



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

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

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (3.17 p.m.), in reply, I will begin by referring to the final contribution and go on to the contribution of the shadow Minister. I certainly thank the member for Caboolture for his indication of One Nation's support for this amendment Bill. Very clearly, the Act is being amended to improve the activities with regard to registers. They are very straightforward but necessary changes. I thank the member for Caboolture for his indication of support for this Bill.

However, I would like to make one other comment about his contribution. The member went through the steps that have to be taken by police in the field. I stress that when the original legislation was introduced in 1997 by my predecessor, the member for Crows Nest, it was accepted that with greater powers comes greater accountability. The title of the Act reflects that: it is the Police Powers and Responsibilities Act 1997. With greater powers, it is absolutely essential that there be greater accountability and that greater responsibility will be accepted, but on the basis that we do not cripple the capacity of police officers in the field to be able to do their job. That is something that the previous Minister, the member for Crows Nest, was very, very conscious of, as I was as the then shadow Minister, and I am still very conscious of that today. It is my belief that these amendments before us today will also make it easier for police in the field to be able to carry out their responsibilities. As virtually everybody has said, when the original legislation was introduced, as the shadow Minister I knew, as did the then Minister, the member for Crows Nest, that through experience with this very far-reaching legislation, which facilitated massive change in the Police Service, there would need to be some adjustments on the way through. Experience has shown the need for that adjustment.

That is what this Bill is all about. It is similar to what happened with a Bill that I introduced to the Parliament some weeks ago, which clarified the powers of police when arresting juveniles. I have no doubt that the member for Crows Nest believed that those powers were clear when the Act was passed in October 1997, but experience showed that there was a grey area that we clarified. As the member for Crows Nest said today, the issue of juvenile crime is foremost in the community's mind and it is essential that we ensure that the police have the tools to effectively address that problem. However, we must also take into account the need for greater parental responsibility in many cases. We cannot leave the raising of children to the educators, the police and the social workers. We all have a part to play, but parental responsibility is extremely important.

I thank the member for Warwick for his contribution to the debate. As he said, the Act resulted from a great deal of bipartisan activity that occurred over many years, not just during the consultation process that took place during the coalition's period in Government but going back to 1990 when the CJC started its investigations into police powers. It ultimately brought down five reports on police powers and a separate report on telephone interception and electronic surveillance, which was very much a part of the lead-in to the 1997 Act that we are amending today.

I note the comments of the member for Warwick in relation to his electorate. I am pleased to hear that, like most of our police stations, the Stanthorpe Police Station is up to speed in terms of staff levels. In the main, shortfalls occur simply because of the process of calling for applications to fill vacancies. That is something that the member for Crows Nest is very familiar with, as I am. I agree with the member for Warwick that in areas such as Stanthorpe it is desirable that stations are progressively

upgraded to 24-hour stations. As additional police come on line, the operational people will look to areas such as Stanthorpe. As more police are provided through the academies and through this Government's commitment to ensuring that more and more police are made available, I have no doubt that the assistant commissioner for the southern region will have the capacity to put more police into Stanthorpe if it is his and his management team's belief that that is where they can be best utilised. This morning in answer to a question without notice I said that we have already upped the ante very greatly in the Ipswich area of the southern region. I have no doubt that as the southern region receives more and more graduates, we will be able to increase police numbers at stations such as Stanthorpe.

I thank my predecessor, the member for Crows Nest, who gave a very good outline of the work that was undertaken to enact the 1997 Act. I thank him and Frank O'Gorman, who was working with him, for the level of consultation that they provided to me at that time. I must admit that there were a few occasions when Frank briefed me and I thought, "Jeez! I wonder if Russell knows that Frank is going this far in letting me know where it is at." The proof of the pudding is in the eating, and we reached a position where there was a great deal of cooperation between the then Opposition—the current Government—and my predecessor. As a result, very effective legislation was enacted, although it needs some adjustment.

As the member for Crows Nest has raised the point, I take this opportunity to talk about the move-on powers. The shadow Minister has already had a chop at me in the Parliament about those move-on powers. The reality is that the local authorities have been a little recalcitrant in their consultation processes. When I became the Minister, the issue was out for consultation with local authorities. They were a bit tardy in getting back to me. Frankly, when they did come back the only polite way to put it is that they were not prepared to accept their responsibilities. They had gone back to where they had been at the time of the drafting of the Bill. They wanted the Minister of the day to take the decision, because they did not want to dirty their hands by having to undertake consultation with their own communities. They did not want to do the hard work involved in consultation and they did not want to take a position. They wanted the Minister of the day to declare which areas would be notified areas.

