



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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### **POLICE POWERS AND RESPONSIBILITIES BILL**

**Mr FELDMAN** (Caboolture—CCAQ) (12.13 p.m.): It is a pleasure to rise in this Chamber to speak on matters concerning policing in Queensland, and in particular to speak on the Police Powers and Responsibilities Bill. Policing always was, and always will be, a very serious issue in the wider general community.

Sir Joh Bjelke-Petersen used to trot out this issue at every election because he realised that it was a big issue. We are told that he raised this matter not simply because of political advantage but because he was aware of the serious nature of crime and how the lack of attention by politicians and political parties to crime and criminals was viewed in the wider community. This matter was recognised this morning in Michael Duffy's article in the Courier-Mail.

In 1996, as a serving police officer, I recall this type of radical reforming legislation being introduced under the very wise counsel of Parliament and the then Police Minister, the Honourable Russell Cooper MLA, the member for Crows Nest. Mr Cooper is still viewed as probably one of the better Police Ministers we have had in this State. I am not saying that the current Minister is not viewed in a similar manner. I have made similar comments previously in relation to the Honourable Russell Cooper.

Mr Cooper listened to the concerns of the grassroots membership of the Queensland Police Service. He realised that radical reform was needed, particularly in relation to issues of promotions and transfers. He also listened to the concerns of the Queensland Police Union.

I remember the member for Crows Nest, as Minister, touring the State with an entourage which included the present Police Minister, the Honourable Tom Barton, and other luminaries noted in their various fields. I refer in particular to Terry O'Gorman from the Council for Civil Liberties, Bob Bottom in his better days, and some very fine police officers from the legal section of the Queensland Police Service, including Doug Smith, Greg Thomas, Peter Doyle and Frank O'Gorman. These men were all very well-respected and learned police officers who spent long hours each day not just making this legislation good legislation, but making it workable for the officers in the field. All their work paid off with the enacting of the Police Powers and Responsibilities Act 1997. But their work was not finished; there was a lot more finetuning to do. What we see in this Parliament today is a portion of that finetuning.

Some finetuning was done in April 1999 when some amendments were moved to enhance the administrative responsibilities of the police relating to the recording of information in registers. These 1999 amendments clarified the delegation of powers and responsibilities relating to the registers and who was responsible for the maintenance of them. The amendments also clarified responsibilities with respect to the provision of access to registers and where certain people were entitled to be advised of certain information contained in them. What we see here now is a culmination of that work which was started in 1996. We now have the Police Powers and Responsibilities Bill 2000.

I, more than many other honourable members of this Assembly, fully recognise that policing is an evolutionary process. Policing is not only affected by changes in attitude and changes in community views and expectations, but it is affected by legal decisions of courts of competent jurisdiction, as well as political changes, technical changes and environmental changes. More than ever before, police must be a step ahead of the criminal element and criminal activity in order to prevent crime and create

the type of society that Queensland and, indeed, Australia wish to portray to the world during this year's coming Olympic experience.

I agree absolutely with the Minister when he said in his second-reading speech that, with the greater powers extended to police to stay ahead of the criminal of today, there has to be greater accountability. I also agree that, with the acceptance of that greater responsibility by police, the legislation in its intent to deliver must not cripple the capacity of the police in the field—at the coalface of urban renewal—to do the job which the community expects of them. I know that the current Minister is very sensitive to this issue and does not want to see police bound by bureaucratic red tape and procedure when they could be out on the street doing the job that the community expects of them.

The Minister could not have been more clear on that point than when he was at the Caboolture Police Station some four or five months ago. The Minister was talking to a delegation of very concerned businessmen and women who attended at the station in order to express their concerns over the lack of police numbers and an increase in juvenile crime activity in the Caboolture CBD. This is a Police Minister who will not accept second best as a policing attitude, and I thank him for the additional police numbers and the promise of a secure increase in police numbers at the Caboolture and Bribie Island Police Stations.

I also agree with the Minister when he said in his second-reading speech that a precedent has to be set with this legislation for the rest of Australia and that the objectives set by this Bill appear to have been achieved. I believe Doug Smith in the Northern Territory is following suit and has taken some of his Queensland experience with him.

From an operational policing point of view, the setting out of this Bill makes it easy to read and easy to follow. I am not saying that the Bill is not complex, but it is easy to refer to the provisions of each chapter in order to ensure compliance. The Minister recognises that this legislation is not the be-all and end-all of all policing needs and that it is not a one-stop shop to cure all the problems that police may face in their daily duty.

