



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP—Chair
Mr MJ Crandon MP
Mrs MF McMahon MP
Mr DG Purdie MP
Mr RA Stevens MP
Mr A Tantari MP

Staff present:

Ms L Manderson—Committee Secretary
Ms R Mills—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

MONDAY, 29 NOVEMBER 2021

Brisbane

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The committee met at 10.32 am.

CHAIR: Good morning, everyone. I declare this public briefing open. I respectfully acknowledge the traditional custodians on the land on which we meet today as we pay respect to elders past and present. We are extremely fortunate to live in a country with two of the oldest continuing cultures, those of Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. My name is Linus Power. I am the member for Logan and chair of the committee. With me here today are: Ray Stevens, the member for Mermaid Beach and deputy chair; Melissa McMahon, member for Macalister; Michael Crandon, the member for Coomera; Dan Purdie, the member for Ninderry; and Adrian Tantari, the member for Hervey Bay.

The purpose of today's hearing is to assist the committee with its examination of the Police Service Administration and Other Legislation Amendment Bill 2021. The briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. It is being recorded and broadcast live on the parliament's website. Anyone present may be filmed and photographed during the proceedings. Images may appear on the parliament's website or social media pages.

Before we hear from our departmental representatives, I remind committee members that the officers who are appearing today are here to provide factual or technical information. Any questions about government or opposition policy should be directed to the responsible minister or shadow minister or left for debate on the floor of the House. I remind those present to ensure that any mobile phones are switched to silent mode.

DERMODY, Superintendent Keiryn, Commander, Protective Services Group, Queensland Police Service

DEVERY, Mr Mike, Manager, Compliance Optimisation Unit, Department of Environment and Science

HENDERSON, Senior Sergeant John, Legislation Branch, Queensland Police Service

KELLY, Mr Todd, Manager, Parks and Forest Policy Unit, Department of Environment and Science

PLATZ, Assistant Commissioner Debbie, Executive Officer, Security and Counter-Terrorism Command, Queensland Police Service

CHAIR: I invite you to make an opening statement, before I turn to the committee members for any questions. Assistant Commissioner Platz, would you like to commence with some opening remarks?

Assistant Commissioner Platz: Thank you, Chair, I would. Good morning, and thank you to the committee for this opportunity to brief you in relation to the Police Service Administration and Other Legislation Amendment Bill 2021. This bill consists of two distinct parts. Primarily, the bill will modernise the legislation that governs protective services within the Queensland Police Service. To assist this committee in its understanding of this aspect of the bill I have two officers from the Queensland Police Service who I would like to introduce, albeit the chair has already done so briefly. Immediately to my left is Superintendent Keiryn Dermody. She is the commander of the Protective Services Group, which is the group that looks after senior protective services officers and protective services officers. Further to my left is Senior Sergeant John Henderson, who is with the Legislation Branch of the Queensland Police Service.

The second part of this bill that we are talking to today is the legislation administered by the Department of Environment and Science. Representatives from this department are here to assist the committee in relation to these amendments. Immediately to my right is Mr Mike Devery, who is the manager of the department's Compliance Optimisation Unit, and on the far right is Mr Todd Kelly, who is the manager of the Parks and Forest Policy Unit.

As the executive officer of the Security and Counter-Terrorism Command, I oversee the administration, management and operations of three groups involved in the command. Two of these groups relate to investigations and preventive and planning work to do with counterterrorism. The third includes the Protective Services Group, which is led by Superintendent Dermody.

I am aware that the committee has been briefed and provided with departmental written briefings for consideration, along with the bill, explanatory notes and a statement of compatibility. I appreciate the time constraints that we are under today and, consequently, I do not intend to comment on the intricate details of each one of the amendments that we are seeking in this bill. Instead, I will focus on the operational aspects of the bill and how the bill will specifically benefit the Protective Services Group, the Queensland Police Service and, importantly, the community of Queensland.

