



Speech by

**Hon. TOM BARTON**

**MEMBER FOR WATERFORD**

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Hansard 15 March 2000

**POLICE POWERS AND RESPONSIBILITIES BILL**

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for Police and Corrective Services) (4.13 p.m.), in reply: I was expecting to hear someone else, but in responding—

**An Opposition member:** Were you expecting us to take longer?

**Mr BARTON:** No. I am very grateful that we are approaching the end of the second-reading debate. I wish to thank all honourable members who have participated in the debate. It has been acknowledged by all parties that this is very significant legislation. I think it is fair to say that all honourable members who spoke in the debate today and yesterday have indicated that they will be supporting the Bill. When one has such significant and important legislation before the Parliament it is heartening to have the indication that, whilst people have taken the opportunity to raise some of their concerns about policing in some general areas, essentially everyone agrees that this is good legislation.

I particularly want to thank the members for Springwood, Lytton, Mulgrave and Mount Ommaney, who are all members of my parliamentary and legislation committee, for the very well thought out and reasoned arguments that they put forward in support of this Bill. I have appreciated their support right through the drafting phase, at caucus and in talking to our colleagues about this issue. In their own way, they have all brought their particular knowledge and experience to this matter.

The member for Springwood takes a very keen local interest in law and order issues. He represents one of my neighbouring seats, so he and I rub shoulders at times on exactly the same issues.

The member for Lytton draws on his experience as a practising solicitor. He has looked after people who have been offenders themselves and people who have been offended against. He also has the important role of chairperson of the Parliamentary Criminal Justice Committee.

I would like to thank the member for Mulgrave, who was a Minister in the previous Labor Party Government. He is also from a police family. His father was a very long-serving police officer. I know from my involvement with the member, both from his previous term in the House and during his current term, that he has continued to take a keen interest in police matters.

I would also like to thank the member for Mount Ommaney. The member has taken a very keen interest in policing issues—not just in her electorate but around the State. She has also taken a keen interest in prison issues around the State.

I would like to thank those four honourable members for their contributions because I know that their constituents would be happy with the role they have played in this debate.

I believe the first thing I should do is respond to some comments which were made by members of the Opposition, members of the Independents group and members of other parties in the Parliament. There has been an attempt by the shadow Minister and the previous Minister to rewrite history in a small way in this Parliament in the past two days. In no way do I wish to denigrate all the hard work those members contributed before the Beattie Labor Government was elected at the last election. I acknowledge that the 1997 Police Powers and Responsibilities Act was a very important Act at that point in time. It put into place some major changes to police powers in this State.

I know that the previous Minister, the member for Crows Nest, took exception to a couple of words that I used. I think he was being a little unfair in taking exception on that occasion, because all I was pointing out was that the 1997 Act was but one step in a whole series which have occurred in the past 10 years as we have been on the long march to address police powers issues in this State. Major changes took place in 1997 but, despite what the shadow Minister and the previous Minister said, the 1997 Act was not about consolidating into one Act the 90-plus Acts across the State which contain police powers. That is what this Bill is all about.

I acknowledge the fact that the 1997 Act was a very important part of that long process, but it was only one part of the process. It was a process that was begun by the member for Chatsworth, Terry Mackenroth, when he was Minister for Police and Emergency Services in 1990. As I said earlier, such things as the notice to appear that were put into the 1997 Act were started by the member for Chatsworth when he was Minister.

The Criminal Justice Commission started this long process with five or six major reports on police powers. I would like to take a little credit for my own involvement during that period because from 1992 to 1995 I was a member of the Parliamentary Criminal Justice Committee which reviewed each and every one of those reports on police powers which were brought down by the Criminal Justice Commission and reported to this Parliament. It was a long process.

The process continued during the various periods when Messrs Mackenroth, Warburton and Braddy were Police Ministers. I was a member of the third Goss Government between 1995 and 1996, and I was a member of the Cabinet which considered the vast changes in police powers which were put forward by then Minister Braddy as a result of the reviews that had taken place in the five years up to that point. Cabinet made decisions which were very much consistent with the changes that we saw the coalition Government and the member for Crows Nest legislate in 1997. That legislation, as the member for Crows Nest has indicated, was supported by the Labor Party at that time.

I do not want to be critical, but I make the point that it was not a question that nobody did anything until all of a sudden the coalition was in Government for that short period of two and a bit years and then everything changed. The coalition Government was able to draw on the very good work that was done in the five and a half years of a Labor Government by a lot of people in a whole range of areas. Of course, I acknowledge that this Bill is part of that ongoing process. The consultation took place by the previous Minister. I was very pleased that he did that in a bipartisan way. I travelled with him to most of those public forums. At that time, I was well briefed. That public consultation was part of the public consultation that has effected this Bill today.

