



LEGAL AFFAIRS AND COMMUNITY SAFETY SUB-COMMITTEE

Members present:

Mr IM Berry MP (Chair)
Miss VM Barton MP
Mr SK Choat MP
Mr AS Dillaway MP

Staff present:

Mr B Hastie (Research Director)
Ms K Christensen (Principal Research Officer)

PUBLIC BRIEFING—POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL 2013

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 26 SEPTEMBER 2013

Brisbane

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Subcommittee met at 10 am

CHAIR: Good morning. I declare this public briefing for the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013 open. Thank you for your interest and for your attendance today. The Legal Affairs and Community Safety Committee is a statutory committee of the Queensland parliament and, as such, represents the parliament. It is an all-party committee which adopts a non-partisan approach to its inquiries. Due to conflicting parliamentary schedules, today's hearing is being conducted by an authorised subcommittee of the legal affairs committee.

I would like to introduce the members of the subcommittee with me today. I am Ian Berry, the member for Ipswich and chair. The other subcommittee members are Mr Sean Choat, who is deputy chair for today's proceedings and member for Ipswich West; Ms Verity Barton, member for Broadwater; and Mr Aaron Dillaway, member for Bulimba. Other members of the committee were unable to be here today, hence the subcommittee has been formed.

On 12 September 2013 the Minister for Police and Community Safety introduced the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013 into parliament. The bill was then referred to this committee for examination and report to the House by 11 November 2013. This morning the committee is being assisted in its examination of the bill by officials from the Queensland Police Service.

The committee's proceedings are lawful proceedings and are subject to the standing rules and orders of the Queensland parliament. I ask all people present to turn off mobile phones or put them onto silent mode. In the unlikely event of the need to evacuate, please follow staff directions. Members of the public are reminded that they are here to observe the hearing and may not interrupt the hearing. In accordance with standing order 208, any person admitted to this hearing may be excluded at the discretion of the chair or by order of the committee. Representatives of the media may attend and may record the hearing.

GOLLSCHEWSKI, Deputy Commissioner Steve, Strategy, Policy and Performance, Queensland Police Service

UTZ, Senior Sergeant Bob, Queensland Police Service

CHAIR: Good morning. Thank you for coming today. Deputy Commissioner Gollschewski, before we move to questions from the committee, would you like to start with an opening statement in relation to the bill?

Deputy Commissioner Gollschewski: Good morning. Thank you for the opportunity to brief the committee in relation to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013. The committee would be aware that one of the main purposes of the bill is to implement an out-of-control event scheme. Let me begin by saying that the intent of this scheme is not to ban all parties. We do not want people to stop hosting events and enjoying themselves. Every year in Queensland there are thousands of legitimate events held. Where appropriate standards of behaviour are maintained, these events will be unaffected. Many celebrations may be loud and guests may be a little overexuberant. The majority of these events never escalate to the point where there is a real fear of violence to persons or property. They do not necessarily cause the local late-night convenience store to close its doors, nor do they cause such concern that people will not walk down the street past the event or are even fearful of going into their own backyard.

The out-of-control event scheme is focused on those events at the more serious end of the scale of antisocial behaviour. For an event to be an out-of-control event under this scheme, it must meet three criteria: there must be 12 or more persons gathered together at a place; and three or more persons associated with the event must engage in out-of-control conduct at or near the event; and the out-of-control conduct must be of such a nature that it would cause a person at the event or in the vicinity of the event to either reasonably fear violence to a person or damage to property, or reasonably believe a person would suffer substantial interference with their rights and freedoms, or reasonably believe a person would suffer substantial interference with their peaceful passage through, or enjoyment of, a public place.

There may be some people who will feel that the threshold is set too low. It is worth noting that the requirement for 12 or more persons being gathered at a place is the same number of persons required to constitute a riot under section 61 of the Criminal Code. Furthermore, the requirement for three or more persons associated with the event to engage in out-of-control conduct is the same number of persons required to be present together for an unlawful assembly under section 10A of the Summary Offences Act.

Not all events have to be large to end violently. In January this year a party of about 17 guests ended up with five persons receiving knife wounds. To ensure that the powers provided to police are utilised in appropriate circumstances only, the bill requires this use to be authorised by a police officer of or above the rank of sergeant. Furthermore, this officer must make a written record of the circumstances that led the officer to authorise the use of the powers. The majority of events that would fall within this scheme range in attendance from about 100 persons to 1,000 persons. The majority of attendees are teenagers who drink excessive amounts of alcohol resulting in alcohol fuelled violence and other antisocial and criminal conduct. Frequently this includes the emission of excessive noise, persons fighting at the event and in the streets, damaging property, smashing bottles, and abusing and threatening local residents. For example, at Acacia Ridge a party advertised on Facebook was attended by up to 250 youth, some as young as 11. When the party was broken up, about 100 youths regathered in another street and blocked the path of a council bus. When the bus driver refused to let persons from the group on the bus, people from within the group threw objects including bricks and bottles at the bus, resulting in the bus being severely damaged. When police attended, they were pelted with bricks. Two officers were injured and other police had to drag the injured officers onto the bus for protection.