Protective Services fulfils an important role for government. It is tasked with providing security to government buildings and assets across Queensland. This service is provided in a variety of ways across a diverse range of facilities throughout our state. Protective Services manages security services for over 400 educational facilities and 80 government facilities, including the provision of static security at 38 courts across Queensland. Protective Services provides building service coordinators who manage security procedures in 47 government owned or leased buildings.

Protective Services monitors over 2,500 alarms in Queensland for government and 5,500 duress alarms, including those at electorate offices. Over 700 fire control panels are monitored, as well as other facility alarms across critical government buildings. This group also conducts mobile patrols of schools within the Brisbane, Logan, Palm Island and Moreton Bay regions. We provide technical services including the issuing of government identity cards and the provision of security advice on a consultancy basis.

The significance of the security services that Protective Services provides cannot be underestimated. Their services go beyond simply protecting bricks and mortar. Importantly, the role of this group extends to protecting government employees and those visitors who frequent the buildings. Government buildings must be maintained as a safe environment. Without this, the business of government may be compromised, adversely affecting our community and our way of life.

Protective Services merged with the QPS in 2016, in response to recommendations that were made during a review of the Public Safety Business Agency. The rationale supporting this recommendation had three facets. The first facet was a recognition of the value of QPS maintaining overall responsibility for public safety throughout Queensland. Aligning Protective Services within the QPS is, and was, a logical and practical arrangement as both agencies are dedicated to providing safety and security across our communities.

The second facet involved the potential ability to use Protective Services as a part of the Queensland Police Service employee life cycle, including as a platform for interested recruits who do not yet meet the entry requirements for the Queensland Police Service and also by providing a broader range of options for police officers to transition to. I can report to the committee that we have witnessed this happening. On average, 10 staff members transition each month to other duties within the Queensland Police Service. Some commence training as police recruits on their way to becoming sworn officers, while other members work in other Queensland Police Service commands. I consider this testament to how well the Protective Services Group has already integrated into the Queensland Police Service. I believe that this integration will be further enhanced through the implementation of this bill.

The third facet in support of this recommendation involved the ability of protective security officers to access improved training and support which could be delivered and is being delivered by the Queensland Police Service. From the outset, when Protective Services merged with the Queensland Police Service, an undertaking was made to ensure that protective services officers were appropriately trained and equipped to perform their duties. This was exemplified in the comments made by former deputy commissioner Peter Martin, as referenced in Minister Ryan's introductory speech for this bill. I can indicate to the committee that the Queensland Police Service has honoured this commitment. Officer training facilities have been upgraded, curriculum reviews are ongoing and skills maintenance training has been enhanced.

We have reviewed the legislation that underpins Protective Services, namely the State Buildings Protective Security Act 1983, or SBPSA, to ensure this legislative framework meets the contemporary needs of this group and the communities they are protecting. This bill improves the legislation that governs Protective Services through introducing potential efficiencies and savings while simultaneously ensuring that the provision of appropriate security for state buildings and assets can be maintained.

One of the obvious improvements with the bill arises from amalgamating protective security officers and senior protective security officers into one group; namely, the protective services officers, or PSOs. Queensland is unique in being the only jurisdiction that categorises its security staff by the powers that each group may exercise. Protective security officers have limited powers within state buildings. In contrast, currently senior protective security officers in a state building may exercise all the powers under their act, SBPSA, which includes all the powers of a police officer except for the power of arrest, although these officers can actually detain a person.

Generally, clients of Protective Services request the presence of a senior protective security officer, who may exercise these full range of powers. To meet this demand, as at 23 November this year the Protective Services Group has employed 232 senior protective security officers and 190 protective security officers. This division of powers absolutely has the potential to compromise officer safety and community safety. Currently, protective security officers rely on senior protective security officers to exercise powers when needed to resolve an incident. As some state building precincts are large and/or isolated, there may be some unavoidable delay before a senior protective security officer can attend to provide instruction and assistance. This has implications to the allocation of our human resources. Costs are incurred due to the administrative time spent managing the complexity of our rostering system, as it is necessary to ensure appropriately empowered officers are detailed to specific locations. Further costs arise when a senior protective security officer becomes unavailable due to sickness, leave or training as an equivalent officer has to be located and deployed to that site. This may result in an increasing overtime pay to ensure appropriate security services are provided.

