



Speech by

Mr M. HORAN

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POLICE POWERS AND RESPONSIBILITIES AMENDMENT BILL

Mr HORAN (Toowoomba South—NPA) (12.18 p.m.): The Opposition supports this Bill. It is a fairly minor or technical Bill, but it provides a very important amendment to landmark legislation that was introduced by the coalition Government in April 1998. At the outset, I thank two officers of the Police Service, Sergeant Greg Chapman and Senior Sergeant Peter Foley, who, through the courtesy of the Minister, provided me with a briefing late yesterday on this particular issue.

As I said, the legislation follows the landmark Police Powers and Responsibilities Bill that was brought in by the coalition Government. That very important legislation consolidated a whole range of operational issues so that the operations of the police can be more efficient, simpler, very accountable and transparent. Likewise, people who are involved with the police or in investigations are now aware of their rights and responsibilities.

I wish to highlight some of the major achievements of the coalition Government. It has only been eight months since there was a change in Government and only now do we see the tremendous achievements that were implemented by the coalition Government through a lot of research, consultation and good practical amendments that gave the Queensland Police Service not only the finances to get on with the job but also the staff and the resources to do so.

Most importantly, we implemented a three-year \$76m staffing plan that was to provide 800 extra sworn officers and 400 civilians by August of this year. When the Government changed hands, those numbers were well ahead of target. We instituted a 10-year staffing strategy to provide an extra 2,780 police by the year 2005, with an average of 30 extra police delivered each month since the coalition gained Government. We established Queensland's new Crime Commission to fight organised crime and paedophilia, which was a major step forward. The commission, headed by Mr Carmody, through its task force, was able to attack and address major crime, particularly organised crime, major drug-related crime and paedophilia. We initiated innovative community crime prevention programs such as the crime prevention partnerships, school-based policing projects and volunteers in policing programs. Importantly, the coalition established the Bingham review of the Queensland Police Service, which made some 197 recommendations. All but 37 of those recommendations were implemented at the time that the Government changed hands. All of those implementations have helped to make the Police Service more efficient, effective and accountable than ever before.

I mentioned earlier the Police Powers and Responsibilities Act, which was landmark legislation that clearly spells out the rights and responsibilities of the police and the community. That Act really levels the playing field so that everybody knows exactly where they stand. The Act levels the playing field between law breakers and the law enforcement agency.

The opening of the north Queensland campus of the Queensland Police Academy meant that, for the first time ever, police recruits could be trained in Townsville. One hundred and seventeen students were trained and graduated by August of last year. That was a real boost for police recruitment, and it was also a boost for north Queensland, which now knows that that part of the State is taken seriously.

I am sure that that would be a great bonus to young people from the north of the State. It reminds me in particular of my efforts when I was Health Minister to get a medical school for north

Queensland. They are the sorts of things that the north needs so that it can be taken seriously and so that it can have some real confidence.

During the two years of the coalition Government, a massive Capital Works Program saw \$76m spent on new stations, watch-houses and other police facilities. There was also the establishment of the State Traffic Task Force to target traffic trouble spots across the State during traditional high-risk periods and to provide support for local traffic police. Finally—and I am going through only 10 of the coalition Government's major achievements—there was the introduction of speed cameras, which last year contributed to Queensland's recording its lowest annual road toll since 1961.

These amendments that we are looking at today are very important, almost finishing touches, to the Police Powers and Responsibilities Act. These amendments are necessary because it is important for police officers to have the power and ability to be able to arrest juveniles without a warrant. That is why we are debating this Bill: so that can be made absolutely clear and certainty can be applied to everybody.

At the outset, I want to talk about the Police Powers and Responsibilities Act. As I said earlier, it was landmark legislation. It was a very important Act. One might say that it really followed on from the Fitzgerald inquiry. In 1994, there was a CJC review of police powers, but the legislation did not really get legs until 1996 through the Bingham review committee that determined that police powers should be standardised.

In the process of developing the Police Powers and Responsibilities Bill, an enormous amount of work was undertaken, particularly by the then Police Minister, the Honourable Russell Cooper. A large amount of consultation was carried out in all the various regions of the State. The then Opposition spokesperson, who is now the Minister, travelled throughout Queensland in relation to much of that consultation. The Queensland Council for Civil Liberties was represented by Mr O'Gorman. That consultation was so wide and so embracing that it really was without precedent. As a result, we got that outstanding legislation, the Police Powers and Responsibilities Act.

Some of the major points that are contained in the Police Powers and Responsibilities Act include the Responsibilities Code, issues to do with the obtaining of a name and address—and I think we all realise how important it is for police officers to be able to obtain a name and address without restriction, but doing it in a fair way—and the process of entering premises to execute a warrant. I wish to outline the details relating to that point. Before 6 April, police had the authority to enter premises without the consent of the occupier only under certain limited circumstances. For example, police could enter premises by authority of a search warrant or legislation or, if they were pursuing an escaping offender, they could continue the pursuit onto private premises. As a result, there was no clear legislative provision for police to enter premises if they suspected that a wanted person was inside. Under the Police Powers and Responsibilities Act, the police are permitted to execute arrest warrants and to enter premises where the offender is suspected of being located.

Other aspects covered by the Act were the searching of persons in vehicles, the searching of persons in custody, notice to appear, arresting offenders with or without warrant, arrests, the process by which arrests may be discontinued, the arrest of a suspect for questioning, the right to remain silent not affected, the cautioning of a person in custody, interviewing of friends, and directions to move on.