At Eagleby, police were called to a party organised on Facebook which was attended by about 200 youths. Upon arrival, police were confronted by a large group on the roadway. When police attempted to disperse the crowd, some of the partygoers turned on them, throwing rocks, bottles and fence palings, damaging three police vehicles. In Gympie a young person decided to hold a party while their parents were away for the night. Information about the party got out on Facebook and 150 persons turned up for the party. Under-age drinking, drugs and the arrival of about 20 gatecrashers contributed to the party getting out of control and triggered a serious brawl involving 20 to 30 persons. One teenager suffered five stab wounds to his arm, chest and back. Other terrified teenagers hid in rooms while persons tried to kick in doors. The house was extensively damaged.

So far this year I am aware of 18 events that would have fallen within the scheme. I have details of other events should the committee be interested. These have occurred from Gold Coast to Mareeba. As has been stated in the written brief to the committee, the majority of powers under this scheme are not new but have been specifically tailored to the out-of-control event scheme by addressing existing legislative gaps. This will provide police with the necessary powers to respond to events which are out of control or likely to become out of control. Possibly the most significant power provided under this scheme is the ability of police to take pre-emptive action where it is reasonably believed that the event is likely to become out of control.

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.

Another significant feature of the out-of-control event scheme is making those responsible for out-of-control events liable to significant penalties. The definition of 'organise' is necessarily broad and enables several persons to be prosecuted for organising a single event. It is immaterial whether or not any other organiser of the event knows of, or consents to, another person's involvement in organising the event. For example, a person who actively promotes an event as an open house party on Facebook and does so without the knowledge of the person hosting the event may be held as organising the event. In these circumstances and subject to additional considerations, the person hosting the event may have a defence of organising the offence, whilst the person promoting the event may be liable to prosecutions.

This will also capture those persons who as a commercial undertaking coordinate events on behalf of under-age persons. This includes organising the venue and entertainment in exchange for a cover charge attendees must pay. A recent example of these commercial undertakings was an event in Rocklea in July this year where 157 teenagers attended a 17th birthday party held in a warehouse. The event coordinator sublets that warehouse for the purposes of holding such parties. Attendees at this event brought their own alcohol with them and were required to prepay a \$15 admission fee prior to attending. At this event a fight started in the premises and spilled out onto the

street, with two groups of about 20 persons in each group. One youth was punched and fell on the road, hitting his head, causing a severe fractured skull, and was found unconscious and bleeding from the ear. The warehouse where the event was held was in a state of disrepair, with industrial rubbish pushed up into piles. There were no smoke alarms, no fire hoses, no emergency lighting and no accessible emergency fire exits. The operator had no relevant approvals or permits for the events.

The bill provides a defence to the organising offence where a person can prove they took reasonable steps to prevent the event from becoming an out-of-control event. Reasonable steps may include making entry to the event invite only; not advertising the event on social media; providing an adequate number of adult supervisors or security; only allowing minors to consume alcohol where a responsible adult for the child is present; preventing persons from becoming overly intoxicated; planning how to deal with unduly intoxicated or disorderly persons; mitigating noise; ensuring the event location is suitable for the number of guests and nature of the event; minimising the impact the event has on the amenity of the surrounding area, including guests departing the event; and registering the party with local police. It would be unlikely persons organising events where it is intended that hundreds of youths would attend and consume excessive amounts of alcohol would be able to avail themselves of this defence. Even the presence of a number of security personnel would not be sufficient in the circumstances to rely on the defence due to the high risk that the event would become out of control.

The bill also creates offences for persons who gatecrash an event, causing it to become an out-of-control event and for persons who contravene a direction given under an out-of-control event scheme. The bill provides significant maximum penalties for persons who commit offences under this scheme, being \$12,100 or one year's imprisonment or, if a circumstance of aggravation applies, \$18,150 or three years imprisonment. The maximum penalties are considered appropriate and provide a general deterrence to persons committing offences. This is particularly so when it comes to people organising an event for commercial gain who have total disregard for the harm they cause. One individual who has organised several Facebook parties this year was reported in the *Sunday Mail* as making between \$10,000 and \$12,000 per party. These penalties make it clear they will not profit from organising such events.

As the committee is aware, 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. The bill provides courts with the power to make orders for persons who commit offences under this scheme to pay all or some of the reasonable expenses of police responding to out-of-control events. These costs include police time in minimising the impact on the broader community of persons dispersing from the event.

The bill, by applying the relevant provisions of the Youth Justice Act, enables the court to require a parent or guardian of a child found guilty under this scheme to show cause why they should not be ordered to pay all or some of the reasonable costs of the police response. In making its determination the court will consider whether the parent or guardian may have contributed to the offence by not adequately supervising the child and whether it is reasonable in the circumstances that a parent or guardian should be ordered to pay all or some of the costs. Pursuant to the applied section 260 of the Youth Justice Act, the maximum amount that the court can order a parent or guardian to pay is 67 penalty units or \$7,370.