The bill resolves these issues by creating protective services officers—and I will refer to them now as PSOs—as opposed to protective security officers, who will be empowered to resolve any security concern that may confront them. The bill outlines the specific powers these officers may exercise to ensure a safe, secure overlay in state government buildings. This provides certainty and guidance to these officers about what their powers and responsibilities are whilst they are performing their duties.

PSOs are the front line of most state government buildings. The current security environment in Australia is complex, with both ideologically and religiously motivated groups, along with protest activity surrounding lockdowns and vaccinations, causing concern. According to Australia's intelligence agency, the general terrorism threat remains at probable—that is 'credible intelligence, assessed to represent a plausible scenario, indicates an intention and capability to conduct a terrorist attack in Australia'. Further, protest activity has increased and at times, as we have all seen, can become violent very quickly. Government buildings, along with police personnel, have also been listed as potential targets.

This current security environment has generated a community expectation that people entering into secured areas, such as government buildings or courts, may be subjected to screening and having their belongings searched. Further, it is common understanding that if a person refuses to comply with these security measures they may be denied entry. Consequently, this proposal provides that all PSOs within state government buildings will have security powers to ensure the security of the buildings.

This will be achieved by relocating the security powers that may be exercised in state government buildings into one chapter of the Police Powers and Responsibilities Act 2000. Importantly, the consolidation of these powers allows for a single point of truth which will reduce the likelihood of any inconsistencies arising through maintaining legislation in a variety of sources and promotes efficiencies by allowing policy and training to be developed about the exercise of security powers for both police officers and PSOs.

In implementing this bill, the QPS has recognised that current serving security officers have already been trained in the use of security powers that may be exercised in state government buildings. Consequently, the QPS considers that an additional one-week training period would be sufficient to ensure the existing cohort of security officers will be able to act proficiently as a PSO. I can report to the committee that we have also considered proposed training program methods for the delivery of this training such as what we can deliver via computer based training.

New applicants wishing to become a PSO will be required to successfully complete a five-week training program, as opposed to the current four-week program that they undergo at the Queensland Police Service Academy. This program covers communication skills, operational skills, tactics training, security legislation, and organisational policies and procedures. This five-week program is the equivalent to the training currently provided to senior protective security officers prior to their appointment in the QPS.

The QPS has conducted a financial analysis to evaluate potential costs that may arise as a result of the implementation of this bill. Protective Services receives no appropriation from government and relies on a cost-recovery model to meet all operating costs. Protective Services does not intend to change its fee for the services it provides as a consequence of these proposed amendments. Costs incurred through the implementation of the proposed changes will be met through the existing budget of Protective Services.

The bill will also improve efficiencies associated with identity cards issued under certain acts administered by the Department of Environment and Science. These amendments have been comprehensively addressed in the explanatory notes accompanying the bill. Of specific relevance to police officers, the operation of these acts obliged the department to organise the issuing of identity cards to police appointed as authorised officers under these acts and places a requirement on those officers to produce these cards when exercising powers under the legislation. This bill omits those requirements as the Police Powers and Responsibilities Act 2000 already requires police officers to identify themselves or, if not in uniform, to produce their police identity card when exercising powers under the Department of Environment and Science acts.

This bill will significantly enhance the operations of the Protective Services Group and create a range of efficiencies that will serve our officers, our organisation and the community well into the future. My colleagues and I are happy to answer any questions the committee may have in relation to this bill.

Mr STEVENS: Assistant Commissioner, forgive my lack of knowledge in relation to matters in the police force and the PSOs. As a qualified economist and accountant on the Economics and Governance Committee, I find it unusual that we are looking into this particular bill. My question is to work out the delineation between the Queensland police and the PSOs. Is this legislation to comply with any deployment that may be needed for the hotels that are taking in our COVID people? Do these PSOs add to the people you can use from the Queensland Police Service to look after those hotels for quarantine?

