



Speech by

**Hon. RUSSELL COOPER**

**MEMBER FOR CROWS NEST**

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Hansard 14 & 15 March 2000

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

**Hon. T. R. COOPER** (Crows Nest—NPA) (5.51 p.m.): It is with great pleasure that I take part in the debate on the Police Powers and Responsibilities Bill. I know full well, as do most honourable members in this House, including the Minister, that the vast amount of work was done back in 1996-97 in preparation for the Police Powers and Responsibilities Bill 1997. What we have here is, more or less, a direct lift of that Bill into the Police Powers and Responsibilities Bill 2000, plus some amendments relating to special events and searches.

As I said, most members on that side of the House who took part in the extensive consultation and preparation for that particular legislation know full well of the work carried out by the coalition and the Queensland Police Service, particularly people such as Chief Superintendent Doug Smith, who I believe is now in the Northern Territory. A contributor to this debate said that the Territory is now coming into line with Queensland. I reckon Doug Smith would have had a lot to do with that. The people of the Northern Territory know they are in safe hands.

Similarly, Inspector Greg Thomas, Senior Sergeant Peter Doyle, Frank O'Gorman and the Queensland Police Service generally carried out a lot of work. As Doug Smith told me, a lot of the work was first begun in 1982, because it was recognised back then that police powers and responsibilities needed to be brought into line with those of other States. In 15 years no Government—and there were three Governments in that period—had the political will to take on the task of bringing Queensland into line and placing it at the head of the queue. We did that. It took 18 months. Even the Minister said that the previous Minister Mr Braddy had done a lot of the work. He knows only too well that we had extensive consultations with people throughout the State on such matters as the power to detain, the power to move on and the notice to appear. As a result of our efforts, all those matters were included in the Bill. It was a remarkable achievement and would not have been in the Bill had it been passed in 1995-96.

I guess there was a bit of consternation when in his second-reading speech the Minister said—

"This Bill is the product of some 10 years of consultation and preparatory work. The history of the Bill will recount that its predecessor, the Police Powers and Responsibilities Act, was passed with Labor's support in 1997."

That is true. He went on to say—

"Unfortunately, the time lines set by the previous Government did not allow for a full and proper consolidation of police powers. The 1997 Act was little more than a milestone in a lengthy and arduous legislative process."

That is utter rot. We know that it consolidated 90 Acts. That has been said so many times in this House in debates on that legislation, in media statements, in ministerial statements and publicly at all of our consultations. We had months of public consultation. We met in 10 major centres, as the Minister knows only too well. At my invitation he attended I think six out of 10 meetings, and some of his colleagues attended. I think the member for Lytton attended one or two. It was very much bipartisan work that saw us being successful.

In that public consultation not only were the Government and the Opposition involved but so were civil libertarians such as Terry O'Gorman. If you could convince him of a few of these things, you

were doing well. But we managed to do that. There were people like Bob Bottom and others who accompanied us on those tours. Those people had a great difference of opinion. We also listened to the public. That was probably one of the greatest exercises that I have undertaken.

It was certainly a learning curve for me and I believe for others to take the public into account when enacting major legislation. It is amazing how many bugs can be ironed out of legislation just by listening to the people. They are not fools. They might come up with some way-out suggestions at times, but they would not be attending the meetings if they were not concerned. We were able to get rid of a lot of bugs and smooth a lot of rough edges which, if left untouched, would have needed to come back into this House to be corrected or amended.

Another reason to get rid of as many bugs as possible in the first place is that otherwise amendments become necessary. That is why the Public Interest Monitor and the watchdog review committee under Sir Bruce Watson, formerly of MIM, was put in place. Its aim was to monitor the legislation and to come back with any amendments that were necessary, firstly, in six months' time and then on a constant basis to make sure that that was what happened.

It would be interesting if the Minister could tell us how much consultation took place on this legislation, how many major centres were visited and whether the Opposition and the civil libertarians went on tour. I doubt very much whether such consultation took place. In fact, I know it did not. The Minister in his second-reading speech went on to say—

"Therefore, this Government was left with the task of reviewing the success of the 1997 Act ... while amalgamating police powers from myriad other Queensland Acts into this one Bill."

That had already been done. As I have said, 90 Acts were consolidated, regulations were put through and the Responsibilities Code was put through. All we are seeing here, with the reviewing of the success of that legislation, is what we put into place to make sure that it was reviewed and that the myriad Acts were consolidated. That was why we enacted the legislation. The Minister further said—

"The consolidation process this Government has undertaken culminates today in the Police Powers and Responsibilities Bill 2000."