As recently as last Saturday night, police attending a Facebook party at Clontarf in relation to a breach of noise abatement direction had bottles and cans thrown at them. This necessitated all units within the Redcliffe district responding to disperse 200 persons from the event. The bill will not be a panacea that prevents all future out-of-control events; however, it will provide a significant deterrent to the commission of offences and provide police with the necessary powers to minimise harm and societal impacts caused by such events.

The blue tape reduction amendments provide positive benefits for the Queensland Police Service and the Queensland community; however, due to the number and disparate nature of the proposals, it has been neither feasible nor efficient to seek to quantify benefits or scrutinise each proposal with a view to measure success in terms of financial or resource savings. While many of the proposals do not provide cashable savings, they will ensure valuable policing resources are directly focused on serving the Queensland community. For example, the bill removes the requirement for a police officer to obtain a senior officer's approval before taking a DNA sample from a person being proceeded against for an indictable offence. For the period 1 July 2012 to 17 June 2013 there were 14,378 DNA samples. The average length of time it takes a police officer to get a senior officer's approval is 10 minutes per sample; therefore, the removal of this requirement has a potential saving of about 2,396 police hours per year.

The bill amends the evade police provision in section 574 of the Police Powers and Responsibilities Act to ensure that the only alternative minimum penalty 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 a suspended sentence and probation as alternatives to the minimum penalty of 50 penalty units for evading police. The amendment further ensures that a court cannot fix a date for parole eligibility or parole release which will reduce the 50 days imprisonment that the person must serve. I am happy to take any questions in relation to the bill.

CHAIR: Perhaps I might start by asking a question in relation to the major part of the bill in terms of out-of-control events. The word 'place' is not defined. Does a 'place' really mean anywhere, whether private land or public land?

Snr Sgt Utz: 'Place' is actually defined within the Police Powers and Responsibilities Act and includes any place—public place. It can take place on a number of titles, so it covers basically any place. It can even be on water. It includes a vehicle and a vessel.

Mr CHOAT: My question is probably best answered by the deputy commissioner. Recently there has been similar legislation put in place in Western Australia. I am just wondering if you have had any feedback as to how effective that has been in dealing with these modern Facebook parties and other similar out-of-control events?

Deputy Commissioner Gollschewski: Thank you for the question. Yes, there is. Our understanding is that all matters that have been put before the courts have resulted in convictions. There has been one contested matter; however, the persons involved were found guilty of those offences. There are some distinctions between our legislation and theirs in that the aggravated offences, and certainly the ability to take preventative action, are much stronger in our legislation. My colleagues in Western Australia are very positive in their outlook in terms of how it has had an impact on parties. I do not have the exact details in terms of reduction quantified for the committee, but the feedback from our colleagues over there is that it is a very effective piece of legislation.

Mr CHOAT: You mentioned the preventative action that will be part of the legislation in Queensland. Are you able to give a bit of an insight into things that the police force may be able to do to prevent parties actually getting out of control?

Deputy Commissioner Gollschewski: Yes, absolutely. We already do some of this work, and it is done a lot through our regional intelligence capability where we monitor social media trying to identify indications of parties being advertised and also through our Party Safe registrations, those types of things. What we will go towards is actually improving our ability to try and monitor the community for indications of parties being proposed and also those persons that are regularly involved in the organisation of parties so that we can actually track their activities and put in place a response so that we can get on the front foot with it. Regrettably, some of them hold back the exact details of where it is going to occur until right at the last moment. It is circulated on through social media, Twitter and the like, and people will gather. But through effective monitoring of those media we will be able to respond pretty quickly. The idea being, of course, is that even when the party starts there is usually some period before they get out of control because of the use of alcohol or other substances. So even if we are getting there only just before they occur we are still in a position to take preventative action and prevent them getting out of control, which is the real issue.

CHAIR: I will just follow up with one question in response to your answer to the member for Ipswich West which relates to a comment you made about registering the event. I just might tease that out. Say, for example, I am going to hold a party and I know it could get out of control, so I want to register the event to ensure that you know. So I am looking at what time do you need—because you mentioned about social media and the need to reconnoitre what is going on—to whom do I report it? Is there anything else that I really need to know to make sure that I have fulfilled my responsibility for being involved in this party?

Deputy Commissioner Gollschewski: Much of this can be accessed through the QPS website and through our own social media. Certainly at a local level it is an issue that we take up through our various mechanisms where we interface with the community. The service has undertaken advertising in this space in the past to alert the community to the Party Safe registration and encourage that. It is certainly an area we will need to look at and ensure that we have it right with the implementation of this bill and enactment of the legislation so that it is not a reactive response and that we are on the front foot in terms of engaging with the community and making them aware that there is this opportunity to register. Because as the chair has alluded to, sometimes it is not the people at the parties; it is the ones that crash it and come to it that actually

cause it to become out of control. I do not have the details, but there is actually a package that anyone who wants to inquire can be given a checklist of the things that they should do and consider, depending on the type of party they want to run.