Assistant Commissioner Platz: There are probably two parts to that question. In answering the second part, in relation to whether this bill helps with COVID quarantine hotels—

Mr STEVENS: Yes, the staffing.

Assistant Commissioner Platz: Essentially, the PSOs currently who are deployed there are deployed under a regulation which has no consequence by this bill.

Mr STEVENS: So there are PSOs there now?

Assistant Commissioner Platz: Yes.

Mr STEVENS: Does this give them more power? When this bill goes through, will the PSOs have more power as guardians of those quarantine hotels?

Snr Sgt Henderson: It is my understanding that this legislation will only deal with state buildings—that is, buildings that are owned or occupied by the state.

Mr STEVENS: And education facilities?

Snr Sgt Henderson: They are owned and occupied by the state.

Mr STEVENS: Of course, yes.

Snr Sgt Henderson: So that will apply to those facilities as well. COVID hotels do not fall within that definition of a state building. The powers that will be implemented by this legislation—indeed, by the current State Buildings Protective Security Act—do not apply across the COVID hotels.

Mr STEVENS: So you send normal police to those?

Snr Sgt Henderson: We can also include members from the state buildings protective security office itself to come over. We can include PSOs to go over to those facilities but they just cannot exercise any of the powers under the State Buildings Protective Security Act. They can be over to assist police, but they will not be able to rely on any of the act itself in relation to—

Mr STEVENS: Their officers can, though, can't they—the PSO officers?

Supt Dermody: I can probably shed some light on that. The protective security officers who are assisting frontline police at COVID quarantine hotels are actually authorised as emergency officers general under the Public Health Act and they exercise the powers under that act. For the purpose of this legislation, their powers will be confined to state government buildings and state government building precincts. This bill does not propose to expand their powers beyond what they currently have.

CHAIR: I note that, although the chair and deputy chair are inexperienced, we do have two former serving police officers on the committee so we are not completely bereft of background and talent—despite the chair and deputy chair’s inability.

Mr TANTARI: Assistant Commissioner, I note the main objectives of the bill are to modernise the legislative framework underpinning Protective Services and to increase efficiencies for police officers acting as public officials. Are you able to give me, as a regional member, an indication of the possible impacts the bill may have on the provision of regional services? What is the plan for the sustainability and maintenance of quality services particularly in regional areas such as my own region of Fraser Coast and my electorate of Hervey Bay?

Assistant Commissioner Platz: As I mentioned, the model for PSOs is a full cost-recovery model so we can deploy resources to any state government building or facility when that particular organisation that is housed within that building pays for that service delivery. Currently, the PSOs operate right across Queensland in communities such as Palm Island, Townsville, Cairns, Mackay, the Sunshine Coast, Caboolture areas, the Gold Coast, Toowoomba and Ipswich. It could be expanded but that would be reliant on the recovery of funds for the services provided.

Mr PURDIE: My questions were going to be around the cost, which you have explained, and the training, now that all PSOs are going to have the responsibilities and essentially the powers of a senior PSO. Is the user-pays funding enough to cover the extra training—the five-day courses et cetera? Will that all be covered in that?

Assistant Commissioner Platz: Yes, that is correct.

Mr PURDIE: The explanatory notes talk about stakeholder engagement during the development of the bill. Do you have any notes about what feedback you got from stakeholders and what was adopted and not adopted from that?

Snr Sgt Henderson: We did enter into stakeholder consultation in relation to this bill. When we did so, it was done under cabinet-in-confidence—the communications between us and the stakeholders themselves. I am not comfortable going into great detail about what was actually discussed, but I may indicate that as a generalisation the stakeholders were very supportive of the bill that was going to be made. I would prefer not to go into any further details in relation to it.

Mr PURDIE: That is fine.

CHAIR: Is that because some of the issues canvassed were about some of the threats that were faced at buildings and things like that?

Snr Sgt Henderson: The arrangements in relation to the consultation were done at the behest of the minister’s office and it was asked to be in cabinet-in-confidence.