As I have said, this is just a lift from the previous Bill with some amendments and special events taken into account. The Minister went on to say—

"When Parliament passes this Bill, Queensland will be the only jurisdiction in Australia, if not the Western World, with such a comprehensive police powers and responsibilities statute."

We said that in 1997. He said that in 1997. I guess this is a repeat of the things that took place then.

I would also like to read the Police Commissioner's foreword. Back then the Police Commissioner said about the Bill—

"The Courts have ruled for decades that ignorance of the law is no excuse. Therefore a thorough community understanding of any changes to the way the law is to be administered is vital.

This booklet has been produced as an integral part of a joint public awareness program between the Minister for Police, the Queensland Police Service and the Queensland Council for Civil Liberties. It has been designed to ensure that citizens know their rights and responsibilities under the new Police Powers and Responsibilities Act 1997 which came into effect on 6 April 1998.

The Act was borne out of a recommendation of the 1989 Fitzgerald report which determined there should be a review of police powers in Queensland. In 1990, the Criminal Justice Commission conducted a review of police powers which was finalised in 1994.

In addition the Bingham Review Committee, chaired by Sir Max Bingham QC, in 1996 determined that police powers be standardised. Recommendation 6 of the committee's report recommended to the Minister that new comprehensive police powers legislation be enacted."

**Hon. T. R. COOPER** (Crows Nest—NPA) (11.52 a.m.), continuing: Mr Deputy Speaker, I too, acknowledge your presence in the chair. I could see that one coming this morning and I wanted to see how you would go. I think that you will find that seat as well as other seats in this Parliament make it one of the unique places in the world. Do not lose your sense of humour, Mr Deputy Speaker. Whenever anything like that happens, I just say to myself, "I would not be dead for quids." It can be fun. You have to see some enjoyment in this place.

Turning to the Police Powers and Responsibilities Bill 2000, I want to continue quoting the commissioner's foreword, which I was doing when my speech was interrupted last night. I will continue with what he said in reiterating his support and in acknowledging that the Act was passed in 1997 and has now been gazetted. He went on to say—

"In 1997, extensive consultation was undertaken with the community. Public forums were conducted by the Minister at 10 regional centres throughout Queensland, and the Police Powers and Responsibilities Bill 1997 was subsequently passed by State Parliament.

The Police Powers and Responsibilities Act 1997, and the Responsibilities Code, is seen as the most important piece of legislation to affect the Queensland Police Service and its members since the Fitzgerald Report.

The implementation of the Act will enhance the already positive relationship generally enjoyed between members of the Service and the people they serve.

Every operational member of the Police Service has been extensively trained and resourced for the responsibility of performing their duties under the new Act in a professional manner."

As I said, he goes on to give it a big tick.

I will quote some more of that later, because some of us remember those times, and remember them well. That legislation, which was passed under the Borbidge Government, was landmark legislation. For the first time it spelt out the rights and responsibilities of police and the rights of the community. In essence, the legislation levelled the playing field between law-breakers and law enforcers.

For the current Minister to falsely claim that the 1997 Act was "little more than a milestone in a lengthy and arduous process" is a slur on all those people involved and, I think, shows him to be a very lazy, very ungracious follower. I say "follower" because that is exactly what he did and still does. He has not had the vision or the intelligence to initiate groundbreaking law and order policy as the Borbidge Government did. The police powers Act was only one of the many major coalition initiatives in the Police and Correctives Services portfolio that has set the course for law and order in Queensland for years to come. Unfortunately, the Minister has virtually followed our lead and has been rather petulant as far as his remarks about the current legislation that he has introduced are concerned. To my mind, people should be big enough to recognise when another Government has actually done the work and achieved something and should not try to belittle that. He should grow up.

The Act, as we know, enhanced police powers, having consolidated 90 pieces of legislation into the one Act. As I said, everyone knows that that was done back in 1997. As has been reiterated, that Act allowed for covert searches of premises and the use of surveillance devices for serious offences, and gave police the power to direct people away from notified zones, such as railway stations, schools, child-care centres and so on. There are about seven such zones and we very deliberately left the list open-ended. We did not want to name every notified area throughout the State. We wanted very much for local government, through the Minister, to be able to specifically declare problem areas as notified areas. That is the way that we believe it should happen.

