



Speech by

**Hon. TOM BARTON**

**MEMBER FOR WATERFORD**

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Hansard 4 March 1999

**POLICE POWERS AND RESPONSIBILITIES AMENDMENT BILL**

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for Police and Corrective Services) (3.08 p.m.), in reply: Firstly, I thank everybody who has made a contribution to this debate, particularly my colleagues from the Labor side of the House—the members for Nudgee, Sandgate, Townsville and Lytton—for their very balanced and thoughtful comments and for passing on to the Parliament some very important current police issues in their own electorates and their own experience with those matters. I also thank the shadow Minister for his indication of support for the Bill. It is also good to see the shadow Minister, on behalf of the Opposition, speakers from One Nation, the Independent, as well as one other Opposition member, the member for Mirani, indicating their support for this legislation.

This is a very small Bill. It is certainly the smallest Bill that I have put before the Parliament in my short term as Minister. Whilst it is a very small Bill, it is very important in terms of what it seeks to achieve, which is very straightforward and very simple. It seeks to clarify police powers with regard to the arrest of juveniles, particularly in circumstances such as drink-driving or obstructing or assaulting police.

I thank the shadow Minister for his policy speech and list of coalition achievements on police issues. It is very interesting to get such an insight so early into a new shadow Ministry. I thank him for passing that on to me. Whilst I will not belabour the point, I will make some comments about a few of those issues. Certainly the coalition made improvements to police numbers and resources and in relation to the police powers legislation. That legislation had been around for a long time in one form or another.

I spent three years on the Parliamentary Criminal Justice Committee from 1992 to 1995. Police powers were part of that reform.

**Mr Lucas:** How did you like it?

**Mr BARTON:** I think my experience is like the honourable member's: I would not have missed it for anything, but gee I was pleased when I came off it at the end of that three-year period.

**Mr Schwarten:** I had a little stint on it, too.

**Mr BARTON:** Yes. If one looks at the Beattie Ministry it is amazing to see how many of the Ministers spent time on the PCJC during the three terms of the Goss Government. It is a pretty good apprenticeship.

**Mr Lucas:** So did Ken Davies.

**Mr BARTON:** We won't mention him. The coalition made some big improvements but in the eight short months of the Beattie Government we have gone on to much bigger and better achievements in this area and we intend to keep going. We have added many additional millions to this year's budget for police compared with the coalition's budget. We have expanded police beats and shopfronts. We will have six new shopfronts by the end of this financial year. We will have 12 police beats. I was pleased to hear the positive contributions that were made by some of my colleagues about the success of those police beats. We have more of those to come. Those police beats represent genuine community policing at its very best. We are providing additional funding for innovative police practices.

Of course, we have funding for crime prevention issues. Many of the speakers today discussed issues that really go to the heart of the need to address crime before it actually happens. We have the

preventive mechanisms. We have the investment funds to put in the procedures and to put in the support for families. We have the funds to put in the support for schools and sport and community groups to make sure that we divert people away from crime before they get involved in it, or to divert them away very quickly once they have become involved.

The Government is very proud of its performance to date in relation to police numbers. The coalition's budget for the last financial year was 252 extra police. I think the coalition actually achieved a little more than that. Our commitment was for an additional 317 extra sworn police this year. We are well on target to exceed that number. For the first time we now have more than 7,000 sworn police in the State of Queensland. For the first time ever the total number of Queensland Police Service employees, including civilian and support staff, has exceeded 10,000 employees. The Government is proud of that record.

The Government also carried on some initiatives that were not our initiatives. When we came to Government we found that they were worthy of support. As a result, we extended the police in schools program. We also extended for a further period the crime prevention partnership. The Government is very committed to making sure that the situation is even better than it was before. We recognise and pay due regard to the achievements made during the coalition era. We are absolutely determined to do better and are already achieving that result.

The shadow Minister made some comments about how it was necessary to have telephone interceptions in order to improve policing in this State. I am not trying to be critical of the shadow Minister, but the harsh reality is something different. The Bill which was introduced by my predecessor did not go through the last Parliament. My predecessor let the Bill lie on the table and it lapsed when the Parliament was prorogued. He acknowledged that there were some serious problems with the safeguards. That problem still exists.

I am expecting to have submissions put to me by the big three—the Criminal Justice Commission, the Queensland Police Service and the Queensland Crime Commission—to consider introducing telephone interception in Queensland. The reality is that we would only be allowed to pick up and comply with the Commonwealth Act. However, the Commonwealth Act does not provide the safeguards that were mentioned by the shadow Minister. The Public Interest Monitor would not have a role in terms of overseeing the use of warrants for telephone interception. That is one of the weaknesses.

I know that the coalition had sought advice to try and work around it. It is not Supreme Court judges in Queensland who issue the telephone interception warrants. The Public Interest Monitor would not be able to be given copies of applications before the applications were heard. The monitor would not be able to be present when the applications were heard. As a result, the very important safeguards that the Public Interest Monitor provides in relation to warrants for listening devices and visual devices cannot be applied in Queensland under Commonwealth legislation. I wish they could be applied here because that would make it a lot better.

The Government's view is that for us to consider telephone interception we would have to be very sure that the safeguards could be applied. Warrants under the Commonwealth Act can only be approved by Federal Court judges and by approved members of the Administrative Appeals Tribunal. It is not a question of our being able to use Supreme Court judges in Queensland. I am trying to recall the detail of the briefings I received when I was shadow Minister and I believe that I would be precluded, as Minister responsible for the Queensland Police Service's use of those powers, from even reporting to this Parliament.

