police

⁷ Moore, Keith. 2004. "Bodgies, Widgies and moral panic in Australia 1955-1959." *Centre for Social Change Research Queensland University of Technology*.
http://eprints.qut.edu.au/633/1/moore_keith.pdf.

⁸ NB: unless otherwise indicated, all emphases are added by YAC and not in the material quoted

⁹ "Bodgie Party Wrecks Private Home" *Canberra Times*, 1957, accessed September 26, 2013

having to keep in order irresponsible children of irresponsible parents. I would suggest the birch rod for delinquents and a garnishee of their parent's income" or "car loads of police were rushed to the exhibition ground last night when around 200 Boddies threatened to riot." Another article reported an incident involving hundreds of teenagers jiving in Albert Street, after attending a rock concert. The police were called to break up the group of young people: however upon their arrival the police were abused. Like the article above, this increased public support for the re-introduction of corporal punishment for teenagers.¹⁰

More recently the issue of out-of-control parties was raised in Queensland in a 2006 report by the Safe Youth Parties Taskforce on behalf of the then Minister for Police and Corrective Services (the 2006 report). This report considered the impact that the media were having on the public perception of youth parties becoming out-of-control. The report concluded that **while the majority of youth parties did not become out-of-control, there was a small percentage of parties that became out of hand**, due to excessive alcohol consumption, lack of parental supervision, gate crashers and changes in technology – especially the introduction of SMS messages that allowed the details of a party to be simultaneously spread to large numbers of young people. This increased the likelihood of uninvited guests trying to gain access to a party or gathering, and for the event to become out of hand. The report argued that it was **important for parents and young people to be aware of the risks of hosting a party in a residential home, and indicated that there needed to be a focus on community education, regarding how to host a party in a residential home without it becoming out-of-control**. It also indicated that the general public was of the opinion that if the perpetrators (young people) could not be held legally or financially liable for any ensuing damage, then their parents or guardians should bear the responsibility that the out-of-control event incurred.

The headlines and statements made in these articles can be compared to recent media reports relating to the conduct of young people hosting open house or Facebook parties. Recent headlines include: "Facebook Party Mayhem"¹¹ and "2000 Facebook Party Animals: Chaos as Drunken Revellers Pelt Cops"¹² and include statements like: "I have had enough, police have had enough and the community has had enough of alcohol and drug-fuelled violence stemming from suburban parties and we want to put legislation in place to protect our communities."¹³

Headlines and statements made in these more recent articles clearly demonstrate how the issue of young people's behaviour continues to be the subject of moral panic, and the introduction of increasingly punitive legislation continues to be seen as the only solution. However the issue of young people hosting and attending parties that are viewed as "out of control" has been a matter of media comment for the last 60 years at least and it would seem that, in fact, that the current situation is not more significant than it has been in the past: while Deputy Commissioner Gollschewski, at the public briefing of the Committee on the Bill, in response to a question about prevalence of "out of control" events, asserted that there had been a "proliferation in these sorts of events" but that this was not unique to Queensland or, indeed, Australia, did not provide any statistics in support of this and only moments before had advised the Committee:

¹⁰ Wiseman, Neil. 2011. "Bodgie threat to civilisation." *The Sunday Mail*, April 3, 2011. Accessed September 26, 2013.

¹¹ Myers, Russell. 2008. "Facebook Party Mayhem: Exclusive." *The People (UK)*, 2 November 2008. Accessed 3 October 2013.

¹² Burns, Janice. 2010. "2000 Facebook Party Animals: Chaos as Drunken Revellers Pelt Cops." *Daily Record (UK)*, 13 February 2010. Accessed 3 October 2013.

¹³ "Facebook Party Fines" *Bowen Independent*, 10 July 2013. Accessed 3 October 2013.

I think the point that has to be made is **that it relates to a very small proportion of events that occur. Even for this year—and we are currently in September—we are talking about 18 events across the state, and there is a community of 4.6 million people who come within that particular area.** The unique aspect of those particular events is that they are outside the norm and require an outside-the-norm response by policing.

