



Speech by  
**Mr DENVER  
BEANLAND**

**MEMBER FOR INDOOROOPIILLY**

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Hansard 15 March 2000

**POLICE POWERS AND RESPONSIBILITIES BILL**

**Mr BEANLAND** (Indooroopilly—LP) (12.03 p.m.): I rise to join the debate on the Police Powers and Responsibilities Bill and to raise a number of issues. I particularly want to recognise the former speaker, the member for Crows Nest, who was the Minister responsible for the introduction of this legislation in 1997 under the former Borbidge/Sheldon Government. As has been mentioned, this legislation has been around for some considerable time, but the member for Crows Nest devoted a great deal of time and attention to the matter so that the legislation could be brought into the Parliament and passed. This consolidating legislation in relation to the Police Service will be good for the public. The Bill that the current Government and Minister are bringing forward today is amending legislation. It is largely finetuning legislation, but there are other issues as well. It does contain a couple of significant changes that are certainly well beyond what could be regarded as finetuning.

It is fair to say that the most disappointing aspect of this debate is that it started yesterday when the Scrutiny of Legislation Committee had not yet produced its Alert Digest, which it has tabled today. A range of issues have been raised in that Alert Digest, some of which I and other members have picked up on. The shadow Minister has also picked up on some of those issues, but unfortunately the shadow Minister has made his contribution in this debate. There are some 17 issues, and some aspects of those issues are quite significant. As the debate has already commenced, the shadow Minister does not have the opportunity to raise those concerns, except during debate on the clauses. There is also the problem of having adequate time to consult appropriately in relation to these matters.

Some serious issues have been raised in relation to the way in which some of the wording has been changed. There are some 390 clauses in this Bill and some four Schedules covering some 371 pages. This is quite a large Bill. It will take people time to go through it and to consult; they need to go through the legislation clause by clause. The changing of one or two words can have a significant effect on people's civil liberties and the powers of police. It can alter the way in which people are treated by police in the event that the police suddenly arrive on their doorstep in relation to one matter or another.

This is very important legislation as regards our civil liberties. It is legislation which requires members' attention to the detail of the individual clauses. Therefore, it is disappointing that the Alert Digest arrived after debate on the Bill had commenced. We have been given no reason at all for that by either the Scrutiny of Legislation Committee, which produces the Alert Digest, or by the Government. Nevertheless, that is the situation.

The first issue that I raise relates to clause 163, which deals with a threshold test. It is fair to say that the current situation is that, under the legislation, reasonable belief is a requirement. What we are talking about here are standards and tests before the law. In the Alert Digest, the Scrutiny of Legislation Committee said—

"... the committee noted the difference in the standards of 'reasonable suspicion' and 'reasonable belief'. It is accepted in the bill itself that they connote different criteria."

They certainly do. The Alert Digest goes on to state—

"As the High Court in *George v. Rockett* observed, the latter standard is more difficult to satisfy than the former. This is implicitly recognised in the bill itself where the two standards are applied in relation to different provisions. For example, in moving the provisions of arrest of persons on bail from the Bail Act 1980 to the bill, it is noted that the standard of satisfaction has been lessened from reasonable belief to reasonable suspicion."

The committee then draws its attention to that fact. The report then deals with the same clause but a different section of the clause, that is, 163(1)(k), and I refer to page 120 of the Alert Digest relating to the nature and the seriousness of the offence.

The committee again expresses its concern that it is lawful to arrest a person for any offence where it is reasonably necessary because of the nature and seriousness of the offence. The committee has previously noted that the Criminal Code addressed the issue by differentiating between crimes and misdemeanours, and it certainly does—the former being generally arrestable without warrant. I am not sure what the term "nature and seriousness of the offence" means. This is a point that was raised by the Scrutiny of Legislation Committee. We are dealing here with issues within the Criminal Code and within the criminal legislation. Quite clearly, the Minister is not fully aware of what he is doing. The changes being made are indeed very serious. They are significant, and they are going to have a significant effect on people's civil liberties.

I congratulate those who prepared the Alert Digest on picking up these things. It is a pity the Minister did not make some reference to this matter in his second-reading speech. I thought something would be said about why these words were changed in the first instance. That cannot be found anywhere in the legislation. As I said, the term "nature and seriousness of the offence" is unclear and very imprecise terminology.

Although there has been some change, I am pleased to see that the notice to appear provisions have remained in the legislation. These provisions were first introduced into the juvenile justice laws by the former Borbidge/Sheldon Government. I recollect that the Labor Party voted against those notice to appear provisions, but they have been retained within this legislation. I think they are working very satisfactorily, as I believed they would. They save the police from having to carry out a whole range of arrest procedures that were required previously and from taking people to watch-houses. These notice to appear provisions obviate the necessity to detain people at watch-houses. Even though the Labor Party opposed it at that time, I am pleased to see the backflip on this issue.

**Mr BARTON:** Mr Speaker, I rise to a point of order. The Labor Party did not oppose that; the Labor Party supported it. In fact, the start of that was when Terry Mackenroth was Minister for Police. I would ask the member to withdraw these scurrilous allegations that we opposed those provisions.

**Mr BEANLAND:** I am happy to withdraw whatever upset the Minister. Hansard records that the Labor Party voted against those provisions in relation to juvenile justice. This section relates to those provisions. This is exactly what I am talking about. The juvenile justice laws are covered in this section of the Bill because this refers to it. There is nothing peculiar about that. I do not understand why the Minister is so sensitive. Is he ashamed of the fact that he voted against these provisions the first time? I do not know.