Mrs McMAHON: I note the alignment of Protective Services into QPS in 2016. There was always a very clear delineation between Protective Services and the Queensland police—the white shirts versus blue shirts. I have noticed that the uniform and appearance are starting to align a lot closer to the QPS. Last night I noted that, other than a maroon badge and different writing on the back, they generally tend to look like sworn police officers. Is that something that is being considered? To the public, the appearance of a PSO is almost identical to that of a police officer. Given that the powers are now starting to align, what measures are being taken to ensure the public sees a differentiation between PSOs and police officers?

Supt Dermody: We are being particularly careful. You will note that on the back of their uniforms there is written quite clearly ‘Protective Services’, so the general public can see the differentiation between protective services officers and Queensland police officers.

Snr Sgt Henderson: We are also introducing a new offence provision that deals with the potential of impersonating a protective services officer. This is in line with the current provisions that may be found under the Police Service Administration Act that deal with impersonating police officers to make sure that type of activity is deterred in the general community.

Mrs McMAHON: Assistant Commissioner, part of your briefing was in relation to powers that police do not have at the moment in relation to requiring a person’s name and address when they are within state buildings. Notwithstanding the need to insert a new chapter into the PPRA, which is now getting to be quite a large piece of legislation, a simple amendment to section 41 probably would have done the trick as well, I would assume, considering there are powers for police to require a person’s name and address when dealing with administering other acts.

Snr Sgt Henderson: Definitely amending that particular section would have been an option. However, the drafting was prepared by the Queensland Office of Parliamentary Counsel and it was their view that it should be drafted in this way. From my perspective, we were satisfied in letting that office, which is expert in the field, draft it as they saw fit.

Mrs McMAHON: In terms of the increase in cost of training from four weeks to five weeks, how was that cost borne? That is a one-fifth increase in the cost of training and we are looking to expand, so where does the costing come into it?

Supt Dermody: You will notice a disproportion as far as senior protective security officers and protective security officers is concerned. The reason for that is that our state government clients want empowered officers. When a senior protective security officer calls in sick, we have to find an equivalent empowered officer, which generally means bringing officers in on overtime. The costs we will save by not incurring that overtime will more than cover the additional week of training.

Mr CRANDON: I want to come back to the comments made about the different rules for PSOs if they are in a government building versus a hotel under the Public Health Act. If someone is told, 'By the way, tomorrow you are at one of the hotels,' how, in their mind, do they differentiate between the powers they have within a government building and the powers they have in one of the quarantine hotels?

CHAIR: The question was: how would the officer know—

Mr CRANDON: Yes. How would the PSO come to grips with the change in what they have as far as their powers are concerned?

CHAIR: So different from when they are outside a government building in general?

Mr CRANDON: No, they are either in a government building or in a quarantine hotel.

Supt Dermody: The PSOs we have working at quarantine facilities work full-time at the quarantine facilities because of infection control measures. We cannot have them swapping between a health facility and a state government building. At the end of COVID and the quarantine centres, whenever that may be, there will be on-the-job training to realign those people with their powers in state government buildings.

Mr CRANDON: What about when replacements who have already had the training go across to hotels?

Supt Dermody: They do not do that because of infection control. Because we work—

Mr CRANDON: If someone resigns from a quarantine hotel—they are no longer working as a PSO—and you need to replace them, does a PSO come from a government building?

Supt Dermody: Because we operate a cost-recovery model we operate with minimal staffing levels. When someone resigns from a COVID quarantine centre we recruit specific for the COVID quarantine centre.

Mr CRANDON: That is great. Could you explain the difference between 'detain' and 'arrest' for those non-professional police officers among us—two of my colleagues are former officers? What is the difference between those two?

CHAIR: They are non-professional police officers at the moment and have no arrest powers. We make that clear.

Mr CRANDON: What is the difference between 'detain' and 'arrest'?

CHAIR: We have no detaining powers either.