We took on board their views and had a chat to them. We suggested that they look at the issue again. At the end of the day they basically said, "About half of our local authorities like what you are trying to do and about half do not, so we do not want to take a position." We then drafted a regulation which, at this point in time, has been sent to all local authorities throughout Queensland for comment. I do not recall the exact date that those comments are due back, but it must be very soon because it is my intention to have a regulation in place by the end of June. The local authorities may not want to play ball, but I am afraid that they will have to. They have to be a part of the process of consulting with their own communities and identifying very tightly the areas that they want determined as notified areas. They have to come back to me as the Minister with recommendations and reasons for why they want those areas declared notified areas. I do not believe that we can simply give everything a tick and flick, because some local authorities have already demonstrated that they would have their entire community declared a notified area, which was not the intention of the original legislation, although most members would agree that some areas will be covered by that regulation and it is very desirable that they are declared notified areas.

We are continuing to work on the consolidation of police powers in the 500 or 600 other Acts of the Parliament that involve police powers. It is still my intention to have that legislation before the Parliament by the end of this year. The reference group, which is chaired by Sir Bruce Watson, is still meeting regularly to oversee and consult with the community on that consolidation. That process was started by my predecessor and has continued for the past 10 months. This is not an easy process and it cannot be a quick process, simply because of the massive amount of consultation that is needed.

Although this may not relate to the Bill directly, I shall respond to some comments that have been made. With regard to the Jondaryan Police Station, all I can say to the member for Crows Nest is that rumours are running everywhere. It is not the case, as was insinuated in question time this morning by the shadow Minister, that I am making decisions without doing any consultation and then doing backflips. This is the first that I have heard of any plan to close the Jondaryan station. I must say that my objective is to improve police services; it is not to shut police stations, whether they be at Jondaryan, Kalbar, Harrisville, Booval or any other location. If there is to be any closure of police stations, it will only be where new stations are coming on board or where a reorganisation of responsibilities by the operational people, after approval from me, will see an improvement in police services to those areas. It is not our intention to downgrade those services. As police numbers increase, we intend to improve services; we do not intend to close existing stations unless we have better alternatives.

I thank the member for Crows Nest for raising the issue, but I scotch that rumour. I have seen nothing about the closure of the Jondaryan station and it is not my intention to close it. If anybody believes that, they can read this speech in Hansard, put the idea back in the box and bury the box, as can the people who were talking about the closure of the Kalbar, Harrisville and Booval police stations.

Certainly it is my understanding that the operational team in the southern region were doing a study of alternatives. They consulted with one of the major stakeholders, but they had no confidence in what was only a discussion paper that had not even been to me or my office. That paper raised the possibility of some closures or changes at those stations, particularly the Booval station, which is only some hundreds of metres from the new Police Beat that I officially opened last week. In terms of Kalbar and Harrisville, the new Yamanto police district headquarters is being opened.

Some investigating was carried out into whether it would be appropriate to change around some resources. I make the point—and the Police Service has made this point very clear to me—that that investigation was being conducted internally. It should not have been made public. At the end of the day, the Police Service will not get my approval to close any station, particularly Kalbar. Over the past couple of years, I have seen how that community has reacted to defend its police officer. My name is Tom, not "Stupid". I certainly will not be approving any closure of Kalbar station, and I cannot see that I will be approving any closures of other stations or activities unless, following consultation, communities are on side and unless that would result in an improvement to police services in those areas.

I found offensive some of the shadow Minister's comments about backflips and abysmal planning. That was not appropriate in today's debate. That would be more appropriate in question time, and in the future I will be perfectly happy to put some of that back on the shadow Minister. There are no proposals such as those that have been suggested. There will be no backflips. The Treasurer, the member for Ipswich, first learnt of this issue at around the same time as I did, when we were going through our news clippings. The major stakeholder group that was consulted informally by the assistant commissioner will not be consulted again if it is going to go public about internal exercises. However, in one sense I am very happy that it did that, because I want to scotch the rumour very clearly right now. There will not be any closures at Kalbar, Harrisville or, for that matter, even the Booval station, in spite of the fact that it is perhaps no longer needed because of its proximity to a Police Beat shopfront.

This Government's policy—and my very strong policy before and following the election—is that, as additional police resources become available and we are able to put in place Police Beats and shopfronts, those services will be additional to existing police resources. I wish to make it very clear that that edict sticks. I thank the member for Crows Nest for his contribution, because it has been very helpful in putting into context the current legislation and the necessity for this change.

