



Speech by

SHAUN NELSON

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Hansard 15 March 2000

POLICE POWERS AND RESPONSIBILITIES BILL

Mr NELSON (Tablelands—IND) (2.30 p.m.): I rise in support of the Bill before the House. I must say that it is good to see these weighty issues being codified in a simple—I will not say easy to read—document that is going to be a valuable reference tool for the Police Service in general. It has been expressed to me on numerous occasions—and by now everyone in this House would know of my affiliation with the Police Service in a family capacity—that the guidelines and parameters that need to be set to enable police officers to carry out their day-to-day duties has been an ongoing issue within this arena and within other public forums and has been a longstanding subject of debate. I suppose that leads into the statement that many points could be argued for and against during the debate. I intend to canvass a couple of them.

One point that was raised with me which I found interesting is that, whenever we codify something or put something into a definitive process whereby we say, "These are the guidelines and these are things that are outside the guidelines", we are probably giving ourselves very little leeway to work outside those laws. However, I do not want to say that police officers should be allowed to work outside the law.

One very important issue that is raised with me frequently is that of police dealing with juvenile offenders. I do not want to advocate a return to the old days, or anything like that. I might add that my comments are not just in relation to juveniles, either. I am reminded of a situation that arose in Townsville recently, which I cannot go into. But when we set an agenda and say, "This is the way things are going to have to be dealt with", that gives the police very little leeway to act. If there is a set of rules and guidelines for them to follow, then they must follow them to the letter.

Sometimes situations arise in which police should be able to exercise their judgment on an issue and say, "Maybe it is better in this case not to let the full weight of the law fall upon this individual." It might be felt that it is more appropriate for a particular individual to get a stern talking to from a police officer than to be charged with an offence. This happens a lot in rural communities, and I know that it used to happen a lot in what people would consider the bad old days when police officers would take young people aside and caution them. Sometimes a father of a young person who had been caught doing something wrong would say to the police officer, "Can you take this young fellow aside and give him a good talking to?" Nowadays the police may be approached by a person who asks, "Can you just tell my son to stop misbehaving", and the police officer has to say, "No, sorry. I have to charge him; I have to put him before a court." The police officer knows that this person is not a bad person; they have just got caught up with the wrong crowd and have got into trouble with the police. That person then goes into the justice system, and the outcomes might not be beneficial to society in the long run.

The point I am trying to make is that, with the codification of police powers and responsibilities—and, again, I must stress that I support the concept behind it—we are tightening up this area and we are giving very little leeway to an organisation that I personally believe requires leeway on occasion. As other members of this House have said, policing the streets of Queensland is a very tough job and policing in general is a very tough job.

Another very important issue—and it is something that may not be so important in the Queensland Police Service now but could become important—is related to the whole argument that I

am putting forward, that is, that policing is something that I believe is not taught but is learnt. The longer a person spends in the force or the more time they spend doing their job as a police officer—and it would be the same with most trades—the better they become at it.

Unfortunately, there is no discrepancy between the powers vested in a first year constable and the powers vested in an officer with 20 years' service. Police officers on the street have the same powers across-the-board, although they might not have the experience to deal with every situation. That is a very difficult area to get into and discuss, because there is no breaking up of police powers within an area of expertise or experience. For example, a first year traffic police officer has the same powers of arrest as a detective senior sergeant. From that point of view, perhaps in the future thought could be given to widening the parameters and giving the police more leeway in situations where they feel that is necessary. I suppose that view is a reflection of my upbringing. I was brought up to have trust in the Police Service.

The issue of police officers on the beat being entrusted to go out and do their job without fear or favour is something that has been brought home to me. As some members of this House may agree, there is no monetary gain to be found as a general police officer within the Police Service. It is not a high-paying job. It is not a job from which a person can amass a tremendous amount of money quite easily or quite quickly. It is not a lucrative job. As I said, I have been in a police family for 18 years, and my mum and dad still do not even own a house. It has been my experience that the majority of police officers are honest, decent, law-abiding citizens who are out there trying to uphold the law in sometimes very difficult situations. In many suburbs of Brisbane it must be incredibly difficult to uphold the law. I believe that in some instances more trust should be shown in police by those in authority, and by that I mean the Parliament of Queensland.

The pre-Fitzgerald days are over. We have moved on from that, yet we still see police being persecuted at a pre-Fitzgerald level. I am talking about the current inquiries being carried out by the CJC, which I find absolutely ludicrous. What member of this House would not, if they had the opportunity, check up on people with whom they were associating? We are putting police officers in the situation in which they are not allowed to associate with criminals or people of bad character. If they do associate with such people, they are going to end up before the CJC, but if they check up on the people with whom they are associating, they are going to end up before the CJC as well. It is a bit of a catch-22 situation for a young police officer these days.

