



Speech by

WARREN PITT

MEMBER FOR MULGRAVE

Hansard 15 March 2000

POLICE POWERS AND RESPONSIBILITIES BILL

Mr PITT (Mulgrave—ALP) (2.46 p.m.): I am extremely pleased to see the Police Powers and Responsibilities Bill 2000 come before this Parliament. It has been 10 years in the making. A lot of consultation and work has gone into the Bill. I remember being involved in Minister Mackenroth's committee when it first came to our attention in 1990. At that time we all understood how difficult the task was going to be, because for many years the powers of police and the responsibilities attached to them have been spread across a number of statutes and have been enshrined in laws across a whole range of ministerial portfolios. It is very important that the legislation be right. In 1997 the previous Government in this place made a very good start, but it did not go on with the job. More needed to be done. It is good to see that that task is all but complete now.

The Fitzgerald inquiry in this State opened up a can of worms for the Police Service. It highlighted that, without clear direction and an understanding by all parties of police powers, whether one is a police officer or a member of the citizenry, there is going to be confusion through sometimes a lack of understanding and misuse and sometimes downright abuse. Unfortunately, that inquiry brought the good name of the Queensland Police Service into disrepute. But most of that is now behind us. With this legislation, we can see the way into the future where not only the police but the citizens they are sworn to protect will have a full understanding of those powers and responsibilities. The Minister himself said in his second-reading speech—

"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."

I congratulate him for that.

I now turn to a couple of issues contained in the Bill. First of all, I refer to the move-on powers. This Bill provides for the expansion of the move-on powers to such places as the Queen Street Mall, the Valley Mall, the Chinatown Mall and other malls declared under the Local Government Act. There would not be a person in this House who has not at some stage, whether we live in Brisbane or live in the regional centres, been affronted by someone cadging money or cigarettes or a group of people using obscene language or behaving in an intimidatory manner. Every single citizen in this State has a right to go about their business without having that situation confront them. The expansion of the move-on powers is an attempt to accommodate the very rights of those citizens. The legislation also provides for move-on powers at the South Bank Parklands, at racing venues, at premises licensed under the Liquor Act 1992 or at a place where unlawful soliciting for prostitution is occurring.

We have to get the right balance between the rights of the individual and the rights of the society as a whole. That is not always an easy thing. By and large, the success of this legislation will depend on the way in which our Police Service actually implements it. Like the previous speaker from this side of the House, I have great faith that the modern Police Service in Queensland is quite up to the task.

The Bill also contains some safeguards, such as requiring a police officer who gives a direction to provide to persons their name, rank and station and to tell that person the reason for giving the move-on direction. It is very important that that information be provided at the time because, should there be some dispute later on in respect of whether police officers exceeded their powers or carried them out judiciously, it will be of great assistance to the people making the determination.

Where a person contravenes the direction and a police officer is required to warn them about their offending behaviour, there is provision for them to be arrested. At that time it is very much incumbent upon the police officer to give that person sufficient time and opportunity to comply with the move-on direction.

Where I live in far-north Queensland, some councils have now started to seek to have areas declared as notified areas to allow police to exercise move-on powers. I think it is very important that we do this, especially when any antisocial and disruptive behaviour is occurring. The Cairns tourist industry is very reliant upon the safety of the city. We need to ensure that when people come to this country, and particularly to places such as Cairns, they are not intimidated, subjected to obscene language or harassed in any way.

Move-on powers already exist under the 1997 legislation for areas near ATMs and so on. If a person is causing anxiety to people in that area, I think it is fair that police should have the power to move them on. Over the years there have been a spate of robberies and stand-over tactics in respect of ATMs—a phenomenon of the latter part of the 20th century. These powers have proven to be one of the success stories of the 1997 Act. At the time those powers were legislated they were supported by the then Opposition, now the Labor Government.

Move-on powers have proved an excellent preventive tool, allowing police to act to defuse potentially dangerous situations. I have always been a great believer in prevention rather than cure in whatever area it may be, whether it be health or law and order issues. Wise, early intervention by officers of our law enforcement agencies quite often prevents situations getting out of hand. The powers contained in this Bill will allow our police officers to judiciously intervene at an early stage and ensure that a potentially dangerous situation does not escalate.