CHAIR: Just following up on that, let's say that I am in a difficulty because I believe I have registered, and I need to be able to prove that I have. That is the reason why I want to find out. Do you give me anything to say that I have registered the party so that I am not culpable for it getting out of control and I am a party to the offence? Can you give me an idea about how that would happen? Any reasonable, responsible parent would probably want to find that out.

Deputy Commissioner Gollschewski: Certainly. There are definitely records kept of it and through our systems and communications capabilities we are aware of these events occurring. Through our crime prevention capability at a local level they are recorded. I will maybe come back to you out of session as to what we may give them in terms of some verification that they have registered. I would imagine in this new electronic world it will be an email exchange where possible. But certainly if there is a document involved, I am not aware of it. We can follow up on that for you.

Miss BARTON: I was just wondering how you would respond to the civil libertarians' comments generally that this legislation is extreme and paramilitary.

Deputy Commissioner Gollschewski: 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 police. So our normal legislation does not allow us to deal with them effectively and quickly and safely. We have had events, as I alluded to before with Redcliffe, where the entire policing response is tied up for hours to try and get this type of thing under control. So if there is something else happening that is important in the community, our ability to respond to that is completely diminished in that area and sometimes nonexistent because of the risk to our young people and members of the community posed by these events. We should not forget too it is not just about the police; it is also our other emergency responders such as ambulance in particular that are being tied up. For every ambulance officer that is tied up dealing with people who are injured there, someone else who is at risk in the community for some illness is put on a list. One of the issues there is the preventative stuff; we would actually like to stop them happening. That is the perfect world for us. So we are not impinging on anyone's rights at all; we are stopping them before they occur. Then if they do occur, this new legislation will allow us to deal with them quickly and effectively. If we rely on the current legislation, we are stuck in the same place where it is going to tie up all our resources and take us hours upon hours in some instances to resolve them and not be able to mitigate the risk to the people that are involved as quickly as we need to.

Mr DILLAWAY: I would just like to understand: has the QPS estimated the cost to the broader community—not just the police service, but, as you cited, the ambulance service—of the damage that has been incurred in the last 12 months over those 18 events that you cited which would be classed as out of control?

Deputy Commissioner Gollschewski: No, we have not got a collated figure on that per se, but it is certainly an area we can do some work around should the committee feel that it is of value.

Mr DILLAWAY: I would certainly like, through the chair, if that estimation can be provided. I think it is important to understand the impact on the community broadly.

CHAIR: In relation to the policing, is it a fair comment for me to say that based on your experience and the data that you have got, that this phenomenon is increasing?

Deputy Commissioner Gollschewski: The answer to that is yes. There has been a proliferation of these matters and it is not unique to Queensland, nor is it, I think, particularly unique to Australia. It is part of the proliferation of the internet and the emergence of social media and the mobility of young people, their interconnectedness through the social media, and through that—as across all parts of our society—those that demonstrate and act out antisocial behaviour are able to use that medium to do that. When you throw alcohol into the mix, of course then you have got the additional risk. Our research into it indicates that yes, it is proliferating, but it is not unique to Queensland and, of course as we have already spoken about, Western Australia has recognised it as an issue and tried to take some action as well.

CHAIR: Just following on from that question, if it is not happening already, is it anticipated as to whether there needs to be a task force or officers on duty to anticipate a rapid response? I appreciate that ambulance may have their own issues in making sure that they have got officers available, but at this point in time what is the police force doing in relation to these events which can occur and the various degrees; if you could comment on that?

Deputy Commissioner Gollschewski: This fits into our broader future strategy for policing in Queensland. Commissioner Stewart is developing a blueprint for policing. Included in that are his strategies that he has already articulated in the recent restructure, which is around a boundaryless approach to policing and a more mobile, flexible approach to how we actually deploy our resources. What that is designed to do broadly is for these types of issues, that we can actually put our resources quickly where they need to be, when they need to be, and respond and prevent, in some instances, as best we can with the resources we have and not be constrained by traditional boundaries and where people work. That is not just for out-of-control parties. That is for everything that is causing harm and risk to our community in terms of what we are responsible for. So that fits right within what we are doing as an organisation. We are about to move to piloted mobility next month where our officers will have real-time access to our systems in their hands, so that is all part of our ongoing strategy. This particular issue is at the forefront of our mind. It is a matter of discussion at the senior executive level in terms of how we can look at better ways collectively to deliver the best services possible to address these issues.

Miss BARTON: My colleague from Bulimba asked before about the cost to society generally, but I note that back in July the commissioner said that the cost of dealing with these parties is about \$50,000 for the QPS. I was just wondering if you could detail how you come to a figure like that and also whether there is provision for the recovery of that amount from those who are responsible.