We can go a bit too far with anything, but it is my personal belief that the current inquiries being carried out by the CJC into police using the police computer to check up on the people with whom they associate has gone too far. It has become a bit of a witch-hunt and it is a bit unfair. The simple fact is that anybody who is not allowed to associate with malcontents and nondescripts would do the same thing. If I was a police officer and I was associating with a particular person and I wanted to know if they were running drugs and I did a police check and found out that they were and I did not associate with them anymore, I would be classed as a hero. If I did a police check and found out that they were not a drug dealer and that they were actually a law-abiding, decent citizen, I would then be up before the CJC explaining why I was using the police computer to check up on that person. That is something that I think is very unfair, and we are doing something about it at the moment.

I now turn to the move-on powers. This issue has been raised with me by different levels of the community for different reasons. As I have said on numerous occasions, I am not the member for Shaun Nelson; I am the member for Tablelands. I will address this issue on two levels: firstly, the general shopkeeper who comes to me and says that they would like to have the ability to remove people from the front of their shop; and, secondly, the view of those people who say that that property is a public space which should be allowed to be used at any stage by the public for any reason. I can see both sides of the argument. I realise that this issue is bigger than some of us believe it to be.

Let me give an example to illustrate my point. Say three 15 year old girls are wandering down Brunswick Street in the middle of the night. The move-on power can be used in that situation because those girls might be the targets of opportunistic crime, or the situation may be different. Say those girls are in a red light district of Brisbane, a car pulls up and the person in the car solicits them for services. Those girls might see that as an opportune time to take cash for services. The police can see that those girls are in a situation of danger or in a situation where they could become targets. The police can then use the abilities given to them to move those girls from that position so they are no longer the targets for opportunistic crime or participate in opportunistic crime. That is a good thing. I see this issue from a safety point of view. The move-on powers have been raised with me time and time again relating to public safety in general. I see it as a good power in that respect.

The move-on power can also be used in times of civil disobedience. Say a tyrannical Government will not listen to the people and will not let the people have their point of view and that leads to protests in front of Parliament House and protests at Community Cabinet meetings. Say this tyrannical Government does not like having protests at its Community Cabinet meetings and decides to flex its political muscle and uses the police and the new Police Powers and Responsibilities Act to move

on the malcontents who do not agree with the socialist agenda set by that tyrannical Government and they are then dragged off the streets using the move-on power. That is an issue that must be looked at.

Perhaps the Minister might be able to inform the House that that situation cannot occur under this Act. Perhaps the move-on power has been included in the legislation specifically for the reason of sporting events. Say, for example, a Community Cabinet meeting was held in Mareeba and 2,000 farmers turned out to try to sack whichever Government was in power. Would those move-on laws be used to interfere with their right to protest and their right to be heard in a public place, especially if that public protest was in the main street of town? That is an issue that needs to be addressed and made quite clear.

There is another point of view that these move-on powers will be targeted specifically against young people or specifically against people in a certain area. I do not believe they will be, but some members of my community fear that they could be. As a young person myself—I am a youth for another 10 days or whatever it is; yes, my birthday is on 22 March and all donations can be sent to 210 Burn Street, Mareeba—I look at it from the point of view that—

Mr Schwarten: Are you that hard up for a present?

Mr NELSON: Definitely! I do not have any friends any more!

In relation to young people being specifically targeted with the move-on powers if they are congregating in shopping malls, a simple answer to that is to set up other areas where young people can congregate, although we are never going to stop all of them. The attitude could become prevalent in society, and it can quite rightly happen, that certain young people are causing a nuisance because they are hanging around the shopping centre with skateboards. It becomes a community issue as to where those young people should be instead of being out the front of the shopping centre.

I have faith that the Police Service would not use these powers to persecute any one group in society. I quite rightly believe that they would not, but I hope some thought is given to the fact that sometimes young people are quite unfairly targeted and quite unfairly used as scapegoats when crimes are committed. It has been my experience and the experience of police I have spoken to that young people are used to commit crimes, but they are induced to do so by older people who realise that juveniles will go to a juvenile court; if an older person committed the offence, they would end up in the adult justice system with its harsher penalties.

In summary, I support the legislation. I have talked to members of the policing community in my area. They are quite happy with the Bill as it is. I stress some of the points I have made. I hope I have addressed the issues that have been raised to me by my constituents. As I said, I have faith in the Police Service. I hope that those move-on powers will never be used to target individual groups in society or cause any offence to anyone in particular.