This morning I read an article in the Courier-Mail written by a correspondent, Mr Paul Spooner. I think the member for Tablelands also alluded to this article. Mr Spooner wrote that there was a fear that the move-on powers in this legislation could be used by police to target perhaps indigenous persons and youth. That is clearly not the intent of the legislation—far from it. When the powers are used in the manner suggested, I am sure it will be highlighted very quickly and those who misuse the powers contained in the legislation will be quite rightly brought to account.

To answer some of the problems we sometimes have with those groups—I think even young people and indigenous leaders themselves will accept that there are difficulties—I think we have to look past the move-on powers and look into what creates the problems in this respect. I refute what appeared in the Courier-Mail this morning. The legislation certainly is not targeting those people. If they happen to be part of a mosaic at the time that requires the exercising of these powers, I have every confidence that our Police Service will handle it in an appropriate manner.

The special events provisions are vitally important, given that Queensland will be host to a whole range of events over the next few years. The Olympic Games will see some 100 teams take part in training here in Queensland. The Olympic soccer matches will be held in Brisbane. Next year we will have the Goodwill Games and the Commonwealth Heads of Government Meeting. These are all special events—events that sometimes require police to do more than they would in a normal situation. There are people to protect and we have to make sure events are not disrupted. I believe it is essential that we ensure Queensland's reputation as a State with a very safe environment is protected for all those international visitors, tourists and people attending special events here. The provisions incorporated in this Bill will do a lot to enhance that reputation.

There is a limitation on what can be done in respect of special events. A special event cannot be something that is ongoing, which rolls on forever and which someone just decides will be a special event. The Governor in Council will have the power to make an event or type of event a special event, and the powers under this legislation will be able to be used only for the duration of that special event.

Where there are large gatherings of people there is always the potential for things to get out of hand. I do not think there is anyone here who does not look with distaste at some overseas sporting events. I am drawn to mention the soccer hooligans in Britain, who have a very bad name. Generally, we in Australia have been very lucky with our sporting and other major events in that crowds have been able to express their emotion and passion for their team or individual players without resorting to violence or antisocial behaviour. Police, using powers they will derive from this legislation, will be able to search the property and, to a degree, the person of individuals entering into special events. In that way they will reduce the potential for difficulties later on.

The legislation also allows police to assist public officials in the exercise of their duty. Some public officials have unique powers and quite often cannot draw upon another person with those same powers for assistance, while a police officer is readily available. The police officers must be able to actually assist that person and, to do so, need to assume some of the powers that ascribe to that public official. I give an example from recent years in north Queensland. As a result of the outbreak of the papaya fruit fly, there was a need to quarantine an area. It was impossible for authorised officers to

be everywhere at once. When there was a need to stop vehicles, search them and perhaps even confiscate materials, it fell upon police officers, particularly in some of the outback towns in the cape, to carry out that duty. This legislation allows that. As I said, it is of particular use in regional areas where often in an emergency the only back-up available to a public official is the local police officer. These powers exist now, but they are all in different Acts. The Bill will make it easier for police to understand the powers and to exercise them in a proficient manner.

I mention the notice to appear provisions. They were first introduced in the 1997 Act and have proven to be a great success. I see the notice to appear as a sensible and viable alternative to temporary detention, which uses up valuable police time and resources. It allows officers to issue a notice to appear for a court appearance at a later date. This means that police are no longer required to take a person to a watch-house to be charged, only to be released on bail. Instead, now police can release the person after the arrest and the issue of a notice to appear.

This provision has a number of effects. It prevents overcrowding in watch-houses, saves time in processing people through watch-houses and allows police to have more time on the beat, as they are not escorting people backwards and forwards to watch-houses. It is of particular use where there is a large gathering of people and limited numbers of officers to carry out the requirements of the law. In those circumstances, the police can issue notices to appear to minor offenders and remain on the scene in case a more serious incident occurs. It has commonly been used for minor street offences. I think that is the area in which the notice to appear is most valuable.

To arrest, detain and charge a person takes a long time. It is important that we do what we can to keep police officers amongst the public rather than tie them up with administration matters. This will be of benefit to all members of the community. Police officers must make a value judgment in these cases. I believe they are able to do that, in view of their training and in view of the way in which the Police Service operates these days.

The relationship between the Police Service and the community is a very important one. The Police Powers and Responsibilities Act removed some of the confusion that existed prior to 1997. The Police Powers and Responsibilities Bill 2000 takes the matter further. The powers conferred by this legislation can be easily understood by the police and by the citizens of Queensland. To that extent, I am pleased to support this Bill.