That public consultation talked about the increases in police powers that were put into the 1997 legislation. The public consultation also covered the consolidation of the powers contained in 93 Acts into one single piece of police powers and responsibilities legislation, which has come about as this Bill today. So it is not a matter of being critical; it is a matter of making sure that we all understand our respective places in the history of police powers and responsibilities in Queensland. Sadly, the record will show that the member for Crows Nest—and I must say the member for Toowoomba South—have erred if they believe that this is nothing more than a slight rewrite of the 1997 Act. This Bill certainly puts back into place all of the powers that were put into the 1997 Act. However, it does a lot more: it takes that very important step of consolidating each and every police power in Queensland into one consolidated piece of legislation of this Parliament. I will not say that it is the end of the road because, as I know very well—and to use an old colloquial term—"You ain't seen nothing yet". This is the consolidation of all police powers into a single Act.

In many ways, it is the end of the road in terms of that process that was commenced in 1990 of improving police powers and consolidating them into one single Act of Parliament. However, I assure the members of this Parliament that the Beattie Cabinet has been very, very busy; my staff has been very, very busy; the Police Service has been very, very busy; and that we have a whole raft of improved police powers that will come into a Police Powers and Responsibilities Amendment Bill 2000 that will be introduced in the first half of this year to not only consolidate all the powers into one, which this Bill does, but also to take the next major quantum leap in terms of a whole raft of issues, some of which were spoken about by the member for Toowoomba South. That legislation will relate not just to DNA; it will relate to a whole range of other improvements to powers that this Government has been working on during the short 20 months that it has been in Government. I am sure that that legislation will also receive very solid support from this Parliament when it is introduced.

I want to make comments about several other areas. I note that today some members talked about juveniles. I remind this Parliament that, some 18 months ago, it was the Beattie Government that had to clarify the powers with regard to the arrest of juveniles. Sadly, occasionally slip-ups occur and, in relation to that legislation, the coalition had slipped up. This Government had to clarify the powers with regard to the arrest of juveniles.

A whole range of comments have been made about the move-on powers. One of my colleagues—I think it was the member for Mulgrave—made comment about a feature article in today's

Courier-Mail by a Mr Paul Spooner of the Youth Advocacy Centre. Sadly, Mr Paul Spooner seems to be of the opinion that move-on powers have just been discovered and that for the first time ever we are looking at them in terms of legislation in this Parliament. The move-on powers were certainly put into legislation via the 1997 Act. As part of the consolidation, we are certainly rounding up all of the move-on provisions—the move-on powers that apply currently to South Bank, to the city mall, to the Fortitude Valley Mall—and putting them into one central place. However, rather than this Bill creating an increase in police powers, if Mr Spooner would like to look at the regulations and Acts relating to those areas, he would find that, effectively, they contain move-on powers but without the general safeguards that apply to police officers exercising the existing move-on powers. So, through this consolidation, we have fixed that up.

In any consolidation, there is a bit of give and take. We are rounding up move-on powers, or similar powers, and putting them into the one single piece of legislation. We are also then applying those move-on powers to malls—not just the city mall here in Brisbane or the Fortitude Valley Mall or the mall over at South Bank, but malls generally throughout regional cities of Queensland. I know that that is an initiative of this Government that has been welcomed by the mayors and the citizens of those cities.

I refer also—and this is very important—to this whole issue of consultation. Not only the article by Mr Spooner questions this but also in the past two days several members have questioned why we did not have a round of consultation similar to what occurred in 1997. I want to stress—and, in part, repeat—that in 1997 the consultation about the consolidation of all police powers into one Act, as well as those new specific powers that were being considered at that time, took place. However, and importantly, since then a police powers reference group has been set up—initially by the member for Crows Nest when he was the Minister for Police and Corrective Services—chaired by a great Queenslander, Sir Bruce Watson. Every major stakeholding group in law enforcement in Queensland—not just the Government bodies such as the DPP, the Police Service and the CJC, but the Civil Liberties Council and the Aboriginal Legal Service—has been part of this continuing reference group to review the performance of the Police Powers and Responsibilities Act 1997 and, I repeat, the success of that Act. It has been successful. It was a good initiative— a great initiative—and supported by the Labor members when in Opposition.