Deputy Commissioner Gollschewski: The cost for the QPS is based around an average of resources that we deploy to deal with these parties and the time that is required to be deployed to deal with them. That is a very narrow figure of course and the broader one when you look at the whole social cost—ambulance and factor in everyone else—means that there is a greater cost. That is based around our data that we have on the ones that we have had to respond to that fits within what would become an out-of-control event under this legislation. Cost recovery is certainly part of the bill, and maybe Senior Sergeant Utz can talk about that if you want some details around how that would be calculated and then applied within the court system. As we have in other instances where we have malicious complaints where police have to investigate and someone is found guilty of an offence for that and then we can cost recover, so there is a formulaic approach to how we calculate the costs for police services and that. So something similar would have to be applied in this event.

Snr Sgt Utz: With the legislation we currently have a number of other areas. With our noise abatement powers where we have a breach of direction and we go back, we can currently undertake costs against the persons for those sorts of offences now. So what we are just moving on to here is looking at a scheme to recover the extended costs, because with some of the events we have had 20 or 30 crews of police tied up for six hours because we have had 1,000 kids in an area. When trying to get them out of the neighbourhood, you just keep getting spot fires and spot fires you have to continually put out. Then once you get to train stations, there are more fights on trains. Five or six hours is not unusual for a response. Again, then you also have implications for Queensland Rail and others because then they have alcohol fuelled violence occurring on their train networks.

With working out the costings, one of the significant new players that has been coming into the game are the people undertaking it for profit. There are two types of profiteering from this. You have the person who is basically just holding his own party and charging admission, but then we also have had entry of a number of players who basically put on a coordinating function for the kids. Usually they are mostly under-agers. They will take all of the money from the cover charge. They will hire the premises and organise the party. The kids get all of their friends involved, it goes out through their social networks and these people are just profiteering from the folly of youth. Again, they bring their own alcohol and there is limited supervision. They have some security there, but when you have several hundred teenagers who are highly intoxicated it is just a recipe for disaster. These are the main ones we are looking at. The ability for us to get cost orders is discretionary for the court. It is either upon police application or it can be of the court's own volition. Where the person is an adult offender, the orders go against the adult. Where it is a child offender, the court will determine whether the child has a capacity to pay. If the child does not actually have the capacity to pay, the courts will be in the position through applying relevant provisions of the Youth

Justice Act to call on the parents to show cause why they should not be held to pay all or some of the costs because they have contributed to the offences occurring due to their failure to efficiently supervise their child. Is there anything further I can provide?

Miss BARTON: No, that is lovely; thank you.

Mr CHOAT: Deputy Commissioner, obviously we are in a new age where word gets out in the stratosphere or however we want to term it through Twitter and other social networking agents. Have there been any projections as to a period of time that this legislation enacted will see these things become quite rare events, so a reduction?

Deputy Commissioner Gollschewski: Certainly not predictive, but the point of all of this legislation is obviously to stop these things happening. As with any new initiative, we will be evaluating the effectiveness of what we do, because as well as the legislation there are also our own strategies and how well we approach it with other stakeholders. There needs to be a joint approach to this across government, because it is not just about police; there are impacts on other areas with Child Safety and those types of things. So we will need to be very deliberate about how we implement this and the tactics we use to make sure that if there is a problem with what is going on we understand why it is not being as effective as it should be and measure how effective it actually is.

Mr CHOAT: Do you see that in the future there may be other applications for either this or other similar legislation in Queensland?

Deputy Commissioner Gollschewski: As a proactive—

Mr CHOAT: I guess what I am saying is that, in terms of the strategies used in this instance, are there other areas where, for example, you could use some of the measures that are held within this legislation to deal with issues in other areas—for example, sporting events, public events and those sorts of things?

Deputy Commissioner Gollschewski: I think generally speaking we would have to say that, as it stands, the legislation allows us to do that work well. Major events that we have tend to have their own legislation wrapped around them. G20 has its own act being brought in. I would say that generally speaking we work very well with the legislation as it stands. There is a unique aspect to this and it is in particular I think because of the youth involvement and the risk to them and that their ability to understand that risk is limited, as we all know. So it is in this instance we have seen that this is really a piece of work that we need to help us get on the front foot with these issues, because even though there are not many of them there is a major impact in terms of the effect they can have on the community and the people involved. At this stage I do not see it, but what we need to be is a Police Service into the future that is much more about prevention and good strategy to prevent in a joint manner with all our stakeholders rather than one that has to try to tidy up these things afterwards when the damage has been done.

Mr DILLAWAY: I just want to touch back with Senior Sergeant Utz and your comments about noise abatement, and I understand that under the blue-tape reduction initiatives there is an extension of that noise abatement period from 12 hours to 96 hours. Do you see that also working in conjunction with the out-of-control parties in delivering more awareness of the noise abatement issues?