It is indeed reassuring to police that this Bill allows the police to continue to do the things that they can do lawfully other than provided for in this Bill. I see that as early as clause 5 in chapter 1 compliance with the Act by police is spelt out very clearly and the scenarios of the type of disciplinary action that may be taken is shown in the four examples that are listed. However, in the Minister's second-reading speech, he stresses that it is not his intention or the intention of the Government to instigate a witch-hunt on the vast majority of honest and hardworking police officers of this State. I believe that is still the job of the CJC. All police I know perform their duty within the parameters of the law.

It is also reassuring to note in clause 6(2) that there is recognition of the basic principle that everyone in the community has a social responsibility to help police officers prevent crime and discover offenders. I hope that the recognition of this basic principle is mentioned to many people in society who do not wish to get involved or who "didn't see nothing", which was often said to me when I was a police officer and turned up at the scene of a crime or a tragedy. I think that many people in our society are tragically unaware of that principle.

Part of the workability of the legislation lies in what has been achieved already. I must say that, from time to time, the move-on powers extended to police have been used sparingly and with the maximum effect in very adverse circumstances. I realise that there was a real fear that, with these extended powers, suddenly police would be out there hassling, harassing and intimidating law-abiding citizens, especially the youth who like to just hang around together in various groups. I think that fear was quite evident. However, I do not think that that has been the reality. I know that the authorised use of the move-on powers in the additional places provided, such as premises licensed under the Liquor Act 1992, in malls, racing venues, South Bank and places where unlawful soliciting for prostitution occurs, will be gratefully appreciated by the public at large, especially in those areas. On that note, I am sure that Mr Tornatore in Brunswick Street in the Premier's electorate will appreciate the power being extended to streetwalking down there. It may stop some of those letters that I know float through to the Minister as well as to me and several other people concerned about this issue.

The Minister was quite aware that, when he met with the Caboolture CBD traders at that meeting at Caboolture about which I spoke before, the nuisance value to shopkeepers of older youth playing on rollerblades and skateboards in and around shop doors and arcades was a bone of contention. The Minister should be aware that those people are now fully briefed on the provisions of clause 40. I am sure that the council in that area will be receiving a lot of calls in respect of that.

However, as an avid sports fan, I was extremely interested in the special event powers contained in the Bill. I am fully aware of the number of major sporting events that are coming to Queensland over the coming 12 months. I am especially sensitive to the requirements of the Olympic Games. Not only will a great number of overseas teams be not training in Queensland but this State will also be hosting a substantial number of Olympic soccer matches at the Gabba Cricket Ground.

We all recognise the passion and the national pride that is expressed in our sport. That is shown by all nationalities. It is a sad fact that, today, we all remember seeing on TV the incidents of soccer hooliganism in Britain and Europe. I know that we do not expect that sort of behaviour in Australia. After all, it costs a fair amount of money for a person to come to Australia to watch a match—a little bit more than it does to cross the channel. Certainly, if I were an overseas sports fan, I would not want to pay a lot of money to travel to Australia only to be kicked out of a stadium or banned from attending all matches, or possibly charged with offences. However, our police and stadium officials must be prepared for the worst. It is sad and unfortunate that this is how it has to be.

At this stage, as I am an avid cricket fan, I must point out that the Sunshine Coast and Redcliffe League Zone Under 16 Boys, whom I coached in the Queensland State Junior Cricket Carnival at the Brisbane Grammar School complex at Boondall, were not back-to-back winners this year. However, they acquitted themselves well and ran third. I mention this not just for the fact that three of these boys were selected for the Queensland State side and that central Queensland took out the championships in 1999-2000 but that, just like me, these boys, whose passion lies in cricket—

**Mr Lucas:** Is it the coach or the players?

**Mr FELDMAN:** No, they were definitely robbed by just a few minor runs in a couple of vital matches. It was just through a little turn of events. I am glad to see that the member for Lytton is very interested in junior cricket. That is very, very good indeed. As I said, like me, these boys, whose passion lies in cricket, were just a little bit disappointed by the crowd's behaviour at the one-day cricket final series this year. In Melbourne, the match was stopped for some time because a number of plastic drink bottles and rubbish were thrown onto the field at players, officials and ground staff. Considering the esteem in which Australian crowds have been held in the past, it was quite appalling behaviour. I can even remember clapping and chanting "Kill, kill, kill" as Thommo and Lillee ran in to bowl at the poms in the 1970s, but at that time, as much as we love the poms, people never threw rubbish at the players on the field. However, I can recall a few years later as a police officer taking away in the back of the divvy van some overenthusiastic revellers on the old hill after they inundated a lone pommy spectator with the Union Jack in his hand.

However, I cannot see such bad behaviour going on out there at the Allan Border Field as Queensland dissects Victoria in the Pura Milk Cup commencing on Friday. We love our cricket and we love the Bulls. We may have been one of the last teams to grab the Sheffield Shield, but my money is on Queensland to be there to grab the first Pura Milk Cup—all \$10,000 of it. I cannot see Stuart Law and the boys making Queensland wait some 63 years for this to be our prize. All I say is: go the Bulls. Let us have a great start to the new millennium by holding that Pura Milk Cup up high.