I notice that the Minister is extending that provision. That comes about through consultation and through finding out from people in local authorities just what areas should be declared as notified areas and for how long. I recall that at the time the original Bill was being debated, the Minister and his parliamentary colleagues wanted it to include a general move-on power right across the State. We decided that no, we would not go that far; we would make it apply to those seven areas and then, as I said, people could write to the Minister seeking permission for other areas to be declared as notified areas. I think that that was a good idea. I know that some local authorities criticised that restriction at the time. But in my opinion, those who criticised it at that time were failing in their responsibilities to recognise that they might have problem areas and that they might have to make some judgments for themselves and stand up for their constituents as well, which is what they are elected to do. I believe that that particular part of the legislation is working extremely well.

Another provision was the power to detain, which enables police to question suspects for a reasonable period. We did a lot of soul-searching on that provision during our consultations right around the State. We found that there was support for it as long as stringent conditions were put in place that did not allow for that power to detain to be abused. We altered that proposal as we went around and we talked amongst ourselves, that is to say, the civil libertarians and the hardliners as well as the Government and the Opposition. We were able to come up with a set of circumstances that we found acceptable and that the Parliament found acceptable. I believe that that provision, too, is working.

Other provisions included obtaining documents from third parties by issuing notices to produce and issuing notices to appear as an alternative to arrest. I am told by the police—and they have ticked off on everything that I have said today and yesterday—that the notice to appear provision has been very well accepted.

The establishment of the Public Interest Monitor has been applauded by stakeholders as a first for Australia and possibly the Commonwealth. The current Bill was developed following an unprecedented public consultation process of which the Minister was part, as I have said. All of us, I believe, were involved in the hard work. I want to say: forget about this petty, childish point scoring and

recognise that this Bill follows on from our legislation. I recognise that this legislation was necessary and that it is good. As far as we are concerned, we have taken a bipartisan approach on this and that has given us some good legislation. As I have said, the way that that legislation was put together back in 1997 and continues on today is the way in which legislation should come together. I believe it is a model for others to follow and that members opposite should not carry on with the stupid point scoring that we have seen occurring.

I turn now to comments made on 18 November 1997 by the current Minister when he was shadow Minister. Admittedly, I am quoting selectively, but it was the general tone of his address when he said, "Labor strongly supports the consolidation of police powers into one Act." The Minister went on to say—

"I give credit where credit is due: this was a comprehensive consultation, even though there were a few flaws which were possibly unavoidable. I thank the Minister and his staff for the courtesies and cooperation shown to myself and other Opposition members and to the interest groups that participated. Visiting 10 major centres over a period of 14 days was a significant commitment, and the discussion paper of 119 pages is a significant document."

That discussion paper emanated from those lengthy consultations. We again went through the process of what we had learnt from people after we had visited them in formulating the legislation, which was proclaimed. That is how the original legislation was drafted.

As I have said, law and order is an important issue. We made quite a number of changes to the legislation. Some of it related to roadblocks. As has already been said in this House, police did not have the appropriate power to ask for the name and address of a person stopped at a roadblock. Apparently that caused some consternation among civil libertarians. Why on earth it should, I will never know. A person who gives their name and address only has to worry when they have something to hide. A lot of people know where I live. Even the gun lobby knows where I live as my name and address is on their Internet site.

Quite frankly, it does not bother me one iota if they know where I live. I am very rarely home. If any of them call at my house, they might not find me there, but they might bump into my wife. I would not recommend that, because I reckon she could handle anyone, especially if they were there for illegal purposes. I did not mean to get into that issue, but it does get me going. I do not regard those people as being very courageous at all when they come at that. Giving a name and address is no big deal. If a person has nothing to hide, it could be a good thing; it would set the person concerned on their way without having to be questioned even further and more closely.

The Opposition spokesman, the member for Toowoomba South, has made it clear where our support for the legislation lies. He has made it clear that there will be a couple of amendments, which I support. We as an Opposition have had a good discussion about this Bill. I reiterate what I have said: in major legislation such as this—I would say all legislation, but I recognise that it would be very hard to stop political point scoring in a House of Parliament—it would be nice if we could put the interests of the Parliament and the people first and leave the point scoring clean out of it. If we do that, we will find that the legislation will be far better and there will be far more cooperation from all sides of Parliament. In the end, it will be the people who are the winners. I commend the Bill.

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