**Mr BARTON:** I rise to a point of order. The member for Indooroopilly wants to waste his time with these frivolous points. I have made it clear that when the Police Powers and Responsibilities Bill 1997 was in front of this Parliament and I was the shadow Minister the Labor Party voted in support. I think it is about time this character got back to the facts and stopped misleading this Parliament. I ask him to withdraw those allegations.

**Mr BEANLAND:** I am happy to withdraw whatever upset the Minister. Mr Deputy Speaker, I ask that the Minister refer to other members by their correct title. I do not think that does anything for the Minister at all. I would ask that to be withdrawn.

**Mr BARTON:** What did I say?

**Mr DEPUTY SPEAKER (Mr Kaiser):** The member has asked for comments to be withdrawn.

**Mr BARTON:** I will withdraw.

**Mr BEANLAND:** The Minister does not appear to listen. I acknowledge that the Labor Party supported the provisions in relation to the current police powers and responsibilities legislation and that it had changed its position. That is the point I was making, but the Minister does not seem to want to accept it. So be it. I will not waste any more time on that issue.

I think the move-on powers are particularly important. It is good to see that they are also retained in this legislation. I accept that these powers were supported previously by the Minister when he was in Opposition. I have no problem in giving credit where credit is due, but I want the facts to be acknowledged.

Move-on powers are very important when it comes to antisocial behaviour, which is one of the big problems in the community. We are not talking about people who are committing criminal offences, because if they are then the police can take certain action. We are dealing with antisocial behaviour, which occurs in a range of instances from time to time.

Many businesspeople and councils in a range of towns and cities around the State are particularly concerned about antisocial behaviour. They feel that the police need the ability to control situations before they get out of hand and criminal offences are committed. I think these powers are good, because a range of situations can arise in which people cause mischief—in shopping centres, in recreational areas or perhaps around automatic teller machines, just to mention a few.

The community, and local government particularly, becomes alarmed about the ability of people to cause mischief, and the police quite often say that there is very little they can do in those situations. We always have to be careful, though, that youths are not simply harassed for no reason at all. I do not believe that the police do this.

The process appears to be working, although I have heard complaints about delays. From comments in one of the Minister's statements, I understand that those matters are now being overcome and that the process has been sped up. Local government want these matters processed very quickly because of circumstances that arise in their particular localities. I would like some comment or assurance from the Minister that this will occur.

This power is not, nor is it designed to be, a blanket power, but there are circumstances and situations which arise quickly where local government does not want to approach the Minister to have these move-on powers extended in those areas. I think that is a particularly important point and something about which we need some assurance from the Minister.

I raise the issue of prosecutions of people referred to the police department from the Forde inquiry. I presume that is still proceeding. I ask the Minister how things are going in relation to that. Some months ago there was a series of referrals and I think many people in the community are waiting to see the outcome of those referrals from the Forde inquiry.

There were some amendments to police powers in 1998. They particularly related to the power to arrest juveniles and the way in which registers are kept in respect of covert operations. Of course, those amendments were part of an ongoing process of finetuning and review. I am sure that, even though we have this legislation before the Parliament today, further amendments will be required down the track. This is a living document. This is a document to which change will occur from time to time.

I have mentioned section 163, which relates particularly to juveniles. I made some reference to that in relation to the Juvenile Justice Act and the various changes to tests.

There is also the matter of police numbers and underfunding of police. It is all very well to have the legislation, but funding issues are of concern to the community. Although the Minister can inform the House about how well the last Budget went, the facts are that many people believe police were short-changed in the last Budget. There was insufficient funding. That is one of the reasons the police are unable to get on with the number of tasks that currently need to be carried out.

The 6% stealth tax introduced in relation to capital gains made a significant difference to the operations of the police budget. There are a range of capital assets that will be affected by this tax. A special 6% tax put on the police budget, as was put on capital items last time, is certainly going to affect the overall operation of the Police Service. It must have some effect on the ability of police to get out and deliver those services.

One of my constituents was involved in that nasty bashing which occurred on the bikeway beside the Brisbane River. I do not want to take up any time in considering this matter, but we have had assurances from the Police Minister and the Police Commissioner that senior police will be stationed at police headquarters on a 24-hour basis. I accept that. Unfortunately, sometimes things change. I am not saying that the Police Commissioner would change things, but sometimes someone is absent from duty and perhaps someone else takes a shortcut. I am not saying that that is what happened on this occasion. I am seeking an assurance that such a situation will not occur in the future. It is important that police headquarters is adequately manned.

One of the major areas of concern is juvenile crime. So often I hear members of the public say that the police cannot take action against juveniles. That is quite wrong. The Queensland Police Service has more than adequate powers to take action against juveniles under the Police Powers and Responsibilities Act, the juvenile justice legislation and the Criminal Code. Unfortunately, some junior police officers believe that there is some difficulty in relation to taking action against juveniles. That is not the case. Parliament has given the Queensland Police Service adequate and extensive powers to deal with juveniles when they are committing criminal offences. The Parliament has also given the Queensland Police Service power to take action when instances of anti-social behaviour are occurring. That action is being reinforced today in the Police Powers and Responsibilities Bill.

On occasions members of the public say the police do not have sufficient powers to take action against juveniles. That is not correct. I have frequently raised this matter with senior members of the Queensland Police Service. I would like the Minister to ensure that that message is reinforced by his office. We all know that juveniles create problems in the community. Whilst the vast majority of juveniles are law-abiding citizens, a couple of juveniles can embark upon a two-person crime wave. It does not wash for someone to say that the police do not have adequate powers. It is difficult to envisage what further powers Parliament could confer upon the Queensland Police Service in this area. Perhaps some advances could be made with the move-on powers. I look forward to hearing the Minister's comments in relation to that matter.

I hope we will see increased funding in the police budget to ensure that we have an ongoing increase in police numbers.

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