



Speech by

**Hon. RUSSELL COOPER**

**MEMBER FOR CROWS NEST**

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Hansard 28 April 1999

**POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS (REGISTERS) AMENDMENT BILL**

**Hon. T. R. COOPER** (Crows Nest—NPA) (2.40 p.m.): I wish to add a few comments to the contributions that have been made by those on both sides of the House in respect of the Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill. Mr Deputy Speaker, you and the current Minister will recall the amount of work that went into producing the police powers and responsibilities legislation. That legislation is unique.

Police especially had been waiting for legislation of that nature for a long time. It was 1982 when police first indicated that they would require certain police powers, and we finally got there. The Queensland Police Service waited for 15 or 16 years, under Governments of both political persuasions, for legislation of this type. Other States had already moved in the direction we were moving in, so it was really a case of allowing the criminals an advantage over the police, which was rather stupid. We were able to remedy that by giving police the necessary powers, to create more of a level playing field so that the police could compete with the criminals.

I will recap some of the initiatives we took. When we started the process in around 1996, a great deal of policy relating to police powers and responsibilities had been already announced, but quite a bit of detail remained to be put in place. It was decided that we should tour the State, which we did. The group included me as Minister and the then Opposition spokesman, Mr Barton. We also had on board various people from both ends of the spectrum. Terry O'Gorman, from the Council of Civil Liberties, and Bob Bottom, who is renowned as a crime buster, made a tremendous contribution, as did people from the legal wing of the police.

We toured and met with people in about 10 centres right around the State. People were invited to attend and people from all walks of life made a contribution. Some places were better attended than others, but there was a definite interest in law and order. People expressed their concerns about giving police too much power—about what might happen if we did and whether there could be checks and balances.

As it turned out, just by undertaking that community consultation I think we were able to get a lot of the bugs out of the legislation, which meant so much because we all learned as we went. There were certain things that some people were a bit concerned about, depending on their point of view. Certain issues that were going to cause some angst were the power to move on, the power to detain and the power to ask for name and address. To me, the power to ask for name and address seems perfectly sensible and reasonable, but police could not do that before. Notice to appear, instead of arrest, has worked extremely well since these laws came into being.

For many weeks we talked and argued right around the State and we learned a lot, as I said. I think we were able to refine the power to detain to a degree that was acceptable to all sides while maintaining the ability for police to actually do their job without being too cloaked in red tape. We introduced the public interest monitor. That has already been put to the test. It is there as a check and balance.

I turn to the issue of covert surveillance, listening devices and so on. We all remember the Matthew Heery case involving the Criminal Justice Commission. Mr Heery's house in Townsville was broken into. Listening devices were placed in the kitchen, I think, at first. When that was not good enough, they busted in and put them in the bedroom, bathroom, lounge room and just about everywhere else. About 1,000 hours of taping was conducted, but nothing was found. He might have

passed wind at one stage; that was about the only thing of any significance that was recorded. No-one in this State or this nation considers that sort of thing to be fair play. Those sorts of things could not happen under this police powers and responsibilities legislation, thank God. They should never have happened in the first place. We learn from dreadful examples such as that.

Despite all the new police powers that we put into legislation, something needs to go wrong only once—if a police officer is overzealous or abuses those powers just once—for confidence in the whole of the legislation to fail. That is why we have to be so careful when doing something like this, and we were. We put about 18 or 20 months of painstaking effort into making sure that community consultation had been done, that submissions had been responded to and taken on board and included or rejected, right to the point of introducing legislation, with the then Opposition fully briefed all the way along. I think we were able to come up with legislation that has proven not to be a problem. In fact, many aspects of that legislation have been utilised. As I said, the notice to appear provisions have been a boon for the police, offering an alternative to arrest.

I believe that the power to move people on has been used, and I do not believe it has had any detrimental effect. We nominated about six areas to be covered by the move-on power: railway stations, schools, child-care centres, automatic teller machines, shops and licensed premises. We left the rest, if there were any more.