Snr Sgt Utz: It will provide more of an awareness, but they are not that closely interrelated as one may think. The out-of-control events scheme talks about out-of-control conduct. These conducts, while reflective of offences, are not offences in their own right. It is sort of just the group behaviour that borders on it. Yes, out-of-control events typically involve excessive noise, so they will come into play. The 96-hour noise abatement was actually considered totally separate to this and is more about giving peace to people in the community. For example, over long weekends someone will be having a party on a Friday night and, with our direction for 12 hours, by Saturday night they are having another event. This gives them the peace and quiet. With our move from 12 to 96 hours, it puts us about halfway in the span of noise abatements within Australia. Within Australia it ranges from about six hours through to seven days, so it gives us a sort of mid-range balance for that to apply. Again, with the noise abatement, the other slight amendments where we seize property means that we retain it then for the 96 hours before they can come back and claim it.

Mr DILLAWAY: Such as the music?

Snr Sgt Utz: We might take the speaker leads rather than taking a whole stereo. That is where we get called back because they have breached the noise abatement direction. We might seize items as well as issue them with an offence notice. Normally we try to do it as simply as possible. Sometimes we will just secure items, in which case they cannot unwrap those items or otherwise there is another offence.

CHAIR: Deputy Commissioner, I want to return to a comment you made earlier because I am interested again as a person who is about to hold a party, for example. What is the community's expectation as to how effective the police will be in relation to monitoring Facebook, because that sounds to me a very centralised operation, or have I misunderstood you?

Deputy Commissioner Gollschewski: No, not centralised as in all of our regional intelligence have capability in that area. In fact, I think it is broader than that in that our investigators operate in that space now. I think it is fair to say that in policing these days if you cannot operate in the social media area you are missing a whole aspect of the community and what is going on, so many of our officers are effective in that area. We concentrate it around our intelligence areas because they can collect the data, analyse it, compare it against what else is going on in the community and actually pull together some analysis around what it might mean so that we can be proactive about it. We do centralise our capability in terms of developing better systems through our Community Contact Command, which is one of the new commands. That owns all of the responsibility for developing capacity in that area.

We see this as a major area for us to continue to improve how we do business. It is a two-way flow. It is not just about detection and prevention and getting intelligence; it is also about messaging and media and getting things out to the community in terms of awareness and contact for them back in as well. We are currently in the process of developing a portal for the Police Service as basically a one-stop shop for everyone to come in and provide information and get information. This is I think an area that, as we all know, is continuing to evolve as we go forward, and quite quickly. I think 10 years ago none of us would have known what Facebook was or it was not invented. The world has changed pretty quickly and we have to be pretty agile in that space and make sure we can continue to go with it.

CHAIR: I have been told by people who have greater knowledge than I that Facebook is now for old people like me and that young people have moved on to other streams by which their messages are distributed. So you are right: it is an evolving process. In relation to the registration of a party, do you have a protocol? For instance, I am a parent. I register my party. What I am particularly interested in knowing is if you have a protocol to say that you need to know the invitees to the party, the age groups, who is holding it, what the occasion is, the address, whether it is intended to be Facebooked, Twittered or so forth. Does that come into your realms?

Deputy Commissioner Gollschewski: We manage that all through our local police so that there is an actual local aspect to it. So the registration of the parties through the Safe Party initiative is done with local police so there is that connection locally. I do not have the exact details, but there is a checklist of things that should be considered and information then given in terms of what they need to consider and what they should do if the terrible event happens where they get 20 gatecrashers who arrive unexpectedly and suddenly things are escalating quite quickly. Having been a parent myself with children who have had 18th and 21st parties, we had to be pretty careful about that, too, because no-one is spared from this. Once they get into the social media area, you cannot control it. Of course, one of the things we recommend highly to a lot of parents is to keep it out of that social media if they are going to have one of these parties and make sure it is personal invitations for those who need to come.

CHAIR: You mentioned before organisers being responsible and penalties and fines and so forth. It must be fairly difficult though to apprehend or pin down who the organisers are. Do you see that as being a problem?

Deputy Commissioner Gollschewski: We already have fairly good intelligence on a number of them. There is one whose name escapes me at the moment who has been a recidivist in it. Interestingly, in investigating these things, the intelligence and the evidence can come forth pretty quickly. As you have heard, there have been some parties with 1,000 people at it. As we would for any investigation, we have to go through the steps of trying to identify who organised what and then gathering the evidence to do that. I do not see that as particularly a problem for us to investigate that an offence has occurred. The challenge for us will be to identify those entrepreneurs who are starting to crop up that we might not have heard about before so we can take that preventative action, and that is where our intelligence capability will come into it.

Mr DILLAWAY: I want to touch on that a bit more. I guess I am just a little bit concerned about innocent parties in this, understanding that there are a number of social media outlets such as Facebook, Twitter, Flickr, Instagram and all of those mediums that people are using. In the innocent case of somebody saying, 'I'm going to such and such's party this evening to celebrate,' what protection do those people have where they may very well be indicating on social media that they are actually going to a particular party but are not deemed as one of the organisers?