In speaking of major events, Queensland has a responsibility to enhance its reputation as a safe environment for international spectators and visitors to our major and special events. I understand that there will be a condition of entry to the special events sites that a person must not take into or possess in that site a prohibited item and that, on entering, if a person is asked, they must permit a search of their personal property or permit a frisk search. I notice in Schedule 4 that the definition of "prohibited item" in relation to special events means—

"... a thing stated to be a prohibited item in the declaration of the event as a special event."

I hope that we do not reach the ridiculous stage at which plastic soft drink bottles or water bottles, cameras or video cameras are classed as prohibited items because of sponsorship rights, or that the texta pens that are used by the children who are out there autograph hunting are classed as prohibited items just for the fear that there could be graffiti problems. I can see the very reasons for families going to see, to photograph or to autograph hunt at special events—and do it reasonably inexpensively by taking their own drinks and food—stopping that practice. That would be more of a shame than what we have seen to date.

In this day and age, the searching of property and persons going into special events and the scanning for inappropriate material is essential. Even now, when I have gone to the Gabba I have had my sandwich bag inspected. I do not mind that at all. However, it would be a real shame to force out financially the families—the mums and the dads and the children who make our sports stars the heroes and the role models and the characters that they are.

**Mr Palaszczuk:** Did you have Queensland food in your sandwich bag?

**Mr FELDMAN:** Always—always Australian owned, and from my local butcher as well. I am very conscious of buying Australian-owned products. I thank the Minister for raising that matter. He will hear more from me about that matter later on, perhaps in another speech.

Bearing in mind that this Bill comprises some 371 pages, I intend to ask the Minister some things about it in the Committee stage. For example, I wish to ask the Minister where in the Bill there is protection for the police in the use of the stinger that is used to stop vehicles in relation to roadblocks and the power to stop vehicles. I know that the device has been trialled and was used very successfully just a matter of a week or so ago. It did not result in any tragedy or long-term police chase. As a former

police officer, I want to ensure that the boys out there who are using it are adequately protected with respect to its use—

**Ms Struthers:** And women.

**Mr FELDMAN:** And women— policewomen as well. That is correct. I should not be discriminating; it is "police officers".

I know that strip searches and searches of persons generally have been the topic of conversation during this debate. What is not understood is the onus of responsibility placed on police when an offender is arrested or placed in police custody or in a watch-house. If the search is not carried out adequately, a person can injure himself or herself with a secreted weapon or drugs or syringes. It is amazing what a person can hide. It is amazing how large an item can be hidden in the crevices of their person, both male and female. A strip search and a squat can reveal a lot more hidden material than just an embarrassed look. It is to provide protection that searches are conducted in the manner in which they are.

Deaths in custody, injured police officers, the prevalence of drugs and the expectations of society have made police even more watchful and hardened masters when taking persons into custody. When a person is taken into custody, there is no such thing as a minor matter. Many minor matters where searches have been overlooked have turned to tragedy. I do not need to highlight them. Police need to perform searches not only for their own protection but also for the protection of the people they take into custody. I note the Minister nodding in agreement. This is one area of the Bill for which the police have a lot of respect, because searching is a vital aspect of maintaining the safety of people in custody and the safety of police.

When searching has been overlooked, it has turned to tragedy. Police now adopt—and rightly so—a "better safe than sorry" attitude in relation to searching. The emphasis is on the safety and the welfare of the person in custody at all times. We have made policing this way, so we cannot criticise the end result or there may be further injuries and more deaths in police custody. That is something that we do not want.

I have spoken with Queensland Police Union representatives Mr Merv Bainbridge and Mr Gary Wilkinson. Both gentlemen are quite au fait with the legislation. They believe it is very good legislation. However, it would be remiss of me not to mention funding for police. I know the Minister is very conscious of this issue. As a former police officer, I cannot deny the sorts of things that are taking place out there. I know that in some cases there are directions in relation to the restriction of overtime. Officers cannot make arrests more than halfway through their shift. There are restrictions on the availability of specialist sections after hours, such as the Dog Squad, crime scene, the Traffic Accident Investigation Squad and forensic officers.

If the Government is desirous of police following this Bill to the letter, I suggest there be no such tight restrictions on the use of specialist services now that in most cases they are so essential to successful prosecution. If we do not want the police to take short cuts, they must be provided with adequate specialist services and an overtime budget to complete any task efficiently and competently.

This is a very good Bill. It has been a long time in the making. We will be supporting it, although we have a few questions about certain clauses. I have not seen the amendments of the shadow Minister, but I look forward to seeing them. We will be supporting this Bill.

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