The local authorities had some concerns about parks, but we left that to them. I know that some of the local authorities got a bit toey with that and thought we had not gone as far as we should. I rejected that totally because, as far as I was concerned, they were abrogating their responsibilities. We gave them the power to communicate with the Minister and, if their case were good enough, he could approve the use of the power in that instance through Executive Council. That is as it should be, in my opinion. I see no reason to change that. If local authorities have particular problems in their areas which are not covered by the six areas I set out, then the door is open. They can address the problem, and so they should. It is their responsibility; we gave them that.

There were a few people who actually did the painstaking work in developing that legislation. I know that the police and those in attendance today were involved then, and they did a fantastic job. Without naming everyone—if I try to name everyone I will get into trouble for missing someone—I recognise the painstaking work that they did. They will always be remembered for that. Former assistant commissioner Frank O'Gorman was operating out of my office as a special policy adviser for these sorts of issues, be it this, the Crime Commission or whatever. This legislation, the Crime Commission legislation and many other pieces of legislation were watched over and painstakingly attended to by one Frank O'Gorman. No-one would begrudge me placing his name on the record.

I mention the registers. This is one set of amendments that needs to be considered and I am told that there will be further legislation to deal with the consolidated part of this Bill, later in the year perhaps. The register is a vital part of accountability. Matters dealt with under the legislation are placed on a register so that there is a record. I believe that is in everyone's interest—the police and the community.

There are a few issues causing concern in my own area. One of the reasons we brought in this legislation and added powers such as the power to move on was that many of us had certain areas of concern in our electorates. I know that people on the other side of the House probably would have liked to nominate certain streets in their areas that might benefit from move-on powers because they were having problems in those streets. That is understood, and those things can still be dealt with. We hoped that that would mean the end of a lot of the crime we had. Unfortunately, there is still an enormous amount of juvenile crime, whether it be in the city or the country. There is a feeling of helplessness amongst the police to be able to deal with juvenile crime. Although this Bill gives the police extra powers to deal with crime generally, juvenile crime will have to come under increasing scrutiny.

In some country towns, such as Oakey, which I mention quite often, the problem of juvenile crime just never seems to go away. It waxes and wanes. We need to be able to deal with these sorts of problems so that people can live in peace. It annoys people that, in broad daylight, shop stealing and breaking and entering offences are continuing apace. People are becoming extremely concerned about this, because it appears to them that the police are not able to combat the problem well enough.

We must ensure that we give the police the necessary backing and support to be able to do their job and maintain the peace. But they cannot do that on their own. And if they require more powers, especially in relation to juvenile crime, so that they can identify and name, if necessary, those offenders who are well known in various communities, then so be it. Many people are becoming upset at the behaviour of some offenders which, once upon a time, would not have been tolerated. While we live in a liberal democracy, sometimes we can take that too far. Decent law-abiding citizens are entitled to be able to go about their business, day or night, in peace without being in danger, and we should be doing more to ensure that they can do that. Every one of us has a responsibility to ensure that, especially in relation to combating juvenile crime, we give the police sufficient powers to do their job.

One issue that was raised with me recently concerns the Jondaryan Police Station. As the Minister knows, it is best to knock rumours on the head as soon as they arise. It was rumoured last week that the Jondaryan Police Station may be on the verge of closure. The last thing that we want to do is close country police stations. The Minister might take that on board.

There has been an increase in police numbers at Lowood. That is good. Lowood, which is located in the Lockyer Valley, is in a high-crime area. Because of the population growth in that particular area, crime has been a major problem and always will be. But if we put in place sufficient police numbers and provide the police with the necessary expertise and facilities to do their job, we might be able to keep up with crime in that area. Police numbers in Lowood went from two to four, and I believe that they are going up to six. I understand that the new police station that the former Government had planned for that area will still proceed. The Minister might be able to give me a nod on that. It is not an expensive model.

**Mr Barton:** I understand that it is still in the pipeline. I would have to double-check that.

**Mr COOPER:** The Minister's reassurance would be appreciated, because those facilities are required right throughout that area and other areas to ensure that we stay in front of the crime statistics. However, we do appreciate the increase in police numbers.

I am pleased with the work and effort that has been put into this legislation. As all members would know, all legislation requires finetuning on a constant basis. We have to keep up with technology, and we need to be constantly reviewing police powers to keep the police in front and to maintain the peace. There has been very good cooperation amongst members on both sides of the House on this particular legislation. May that long remain the case.

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