A few other comments probably need to be made. In respect of Thursday Island, an article in today's newspaper refers to a report that is over a year old. Based on that report, the shadow Minister has been saying publicly that we are presiding over reduced and inadequate police numbers on Thursday Island. The report is 12 months old and relates to police numbers that existed during the coalition's period in Government. The numbers that I quoted in this Parliament in answer to a question on notice are the correct numbers. I have not misled the Parliament. That the shadow Minister raised this issue in the media this afternoon demonstrates very clearly that the Labor Government has got the numbers at Thursday Island and Torres Strait up to speed. When the member opposite was a senior Minister in the former coalition Government, the numbers were down. If he wishes to continue to lead with his chin, he should go ahead and do so, because I will be happy to hit it. Those numbers are right up to speed. The shadow Minister is accusing me publicly of misleading the Parliament. He will be brought to task every time he does so.

Mr Horan interjected.

Mr BARTON: The member will have to get up a bit earlier. He has not even started yet. He should keep asking me questions in question time; I love it. I wish to make it very clear that, under this Government, there will be no backflips, abysmal planning or amateurism. It does the shadow Minister no credit in a debate on a Bill such as this, with which we all agree, to take cheap shots such as that. To the extent that the shadow Minister keeps taking cheap shots, I will keep hitting him on the chin.

Mr Horan interjected.

Mr BARTON: The member for Toowoomba South has had his opportunity. He now has his answers. I will return to the substance of the Bill, because that is what we are really about, not giving the shadow Minister an opportunity to try to take cheap shots.

This Bill changes the existing legislation, because its operation over the past 12 months has demonstrated that it needed to be adjusted. The registers are a very important part of the scrutiny of those operations, whether it be the Police Service, the Crime Commission, the CJC or the NCA, which is a partner. It is very important that they be effective. Experience has shown that there were some weaknesses in the way in which the legislation was put together originally and which needed adjustment. This Bill provides for that adjustment. It will make it much better for the operational police in the field. In effect, it provides additional safeguards, particularly for those people within those services who may not want to play tightly by the rules. That is why it is very important that these changes to the register provisions go through. There are certainly still adequate safeguards.

Both the shadow Minister and the member for Caboolture asked me to clarify the role of the Parliamentary Commissioner. They will find those provisions in clause 14, which is on page 13. The Parliamentary Commissioner may inspect the CJC's register and the Crime Commission's register. That is not an aspect of the Police Service's register on the previous page—page 12—because the CJC may inspect the Police Service's register. That is appropriate, because the CJC has a monitoring and overview role of the Queensland Police Service. In relation to the changes as to how and who can look at the registers for the CJC and the Crime Commission, the Parliamentary Commissioner has been added as an appropriate authority who can inspect those registers. That is where the provisions are located in the Bill.

I probably should make some comment about the report of the Scrutiny of Legislation Committee, but I will not go into it in any great detail. The Scrutiny of Legislation Committee has been able not only to look at the Bill in detail and report to the Parliament; it has also done so in a time frame that has allowed me to report back my comments to the committee and for those to be published and referred back to the Parliament. I think it is fair to say that I have not totally convinced the Scrutiny of Legislation Committee that there is not an element of retrospectivity in terms of these amendments to the register provisions. However, it is still my very firm belief and also that of my advisers that we are not including retrospective activity. The Scrutiny of Legislation Committee has not been totally convinced. I put it to the Parliament that this change is necessary for the integrity of these registers. It is my belief that we are not in effect putting in place retrospective legislation, because we are not taking away rights that people had up till now. However, we are changing future accessibility to the registers.

I ask the Parliament to accept the explanation that has been given to the committee and published, because it is absolutely necessary for the operation of the registers and the integrity of the information on the registers, particularly when we are dealing not with someone who has had a straightforward search warrant served on them or had the operational register added to, but with the people who are in organised crime, or on the few occasions when a police officer might go bad on us and could look at information that might help that person to continue with those activities or pass on that information to others. That is the long and the short of it. Although we do not get many of them, we do get the odd one. It is very important that the integrity of the registers be maintained. In reality, the Police Service, the Crime Commission, the CJC and the National Crime Authority have been maintaining their own registers, anyway. We are authorising them to take that action. They have done that for the correct operational reasons.

Initially it was our intention to provide that the NCA had to keep such a register. Constitutionally, we are unable to demand that of the NCA, but we have received a letter from the National Crime Authority to the effect that it is honouring the spirit of what we seek to do to the extent that it taps State powers. It will maintain its own register and, by agreement, it will allow people to access it appropriately.

I think that is probably all that I need to say at this point, other than to commend this legislation to the House. It is necessary legislation. It is one of the more important and potentially controversial aspects of the Police Powers and Responsibilities Act. This is not major reform; it is an adjustment based on the operational experience of those four services during the 12 months and a bit that the Act has been in force in this State. I commend the Bill to the House.
