



Hon Neil Roberts MP
Member for Nudgee



Queensland
Government

Ref: 11369 P1 LT

Minister for Police, Corrective Services
and Emergency Services

29 MAR 2010

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition number 1382-10 lodged with the Legislative Assembly by Mr Mark Robinson MP, Member for Cleveland, on 24 February 2010.

The petition raises the issue of the perceived lack of parental powers to enforce discipline and ensure that children live a life within the bounds of the law and without causing harm to themselves or others. Specifically, the petition seeks amendments to relevant juvenile justice and police powers legislation to empower police to return children to their parents and stop them roaming the streets at will.

In response to the petitioners' concerns, I can advise that section 280 of the *Criminal Code* provides for the lawful application of domestic discipline of a child by a parent. This domestic discipline may be by way of correction, discipline, management or control using such force as is reasonable under the circumstances.

The *Child Protection Act 1999* provides for the protection of children, the underlying principle being that the welfare and best interests of a child are of paramount importance. The preferred manner of ensuring a child's wellbeing is through the support of the child's family. However, if a police officer believes a child is in need of protection or the child is at risk of harm, the officer may move the child to a safe place and make appropriate arrangements for the care of the child.

The Police Service advises that operational police report instances of dealing with children congregating in locations late at night and in the early hours of the morning, particularly in the Brisbane City Central Business District. Commonly, these circumstances do not cause the provisions of the *Child Protection Act 1999* to be applied and are addressed through negotiation with parents and the child. On some occasions, parents either refuse or do not have the travel means to collect their children at the request of police.

Level 24 State Law Building
50 Ann Street Brisbane 4000
PO Box 15195 City East
Queensland 4002 Australia
Telephone +61 7 3239 0199
Facsimile +61 7 3221 9985
Email police@ministerial.qld.gov.au
ABN 65 959 415 158

In these circumstances and where it is assessed children are in moral or other danger, police do transport children home by consent. It should be noted there is no express legislative authority for this. There is also no legislative authority to compel children to remain at home, once returned there.

Any legislative change to provide police with the specific power to return children to their homes in certain circumstances would require an in-depth policy analysis and consultation between relevant Ministers, key stakeholder agencies and organisations and the Queensland community. The Police Service advises it is not aware of any current intention to seek any legislative changes in this regard.

As some of the issues contained within the petition fall within the responsibilities of the Honourable Karen Struthers MP, Minister for Community Services, Housing and Minister for Women, I have taken the liberty of forwarding a copy of your correspondence to Minister Struthers for consideration of direct reply.

Senior Sergeant Sean O'Neill, Queensland Police Service Legislation Development Unit, is available on telephone 3015 5951 for any further assistance required.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil Roberts', with a stylized flourish at the end.

Neil Roberts MP
**Minister for Police, Corrective Services
and Emergency Services**