Further, in reality the introduction of restrictive legislation fails to deal with the underlying social issues and does not serve to educate young people and their parents about the issues and risks associated with social media use.¹⁴ There is no reasonable basis to expect that continual expansion of police powers will actually lead to a reduction in the instances of ‘out of control’ gatherings or other anti-social conduct. In fact there is a real risk that reliance on the new powers will bring police and party goers into greater conflict thereby escalating the risk of conflict and breaches of the law. The measures in the bill are no different to the punitive approach that has traditionally been applied to little effect to regulate the behaviour of young people, and fails to recognise the underlying issues.¹⁵

- **The legislative amendments do not address the issue complained of and will disproportionately and unreasonably affect young people**

As noted above, young people are the group most likely to be captured by the legislation as the group for whom this is a key social activity. Should the current amendments to the PPRA be passed, normal iconic social events such as 18th and 21st birthday parties, engagement parties and even weddings are likely to be caught by these provisions as a result of the low threshold. Many young people will be unable to host any event in a private residence due to the risk of liability that this legislation creates. For example:

- the proposed section 53BI states that where a person has been refused entry to an event, and engages in out of control conduct near the event, the event itself can be classified as an out of control event.
- section 53BI (2) makes the host liable for the out of control conduct that is caused by the person who was refused entry.

These provisions will make young people and their parents liable for conduct they have no control over. Further, these provisions could punish young people who were trying to do the right thing and have refused entry to uninvited guests, possibly to prevent inappropriate behaviour.

Attributing ongoing liability to people for the actions of others who have in fact been turned away from the gathering illustrates the oppressive nature of these proposed amendments. Not being able to host any gatherings in a private residence with more than 12 people without taking steps such as hiring private security to ensure that they do not become liable under these proposed amendments is expensive and impractical.¹⁶ Many young people will not have the financial capacity to hire private security and be precluded from holding parties. Many will not think that **their** gathering will be problematic in any way and thereby run the risk of both criminal and financial liability.

This could have a number of consequences: young people will not host any parties or events with more than 12 people, which has the potential to force more young people to congregate

¹⁴ Western Australia. 2012. “Criminal Law Amendment (Out- Of –Control Gatherings) Bill (Hansard)” Accessed 26 September, 2013.

¹⁵ Tilley, Nick. 2009. *Crime Prevention*. Willam Publishing: United Kingdom.

¹⁶ *Police Powers and Responsibilities and Other Legislation Amendment Bill 2013 (QLD) s 53BH (3).*

in public space, and in the absence of entertainment or recreational facilities available to them, thereby increase the risk that they will come into conflict with others, including the police. Alternatively, they (or their parents) will become criminally and financially liable for unintentionally hosting an event which police regard as 'out-of-control'. The young person or their family may try to manage the security themselves, such as by using family members or friends to act as security but without the relevant training in managing conflict situations which could inadvertently lead to an event becoming 'out of control' as conceived by the amendments.

As noted above, the Explanatory Notes state that

"A **typical out-of-control** event is characterised in part by the **large number of people attending**, many of whom are under 18 years of age. The most common events of this type are generally referred to as '**open house parties**' or '**Facebook parties**' **due to the use of social media to promote or advertise the event**. People attending bring their own alcohol, which is consumed to excess, leading to alcohol fuelled violence and other anti-social or criminal conduct." (Our emphasis)

"Whilst police have always dealt with anti-social events, **the ever increasing size**, frequency and societal impact of these out-of-control events in recent times has necessitated the development of specific legislation." (Our emphasis)

"These events are at the more serious end of the scale of anti-social behaviour. They can **involve large groups of people** whose conduct results in community members fearing violence to themselves and their families as well as property being damaged. Many participants of these out-of-control events become subject to mob mentality to the point that bottles, bricks and even fence palings have been thrown at police officers and community members." (Our emphasis)

"Also, whilst police officers have powers to deal with breaches of the peace, public nuisance offences and affray, none of these offences are targeted at persons who organise events which become out-of-control **and are frequently undertaken for financial gain**." (Our emphasis)

Size therefore seems to be a key issue, with the large number of people attending attributable to the use of Facebook or similar. Yet the proposed provisions come into play when only 12 people are gathered together (hardly a large number: most respectable dinner parties or family barbecues could expect to host at least as many) and managing 3 or so people who might behave inappropriately is well within police resources.

In the public briefing of the Committee on the Bill, Deputy Commissioner Gollschewski noted:

The majority of events that would fall within this scheme range in attendance from **about 100 persons to 1,000 persons**.

He then referred to a number of events involving: 250 youths; 100 youths; 200 youths; 150 youths; 157 youths; 20 gatecrashers involved in "out of control" behaviour; 20-30 involved in a serious brawl; 40 persons involved in a fight which spilt out on to the street.

Deputy Commissioner Gollschewski also noted that police know when an event is being promoted on Facebook:

Regional intelligence officers monitor Facebook for upcoming parties. Even though many of the organisers do not reveal the address of the event until just before the event commences, the community impact, harm to persons attending the event and impact upon policing resources are minimised the earlier the event can be shut down.