We would be giving police quite intrusive powers; I would be the Minister responsible to this Parliament and I would not be able to tell this Parliament what was going on in terms of the use of those powers. These issues have to be worked through. I hope that the Commonwealth might be able to change its perspective. Of course, we all know how long it takes the Commonwealth to make changes even when it has decided that it will comply with something.

I do not say these things in a critical sense. I simply point out that I wish it was capable of being done in the manner that the shadow Minister envisages. We all have a little bit of work to do in that regard before we can reach that point.

I would like to make some comments about other contributions. I was a little disappointed in the member for Tablelands who, despite indicating support for this Bill, proceeded to use rhetoric which can only be described as "hang them up high when they offend". That is something we are all trying to avoid. We are all trying to genuinely work through the issues of juvenile crime and crime prevention. If we simply go back to that style of operation we will not be successful.

I was pleased to see that the member for Caboolture, the leader of what is left of One Nation, supported the Bill. I am genuinely pleased to see that we have unanimity in this Parliament on this sensible reform and this sensible clarification. I make the point that the member for Caboolture has indicated that One Nation's view is that the police should have power to remove youths of 16 years and

under from the streets. I should point out that my colleague, the Minister for Families, Youth and Community Care, has the Child Protection Bill 1998 before this Parliament. That Bill provides for authorised police officers to take children under 12 years of age to a safe place when the child is at risk of harm and a parent is not present with the child. This Government is committed to that approach and, although it perhaps will not be going as far as the member for Caboolture wanted, it is very conscious of the need to take that step.

Many members commented on parental responsibility. We all know that as part of a crime prevention strategy we will have to assist families that are either dysfunctional or lack adequate parenting skills. We have to get families much more involved and parents have to take greater responsibility for their children. If we simply say that it is somebody else's problem, for example, the schoolteachers' when they are at school and the police officers' when they are not at home in bed, we will not get on top of the problem. Instead of lecturing parents about their responsibilities, we should be finding ways to provide skills and assistance to parents so that they can address the problem.

That issue is addressed in the discussion paper that the Crime Prevention Task Force has prepared, and it is being discussed at the 29 forums on crime prevention being held around Queensland. Those types of issues are being addressed, as are many of the other issues raised by the various members of Parliament who made a contribution to the debate on this Bill today.

Based on commitments that we gave in Opposition, in this financial year's Budget we have allocated some \$47m for crime prevention initiatives. That funding is spread across the various departments—the delivery partners. The Beattie Government is genuinely interested not only in addressing crime with more police and more effective powers but also in investing funds up front to deter it.

I thank the member for Mirani for his support. The member asked whether the change of Government has meant that Sarina is not getting a fair go with respect to police numbers. A letter-writing campaign is going on at present. I have received a number of letters from people in Sarina, and they have all been fairly consistent. I have sought advice from the police on the position in Sarina. Everyone, including members opposite and the member for Mirani, should know that police are allocated by the Police Service. Ministers do not interfere with that allocation process. My predecessor and his predecessor in this place were adamant that they never interfered in the police allocation process, and I am just as adamant. We are providing record numbers of additional police. The police executive at State level determines to which regions police will be allocated, and the assistant commissioners in each region determine—and they have some flexibility in doing this—how the additional numbers are allocated in each region.

Never before have we seen so many police going into the regions, and that number will continue to increase over the next few years. It is up to the regional assistant commissioner to determine how many police Sarina will have. I am told that it currently has nine funded positions—seven general duties positions, one detective and one traffic officer. The general duties vacancy has been filled, and that appointment will be gazetted tomorrow. Sarina has benefited from an increased allocation following the review of the model. Two more officers will go to Sarina. The number of general duties police will increase from seven to eight, and there will be one more detective. I thank the member for Mirani for supporting the Bill. However, I point out that we run a risk if we politicise the Police Service's allocation of police. Police officers are being allocated to the regions in record numbers. We should all have confidence in the leadership of the Police Service—and I have strong confidence in it—to allocate police in an appropriate and proper manner.

The police powers issue is a straightforward one that we are addressing and fixing up. It is most important to note that the majority of young people are great, and we should be immensely proud of them; the majority of them never offend. In fact, it is young people who are most frequently offended against. I am repeating just a few of the points that I made in my speech in 1997 when the Police Powers and Responsibilities Bill was debated by this Parliament. We should be very, very careful that we do not demonise young people, because only a minority of them offend. They need to be dealt with firmly and fairly when they do. The police must have the appropriate powers, because that is part of the tools of the job for police officers on the street. This Bill clarifies the powers for the arrest of juveniles in line with the original intent of the Police Powers and Responsibilities Act and the powers that pre-existed before that Act came into being. The police do not want to be involved in the arrest of children or the trauma associated with occasionally having to hold them in watch-houses. However, there are circumstances when that happens, and we have to give them support.

I thank my staff and officers of the Queensland Police Service who have been involved in the preparation of this Bill and the briefings on it. I thank the shadow Minister for the kind words he extended to those same people when he was briefed. I accept that the shadow Police Minister has been thrown in at the deep end; he got the job one day and had to be briefed on a Bill to be debated on the following day. Those staff deserve our thanks. Again, I thank everybody who has participated in this debate on what is a very small but important Bill. I commend the Bill to the House.