

#### 4.1. Criminal Justice, Police Powers and Other Amendments Bill 2013 – Third Reading approved

**The Speaker:** We turn now to Item 4, Bill for Third Reading: Criminal Justice, Police Powers and Other Amendments Bill.

I call on the mover, Mr Watterson.

**Mr Watterson:** Mr Speaker, I am grateful to my Department colleagues – Mr Karran, Mr Quirk and Mr Coleman – and to Hon. Members for their support, particularly through the clauses debate last week.

I will address some matters mentioned by Hon. Members last week in a moment, but I thought it would be useful to recap on what the Bill is about.

The purpose of the Bill is to update the powers and procedures of the Police and enable them to operate efficiently and effectively in the 21st century. To this end, the Bill addresses the issue of bail, both by enabling the Police to grant bail with conditions, rather than hold a person in police cells pending a court hearing purely for bail, and by providing for forfeiture in the event that any condition of bail was breached. The aim is to discourage people from breaching bail conditions and thereby save police time currently consumed in arresting those who breach bail.

Another change to bail is those instances where the Police arrest a person, take them to a police station and immediately release them on bail to return to the police station at a later date. The Bill makes provision for the person to be released on bail on the streets with the only condition that can be placed on them being to appear at a police station at the time, date and place stated.

Other changes in the Bill specify the minimum rank of officer in relation to any matter that requires the authority of a senior officer. The powers to make police regulations and codes have been expanded so modern regulations can be made dealing with the conduct, efficiency and performance of officers and by rationalising the statute book with regard to regulations.

Policing is important, not just for our own safety and protection but in the fight against serious and organised crime, especially where it crosses borders; and therefore the powers in relation to search and seizure of material in an investigation and the capacity of search warrants have been addressed. We constantly need to assess police powers against developing human rights understanding and, accordingly, the power of arrest has been revised with the aim of making it both clearer and requiring the Police to evidence the necessity of making an arrest, rather than dealing with a matter in some other way or summoning the person instead.

Still on the subject of human rights, the Bill changes the definition of a juvenile, so that it is defined as a child under the age of 18. This fits in with international norms.

A number of other amendments have been made, relating to police powers to deal with a variety of issues. I will not list them all, but just to focus on the last clause, which concerns the return of missing children, the Police are quite rightly expected to respond to reports of missing children. Having listened to what was said during the consultation process, the last provision in the Bill simply empowers the Police to return a child to a person responsible for his or her welfare, and uses similar language to that already used in the Children and Young Persons Act.

While this provision will make no difference to the efficiency or cost of policing, it does give police officers the knowledge and assurance that they have the legal authority to undertake this aspect of their work in sometimes very difficult circumstances. So the Bill is not just about the powers the Police have, but assuring them that they have the legal authority to perform the functions we all expect them to perform.

Before I close, one or two matters that were raised last week... Mr Houghton asked about research into the alleged abuse of bail by the Police and I indicated to Mr Houghton, at the time that I met with him, that this would be referred to the Criminal Justice Board for them to report back to me by December 2013; and I await that report.

Mr Hall raised the issue of real address or a satisfactory address for service in relation to the powers of arrest substituted by clause 28. I undertook to look at that matter again and, subject to Members supporting the Third Reading of this Bill, an appropriate amendment will be brought before the Legislative Council at the appropriate time.

It seems appropriate at this point to thank Mr Houghton and Mr Hall for engaging with me in this process, which I believe has been mutually beneficial and that we have a better Bill as a result.

I think I have addressed all the matters that should be covered. I thank Hon. Members once again for their support, my Department Members for assisting with its passage through the House, and I thank my staff at Homefield for their support and patience with me in the re-write of this Bill.

Mr Speaker, I beg that the Bill be read for a third time.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I beg to second, sir.

**The Speaker:** Does any Member wish to speak? In that case, I shall put the question that the Criminal Justice, Police Powers and Other Amendments Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 12th November in this Chamber.