Deputy Commissioner Gollschewski: There are provisions in the act that—I forget the exact term—are defences for people. There is a list that articulates those types of circumstances where innocently they may have done something with no intention to organise anything other than the information has got out and someone else has grabbed it. They are your gatecrasher type of people who come in. The legislation specifically makes those gatecrashers the ones who are responsible for the out-of-control event. They commit the offence, not the person who has innocently been party to what would otherwise have been an orderly event.

There is a point there that I should probably make as well. This legislation is much about deterrence. We talk much about our preventive stuff. What will happen, regrettably, is that there will no doubt be some that happen that quickly that we cannot prevent and then action would have to be taken. The intent of the legislation, as we see it, is very much deterrence so that people start to work out that it is just not worthwhile organising these sorts of things recklessly or in a profiteering sense and not taking any responsibility for what occurs.

Mr DILLAWAY: You spoke a little bit earlier that one of the strategies that you will need to undertake is education through the implementation of this particular aspect of the bill. Do you have any ideas at this stage on how you are going to get out there and educate the community to ensure that they are within the bounds of the legislation and that they see it as a deterrent and not necessarily as a preventive type of action?

Deputy Commissioner Gollschewski: Yes. Senior Sergeant Utz can give you more detail if you like, but there is an implementation plan being developed for this, as we would with any legislation. With that will come awareness for the community, but we should note that we will already be leveraging off what we have already in place, which is a system to address this to assist those people who want to hold lawful parties to be able to do that safely. We would need to make sure that that continues. That is done through our crime prevention at a local level, utilising our own social media capability. Also, as with any new legislation that has an impact on particular parts of the community, we need to make sure that the awareness will go forward and there is a plan being developed for that.

Mr CHOAT: Deputy Commissioner, in my community in Ipswich West I have a significant number of older people who are not so computer literate. I guess some people might say that that includes me. A question that I have relates to the blue tape reduction side of it. I can understand why the police force is moving away from the old newspaper advertisements and all of those sorts of things and going more to the website, which is great, and the myPolice blog is an excellent initiative. Has there been any consideration for how we might provide opportunities for people who are not on the net to get information?

Deputy Commissioner Gollschewski: I might have to take that on notice. My understanding is that this is a move towards a particular way of doing business for us. If there is a reason to tailor a particular advice, depending on who is involved in that instance—and an example might be impounded vehicles, that type of thing; they have to be put in a system—we would have to consider who individually is impacted by that particular issue and address that through some sort of notification. So if, for instance, the impounded vehicle belongs to someone, they are directly notified. If they are one of those people who does not access the internet, they will get the advice personally. It is just this requirement that, before we can dispose of, we have to broadly advertise. That will go online. The answer is that, if they are directly impacted, they are going to get direct advice. If they are broadly interested, I think regrettably, we are moving towards the new system of internet and that type of thing.

Mr DILLAWAY: In your opening remarks you highlighted one area where there would be a saving of 2,396 hours through these blue tape reduction initiatives. Do you have a holistic number—in the tens of thousands or anything like that—of hours through these blue tape reduction initiatives and how the outcomes would be measured?

Deputy Commissioner Gollschewski: That was the DNA one with the senior officer approvals. What we were able to do with that one is capture the data on that. So we were able to estimate with some certainty what sort of time is involved in that and what savings are going to be

achieved. In a number of areas, the data is not collected against—depending on what the particular issue is that the police may be undertaking. I think there are things around notices for animal welfare and those types of things. We do not have that data. So to try to really pin down the hours in that is not going to be possible for us. So in some instances, yes, and in some instances, we cannot.

Mr DILLAWAY: But do you have broader figures than just that one particular measure? The noise abatement is an example. You would have information that would pertain to how many times you would have to go to a residence after the 12-hour period and it is extended to 96 hours. Do you have any data on that?

Deputy Commissioner Gollschewski: I do not have any data with me but, as indicated before, with any evaluation of the effectiveness of new regimes we would have to undertake that into the future.

CHAIR: Deputy Commissioner, if I might just now take you to a specific provision. I am looking at clause 39 of the amendment bill, which deals with section 754, which is probably a fairly difficult one for members of the public but I can understand why it is there. But I need for you to flesh it out for me. Evading police is obviously a real difficulty for the Queensland Police Service. My question is in two parts: No. 1, what was the basis upon which the 50 penalty units was decided and, No. 2, were there any alternatives to this amendment that you have dismissed as not being appropriate?

Deputy Commissioner Gollschewski: Thank you, Chair. My understanding around the 50 penalty units was that that was a government position that we were asked to develop. Alternatives: no. Again, this has come out of government policy—an election policy, I think.

Snr Sgt Utz: It was implemented earlier this year. It came out of the pre-election commitments to set a minimum penalty for evade police. That was introduced late, I think, March this year for the 50 penalty units. What has brought about this amendment was that there was a hearing in the Cairns Supreme Court where it went to on appeal by police and one person ended up being given parole. The issue there was that the court held that parole or suspended sentences are viable options. It was, therefore, thought that this was going to diminish the intent of the election commitment about having that minimum penalty of 50 penalty units. So the PPRA has been amended to remove the discretion of suspended sentence or parole and that if the court is going to impose a term of imprisonment it will be the minimum 50 days imprisonment where they do sentence to imprisonment. We do not believe that this will lead to an increase in people going to prison, but will lead more to people being fined the \$5,500.