The legislative provisions do not require, for example, that to be liable for the behaviour of anyone associated with the event, the person organising the event must have intentionally or

recklessly distributed invitations to the event in such a way that it would be reasonably foreseeable that large numbers would attend and the venue would not be suitable for such numbers (for example, an invitation to the “world at large” through social media) resulting in serious disturbance of the local community. The bill does not make any reference to events which are undertaken for financial gain, which we would argue is a different kind of event altogether since it is in the nature of a business venture and where it might be appropriate to attach a level of responsibility, particularly in relation to the use of security staff.

We would note that even when the host of an event does not advertise, or distribute invitations over a social media platform, this does not prevent invited guests from promoting the event over social media, or using a social media platform to note their intention to attend which may thereby indirectly notify others of the event. Again, this could result in large numbers attending the event but the host should not be responsible for this as they cannot control what others do.

Not only is it unjust that young people and their parents can be liable for conduct over which they had no control, the penalties prescribed for offences provided for in the Bill are excessive, carrying prison sentences of between one and three years, or fines in excess of \$18000. It is particularly concerning that the Bill proposes a person found guilty of an offence may be required to pay the police commissioners ‘reasonable costs’ in relation to the event, a situation unknown in the criminal law save in the entirely distinguishable situation where police are burdened with the costs of investigating a false complaint. This imposes what is, in effect, an additional penalty in a situation where the Bill is entirely lacking in safeguards; does not provide guidance for the courts exercising the power regarding situations where such an order would be appropriate; nor does it set out any test to establish the costs sought in a particular instance are ‘reasonable’. We note that the limit on the maximum amount a parent can be ordered to pay by way of such costs is as per section 259(7) the *Youth Justice Act 1992* (YJA), namely 67 penalty units or \$7370. However, section 235(2) YJA is not invoked in relation to a child offender:

(b) an order that the child pay compensation (**not more than an amount equal to 20 penalty units**)[\$2200] for loss caused to offence affected property.

The Honourable Ms Barton MP noted at the Committee’s public hearing that the Police Commissioner had said that “the cost of dealing with these parties is about \$50,000 for the QPS”. Clearly no child would have capacity to pay such an amount.

Research has shown that creating offences and increasing penalties do not of themselves deter people from offending. People do not consciously undertake a cost-benefit analysis, weighing up the potential sentence if they are caught and found guilty of an offence versus the benefit they personally get from the action they take. This is particularly so for young people as neuro-scientific evidence shows that brain development at this point is more focussed on risk and control mechanisms in the brain are not well established at this point. Young people’s offending is also generally opportunistic (stealing from an unlocked car) and in response to the immediate situation they are in (getting involved in fights).

Conclusion

While we agree that some regular legislative reform is necessary to ensure that the law keeps pace with social change, legislative reform is not a sound solution for dealing with what is essentially a social issue. YAC has consistently advised that, based on the research and evidence, “tough on crime” approaches do not have the desired outcome. Constantly turning to legislation to resolve what are often socially-driven issues is neither effective nor desirable.

The law is a very blunt instrument for such purposes and we submit that these legislative amendments are ill-conceived and poorly focussed.

The proposed changes are manifestly excessive as they are not actually aimed at the problem posed but would encompass a whole range of scenarios with the potential to hold young people and their parents unreasonably criminally and financially responsible for matters beyond their control. The attendant breaches of fundamental legislative principles concerning the rights, liberties and obligations of individuals cannot be justified. **If legislative changes are favoured, they should be strictly limited to apply to the specific issue, in particular: large parties (minimum of 100 people), evidence of “world at large” invitation and/or for financial gain.**

The better focus would be a preventative one - to educate young people and their families of the risks of advertising events using a social media forum (directly or indirectly), rather than allowing the police to take a punitive approach once the event (and possible damage/injury) has occurred.

Communities could also assist their young people by seeking funding or resources dedicated to creating entertainment precincts for young people who are under the age to 18, so that they have somewhere to go to socialise with their friends (in relatively large groups) and will not feel the need to host or attend open house parties or Facebook parties.

In any event, no extension to police powers is necessary as the police already have all the powers required to deal with ‘out of control’ behaviour currently captured by offence provisions across a suite of legislation. No satisfactory rationale has been provided for the proposed amendments.

It may also have been useful to allow sufficient time for some review or evaluation of the effects of the WA legislation (which came into force in December 2012) to be considered before enacting substantially the same legislation in Queensland. We have not identified any material in the Explanatory Notes or information provided to the Committee by QPS which comments on how the WA provisions are/are not having the desired results and any issues with their implementation which would be relevant.

We thank the Committee for its consideration of our concerns.