That group has been consulting all the way through. They have reviewed the performance of the 1997 Act. As well, along with the Police Service, that group has been directly involved in the consolidation process in line with the public commitments that were made when consultation took place back in 1997. Because that has happened, to go back out and have yet another round of public forums and consultation would be an absolute overkill. Prior to that, the Parliamentary Criminal Justice Committee held public hearings on all of the CJC's reports and their own reports and, all the way through this 10-year period, public submissions were called for by the CJC, the PCJC, the previous Government, this Government, and, importantly, the police powers reference group chaired by Sir Bruce Watson. To say that there has been inadequate consultation on this Bill could have come only from people who really have not been part of the process and who must have been asleep when the freight train went through.

Of course, we have considered the major changes that this Bill makes. We have amendments that put into place special provisions for major events. I want to repeat what I said in my second-reading speech. I must say that this is not about the State of Origin matches, test matches at the Gabba, Lions games at the Gabba or the Pura Milk Cup final at the Allan Border Field in the next few days; it is about significant events such as the Olympic soccer games.

**Mr Horan:** Could be.

**Mr BARTON:** It could be.

**Mr Horan:** Could be, depending on the circumstances.

**Mr BARTON:** I will not say that it could be depending on the circumstances, but I want to stress that we have the Goodwill Games next year and we have CHOGM next year. If we were to get the Rugby World Cup, then it certainly would be an event that would warrant the use of these provisions. In line with its strong position of being tough on crime and of having a tough but fair position on law and order, this Government is absolutely determined when we have major events that people will not be disadvantaged—whether it be the public of Queensland or whether it be people who have come from overseas to participate in the event.

A lot of individual issues have been raised. I would like to make a few comments. Sadly, we have strayed onto day-to-day policing issues. I appreciate the desire of members to make particular comments about policing in their areas. That is appropriate, but it is not a specific part of this Bill.

I want to put to bed the myth that all of a sudden there has been a whole range of budget cuts; that there are initiatives which act to ensure that police cannot work overtime, they cannot arrest people in the second half of shifts and they cannot call out specialist squads. This allegation continues to be

made. It is made in the media by some members on the other side of the Chamber. It is made by some uninformed people. Every time this allegation is made, I go back to the service and trawl back through it, region by region, to seek to find any evidence. To date, all of the regions have assured me, as they have assured the Police Commissioner, that such actions are not being taken. We cannot find one single shred of evidence to support the allegation. I say very clearly to all members of this Parliament and to every member of the public: if anyone has any specific evidence that that is occurring, send it to me because I want to know about it. If anybody in the Police Service management is silly enough to be issuing those edicts, we will do something about it very quickly.

On the other hand, the Police budget was increased by 4%. I know that the shadow Minister has looked at his figures and appropriately he continues to ask questions, particularly on notice, to seek further information. But it is all there in the Budget papers from last year. We did receive a 4% increase. That is not a big increase in real terms, but we structured the spending of the Police Service this year to get it out at the cutting edge. Regional budgets were increased by between 6% and 16%, with the north coast budget increased by just over 16%. We made sure that budget funding for police spending is where the police need it—out there on the job.

Honourable members have said that they want more police at their stations, in their regions and in their electorates. Believe me, so do I. But we have never in the history of this State had more police numbers than those now coming through the system. The allocation of those police numbers is made by the service itself. I understand what the member for Mooloolah said. Sometimes the model that we have for allocating police resources throws up some strange figures and produces some strange outcomes. But that is the model that the service itself has determined and that the senior management of the service use to make sure everybody gets a fair go and their fair share of additional police. Sometimes people miss out when one group graduates. We have another major number of graduates coming through within the next month and a half. That results in a lot more police on the beat and in the police stations. So I find it a bit difficult to accept any criticism on that front.

The shadow Minister claimed that we cut the number of recruits by 114. We did not cut the number by 114 but, in determining how many recruits we needed to train this year, we had to ensure that we met the promises we made. We will meet our promises on the number of graduates—the net increase in police numbers—this year. But we do not train more than we need to meet that number because that is a budget cost which we cannot meet. The facts are that the attrition rate—the separation rate as the Police Service refers to it—of police resigning, retiring or leaving for other reasons is the lowest that it has been in memory. If we have people staying, that says something about the morale of the Police Service. They want to stay in the service. If we continued to train at the numbers arrived at premised on a higher separation rate, as occurred under the coalition, we would not have the facilities and the resources for all those additional numbers. As I have indicated to this Parliament before, the net increase of police will be more than met, but we cannot afford the budget costs of training more than we need.