Snr Sgt Henderson: The easiest way to describe the difference is that a power of arrest will carry with it certain duties and responsibilities. The primary duty that is associated with arresting a person involves arresting a person in relation to a criminal offence and the duty will require a person to take that person before a justice forthwith so that that matter can be determined. Detaining a person is a different matter in that you can detain a person for a specific time. It might not lead to a court appearance or that duty where you have to take a person before a justice in relation to a specific offence.

To provide some context in this matter, PSOs have the ability to detain people, just as senior protective security officers currently have that ability to detain people. They may detain a person who has committed an offence within a state building but it is only for that period of time necessary for the police to arrive and for that person to be held over and passed over to the custody of the police officer for further investigation.

Mr CRANDON: The second part of the question is about what equipment they have to assist them in detaining a person.

Supt Dermody: Currently the PSOs do operational skills training with a huge focus on communications, obviously. However, they do carry accoutrements, including batons and handcuffs, to assist them in the execution of their duty.

Mr STEVENS: Are there any body worn cameras used for breaches that may occur? As well as detaining people, they could give this to the police when they come in to arrest them. They will need evidence for those sorts of matters. Do they have body worn cameras?

Supt Dermody: Currently no, they do not, but it is part of the bill to make them available. As you know, it increases accountability, integrity and public scrutiny.

Mr STEVENS: For all of them.

Supt Dermody: Yes.

CHAIR: I assume that, given that the sites where security is required are public government buildings, some of those would have security cameras recording the environment around them in many cases.

Supt Dermody: In many cases they do. They have CCTV.

Mr TANTARI: Forgive me if I do not phrase this question correctly. Can you comment on the extent to which the government engages the use of contractors and private security firms? What is the threshold for making a determination that a particular site—for instance, a court or whatever—will have either a full service or a private service?

Supt Dermody: Because we are a cost-recovery model, our government clients tell us what resources their budget allows for. They will tell us whether they want a senior protective security officer or a protective security officer or they would like to be supplemented by private security. There is not a set threshold, per se, and we do operate a blended model.

Mr TANTARI: So that determination is basically a risk factor?

Supt Dermody: That is correct.

Mr STEVENS: What is difference between what you charge for a PSO to do security work as opposed to police doing it? I know that the Gold Coast Turf Club hire the police for a certain amount of money, which they pay, to assist them on their big days. Would it be possible then for those sorts of people to get the PSOs at a cheaper rate than hiring the police for a particular day now that the PSOs will have the new powers that police have to control crowds, traffic et cetera?

Supt Dermody: No, because that would be expanding from a state government building and a state government precinct.

Mr STEVENS: Right.

CHAIR: The act makes clear that these powers are only—

Mr STEVENS: Only for those things.

CHAIR: And the Gold Coast Turf Club is not one of those sites.

Mr PURDIE: As the deputy chair pointed out at the start, this is the economics committee. We do not normally get PPRA bills, which is why you are getting a lot of questions about the cost and not so much the powers.

Mr CRANDON: The chair mentioned being outside government buildings. Just to be clear: they do not have any powers outside their role in government buildings?

Snr Sgt Henderson: Yes.

CHAIR: That is unlike a police officer, who has powers and responsibilities when off duty or not on particular sites. These officers only have the responsibility when on Queensland government sites?

Supt Dermody: Yes, that is correct.

Mr STEVENS: Is there a provision in the bill that stops a PSO impersonating a police officer?

Snr Sgt Henderson: Under the Police Service Administration Act it is an offence to impersonate a police officer. That offence could be applicable to any person including a PSO.

Mr STEVENS: It is covered.

CHAIR: There being no further questions, I thank you very much for your presentation today and for the information you have provided us. I also thank the Department of Environment and Science for their contribution. Your briefing was so complete that we feel we have sufficient information. If there are any further questions we will correspond with you through the secretariat. Thank you for the information you have provided. Thank you to our Hansard reporters. Thank you to the broadcast staff, who are dutifully listening, for their assistance. The transcript of these proceedings will be available on the parliamentary webpage. I declare this public briefing closed.

The committee adjourned at 11.11 am.