In the case of directions to move on, there were limitations placed on the locations from which people can be directed to move on. Those locations from which people can be directed to move on include shops, child-care centres, preschool centres, primary, secondary and special schools, premises licensed under the Liquor Act, railway stations and land around them, automatic teller machines and places described as notified areas.

During the week I asked the Minister a question about the Emerald Airport. The Minister advised that the issue of notified areas is still ongoing and is yet to be resolved through the Local Government Association. Local government or any entity may apply to the Minister to have a specified location included in the list of areas from which people may be directed to move on. That is then described as a notified area. I think that it is important that this issue of notified areas be resolved quickly. The Minister has an application before him from the Emerald Shire Council that should be acted upon, particularly in the circumstances.

Mr BARTON: I rise to a point of order. I think that I should clarify that the application from the Emerald Shire Council arrived yesterday afternoon in my office after the shadow Minister had asked me the question. I sometimes wonder how I am supposed to know about something that I have not received, but the shadow Minister seems to be able to find out about before I do.

Mr DEPUTY SPEAKER (Mr Mickel): Order! There is no point of order.

Mr HORAN: I turn now to a key point, which is the mechanics of this amendment Bill. As I mentioned, the Police Powers and Responsibilities Act commenced on 6 April 1998. The changes were really all about the inclusion or consolidation of arrest without warrant powers, which are provided in a

large number of Acts, including the Traffic Act and the Police Service Administration Act. The result is that the power of arrest without warrant for these offences was contained solely within one section—section 35—of the Police Powers and Responsibilities Act. Part of that section qualified the power of arrest by providing that the section did not apply to children. The footnote to that section went on to say that the Juvenile Justice Act provided a power of arrest for offences committed by children.

I would like to read from some details I have been provided with which describe this situation a little further—

"It has become apparent, however, that this section of the Juvenile Justice Act does not provide a power of arrest, but merely preserves or confirms existing arrest powers provided to police officers by other Acts while also conditioning the use of those powers. Effectively, this means that a child cannot be arrested for offences provided under the Traffic Act such as drink driving or for offences against section 120 of the Police Powers and Responsibilities Act (assault police, etc). The amendment contained within the Bill will bring children within the scope of section 35 of the Police Powers and Responsibilities Act for the purposes of arrests without warrant. It should be noted, however, that this amendment does not increase the arrest powers for children but only brings them into line with those provided prior to the commencement of the Police Powers and Responsibilities Act.

Prior to the Police Powers and Responsibilities Act, 42(3) of the Traffic Act provided the power of arrest for any offence under that Act where the officer reasonably believed that proceeding by way of summons for the offence would not be effective. From September 1993 the power of arrest for a child was limited to circumstances outlined in section 20 of the Juvenile Justice Act, for example, where the officer reasonably believed the arrest was necessary to ensure the child's appearance before a court. These are circumstances where proceeding by way of summons for the offence would not be effective. Essentially, the previous limitations with respect to arrest under 42(3) of the Traffic Act and those now imposed by section 20 of the Juvenile Justice Act have the same effect."

When the previous coalition Government was in power there was a three-pronged approach towards providing better and more effective ways in which operational police could carry out their tasks and duties. It increased the opportunities for police to apprehend criminals. I am referring to the enhanced powers and the simplification and consolidation of powers provided under the Police Powers and Responsibilities Act. The establishment of the Crime Commission provided a task force type of approach to major crime such as paedophilia and major drug issues. Finally, there was the issue of telephone interception.

The third stage—telephone interception— has not yet been introduced. With telephone interception the proper principles must be applied whereby the Public Interest Monitor is satisfied in each and every circumstance. This is a very important tool for police as they go about their daily task of endeavouring to apprehend people who are breaking the law. The coalition Government provided guidelines whereby applications for telephone interception have to be made to a Supreme Court judge. The Public Interest Monitor has the right of cross-examination in relation to the request for telephone interception. If telephone interception is not introduced we are leaving police officers without one of the major tools that could be used in the apprehension of criminals.

Currently we have various methods of visual surveillance and various listening devices. However, the police have their hands tied behind their backs, particularly in significant matters, by not being able to make use of telephone interception. Until telephone interception is enhanced it will mean that the comprehensive three-pronged approach is not fully in place. We would be leaving our police officers at a disadvantage compared with police officers in other States. As a result, people running major organised crime, people running the major drug rackets and people involved with paedophilia would have greater opportunities to continue their criminal activities.

A study of the Wood royal commission in New South Wales shows the positive effects of telephone interception. I have no doubt that people running the drug rings and the major crime rackets will be pleased if telephone interception is not introduced. Equally, I have no doubt that it is the great desire of police officers that it be introduced. The experience that has been gained in the development of the Police Powers and Responsibilities Act shows that outstanding legislation can be brought forward which provides openness and accountability. Any concerns about telephone interception interfering with civil liberties can be cancelled out because an application has to be made to a Supreme Court judge and the Public Interest Monitor has the right of cross-examination. Any possibility of misuse of telephone interception has thus been discounted.

I believe that other speakers will recognise that the Police Powers and Responsibilities Act has been one of the great achievements in legislation in this State. It provides the police with a level playing field. It provides the balance that is required, as well as accountability. Our police have been provided with modern day legislation which assists in modern day policing. I call on the Government and the

Minister to install that next phase, telephone interception, so that the police have everything that they need to apprehend criminals.

As I said at the outset, this is a relatively technical and minor procedural amendment. The Opposition will be supporting the amendment. I thank the Minister for the courtesy that was extended to me yesterday in the briefing.