I have some other comments that I want to go through. I appreciate the comments that have been made by the Opposition in indicating that it will support this legislation. I appreciate that it will want to raise some issues on the clauses. That is appropriate. I also have some amendments that I need to move. I should mention that some members of the City Country Alliance, particularly the member for Caboolture, drew on their experience as serving police officers in making their contributions. That was taken on board. Also, in making their contributions other Independent members drew from their experience as local members or members of family of police officers.

I should comment on the report of the Scrutiny of Legislation Committee. As was pointed out I think by the member for Indooroopilly, the Scrutiny of Legislation Committee did not have its report finalised yesterday. He made the comment that this is a massive Bill. I think there are 371 pages and 390-odd clauses. There are also very detailed Explanatory Notes. I note that the Scrutiny of Legislation Committee felt they could be more detailed. I guess it is all a question of resourcing and style. In my view, the Scrutiny of Legislation Committee did very well to respond in the time that it did. Its report was tabled this morning. As happens under each Government, we were provided with a copy of its report last evening. I want to thank the people in my team and the Police Service who worked right through the middle of the night to the very early hours of this morning to be able to respond.

We have tabled our response. I dare say the report reflects most of my experience as a Minister in the third Goss Government and again this time. I have not agreed with everything that the Scrutiny of Legislation Committee has put forward. But that is its role, and it is a very appropriate role. I am sure that it will not agree with every response that I have made on this occasion, as it did not in the past.

We have done our best to explain to this Parliament why we have taken the steps we have. In some cases when dealing with police powers, when dealing with specific circumstances—and this occurs with police powers and also with the significant events legislation which is part of this Bill—there are times when some fundamental principles of a pure world may need to be set aside. We are talking about the security of people. We want to ensure that the majority of people are looked after and that

those who offend against society are capable of being dealt with by the courts and, if necessary, locked up in that large series of motels that I have around Queensland, to which I am continuing to build additional rooms. I understand we do very good bed and breakfast deals for those people who would rather stay there than elsewhere.

**Mr Horan:** You wouldn't think so. They try to get out.

**Mr BARTON:** I gladly accept that interjection. Let me put it into context. We had five people playing up yesterday. We had very good intelligence. The big difference between this Government and the previous coalition Government is that when our five played up they were still in cells. They did not go on a fun run. They did not get picked up in a pub in Melbourne. They did not get picked up in the five-star Sheraton Hotel in Noosa. They did not get picked up at Nimbin. They did not get picked up in a brothel at Tweed Heads. They did not get picked up in Darwin after they had completed their fun run. That is the difference between this Government and the previous Government. We reacted to the intelligence instead of saying, "That's interesting", and filing it in a pigeon hole. I find it appalling that the shadow Minister thinks that the coalition's performance was better than ours. The reality is that under our system they are still inside.

In conclusion, I thank everybody who has supported me as Minister in the preparation of this legislation. Certainly, as was mentioned by the previous Minister, Inspector Greg Thomas has been involved in this process for 10 years. He addressed public hearings and meetings held by the second Parliamentary Criminal Justice Committee from 1992 to 1995. He was there when Mr Mackenroth was the Minister. He has been there through the whole process. I dealt with him when in Opposition in 1997. I thank him and also Senior Sergeant Peter Doyle, who are both here today. I thank my current senior policy adviser Julian Wagner, who was dragged out of bed in the middle of the night and worked through until some shocking time this morning. It is not easy being the senior policy adviser to the Police Minister.

I thank the rest of my team who contributed to this legislation, without naming them all. I thank also Louisa Pink, my previous senior policy adviser, for the very important role she played in the 18 to 19 months she spent in that position before family duties meant that she had to step back into a quieter lifestyle. All of my team members have worked very hard in getting this Bill up to the wire.

I am sure that this will prove to be great legislation for the public of Queensland and will build on the work by my predecessors, including the previous coalition Minister. I acknowledge the work that he did. Obviously, it was good work; we supported it in Opposition. Within a couple of months, there will be further initiatives. Police powers in this State will experience another quantum leap. We have released some of them already, and there are also some others in respect of which Cabinet has made a decision and which have not been released publicly. For example, comments were made about DNA. The DNA legislation, as described by the Police Commissioner, will be the most significant event in policing since fingerprints were taken for the first time. I am sure that we will see some more quantum leaps.

I am sure I have not answered every specific question. I simply cannot answer in 30 minutes every specific question raised by honourable members over many hours of debate. Some of the questions that were raised will have been covered in our response to the Scrutiny of Legislation Committee, which has been distributed. If honourable members do not have a copy, there are certainly more copies available from the attendants. We will also attempt to answer any questions as we deal with the clauses. I commend the Bill to the House.

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