CHAIR: And just so that I am clear, the \$5,000 option that a magistrate or a judge may consider, will be referred to SPER, I would assume?

Snr Sgt Utz: I would assume that it does go to SPER if it is not paid.

CHAIR: Okay. Thank you.

Mr CHOAT: If I may ask a related question. My community has the Warrego Highway that goes from one end of it to the other and we have a significant number of issues where people evade police and they fly off at 150-plus kilometres an hour because they know that the pursuit laws prevent them from being caught. So there is a sense that, finally, these people may be brought to account for that, because there is significant risk to people crossing that highway that they may get cleaned up. Is there a view that perhaps it will have that effect—that people may think, ‘Gee, if I go, I’m going to get hit with this tougher offence?’

Deputy Commissioner Gollschewski: We sincerely hope so. As you know, Mr Choat—and, in fact, I am fairly familiar that area; it was my region for some stage—this is a really difficult area for us. I think, following on from the chair’s opening before on this issue, it is almost one that at times it is lose-lose for us in the community around it because of a cohort within our community who choose, for whatever reason, to not stop when police try to intercept. There is a whole raft of complexity around that. Our approach has been one around minimising the risk to the members of the Queensland community and, indeed, to our own members. You are aware of our restricted pursuit policy these days, which is incorrectly reported as a no pursuit policy sometimes. There is an assessment of risk in terms of what is the reason to intercept versus the risk to the community. Too often our people are put in a really difficult situation of having to try to assess that in a really highly stressful situation. So it is a really, really complex and difficult area. What we really need out of this piece of legislation is the ability for those people who make that decision in the first place to make the right decision, which is to pull over and do the business with the police. We know that

there will still be people who will choose, irrespective of what this legislation or any other legislation no matter how tough it may be, to make the choice to go and our people will still have make the decision based on risk what they should do. We will always ask them to err on the side of the safety of members of our community and, indeed, themselves. But what we want to see out of this is again—a little bit like our controlled parties legislation—that deterrent value to start to minimise it. So if we can reduce—and this is something again we will, as we do, monitor the effectiveness of our tactics and legislation to see if it is making an impact on behaviour in the community, because this is about behavioural change—in a really risky situation, people in cars who choose to do these sorts of things are a complete risk to everyone, including themselves. So if we can start to see a 10 per cent—even if it is incremental, we are talking potential lives saved. So that is the space we are in with this. I think the intent of the legislation and the government policy behind that was to draw a line in the sand. We are certainly thinking that, given that it is almost a wicked problem as to what to do with it, we need those sorts of this things to start to try to claw back some of that for the community's sake.

CHAIR: Deputy Commissioner, I will be probably asking the last question, unless somebody has a follow-up question. In relation to the deterrence—and I accept all of what you say—the difficulty about young people today is I do not know that they read papers that much. They involve themselves in social media. The whole idea about deterrence is ensuring that they have some idea of choice. In other words, if you evade police—and we know the number of deaths that come from absconding motor vehicles—is there some media course that you intend to take, whether that is on your website, to ensure that as far as we are able to do reasonably that young people are going to understand that the penalties are severe. Fifty days imprisonment is quite a severe penalty. If you could perhaps comment on that, because it is important—the public expectation, because some of their kids may be involved—that your media arm will be able to broadcast this message.

Deputy Commissioner Gollschewski: Yes, definitely. In fact, I have had that very conversation with the commissioner this week around the necessity for us to, upon assent of these bits of legislation, make sure that the message gets out to the community, particularly around these areas of risk. We are talking about some high-risk issues today where people's lives are at stake. Definitely, it will be.

The other thing I would like to comment on that I think is really interesting is that when our pursuit policy changed to one from basically police would pursue—as in the old days—to one that it was a restricted, risk based and police would stop pursuing, the word got around very quickly among that cohort that the rules had changed and that they could go. So as well as advertising, we are quite certain that, if this is an effectively applied deterrent, word will get around pretty quickly among those who choose to do this that maybe it is not such a good idea. I think that peer group thinking probably in some ways will carry the message a lot more strongly than anything that we will put out there. But we will certainly support that as well.

CHAIR: That concludes the committee's questions. I would like to thank you, Deputy Commissioner and Senior Sergeant, for giving us your time here today and being upfront with your answers. I know that during the course of the questions that have been asked you have agreed to supply some responses to the questions we have put. No doubt the transcript will become available to you and you will be able to formulate what information we require. Again, thank you for coming here and addressing the issues in relation to the bill. I now declare the committee's public briefing for the examination of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013 closed. We will shortly move into the second part of today's hearings. Once again, thank you very much, Deputy Commissioner and Senior Sergeant.

Committee adjourned at 11 am