



Speech by

**JEFF SEENEY**

**MEMBER FOR CALLIDE**

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Hansard 29 May 2001

**POLICE SERVICE ADMINISTRATION AND MISCONDUCT TRIBUNALS AMENDMENT BILL**

**Mr SEENEY** (Callide—NPA) (9.55 p.m.): It is traditional for the minister who is responsible for the portfolio to be in the House. I know we have had difficulty trying to get him to accept some responsibility for his portfolio, but—

**Mr TERRY SULLIVAN:** I rise to a point of order. The Minister for Police was sitting here for two hours while the member went on about the previous bill. It is very unbecoming for him to say such a ridiculous thing.

**Mr SEENEY:** Sit down and stay down. The member is an absolute—

**Mr Terry Sullivan** interjected.

**Mr SEENEY:** If the member wants to speak, he should get on the speakers list and see how good he is. He is never on the speakers list.

**Mr Terry Sullivan:** We have to listen to your rubbish, and you know it!

**Mr Rowell:** What you consider rubbish might not be rubbish.

**Mr DEPUTY SPEAKER** (Mr Mickel): Order! We will have some relevance.

**Mr SEENEY:** My speech is relevant. I do not think the interjections from the member for Stafford are at all relevant. Mr Deputy Speaker, if you are going to reprimand somebody, it should be him.

The National Party opposition will be supporting the Police Service Administration and Misconduct Tribunals Amendment Bill 2001. This bill seeks to preserve the existing review and appeal provisions of the Police Service Administration Act 1990 and the Misconduct Tribunals Act 1997 respectively, which otherwise could be interpreted to involve industrial matters and incur the operation of the Industrial Relations Act 1999. This current exemption from the Industrial Relations Act will expire on 1 July 2001 and therefore we concur with the minister's timely debate of these proposed amendments to ensure that the process of the Commissioner for Police Service Reviews is preserved.

Prior to commenting on the merit of the amendments to each act which this bill puts forward, I place on record the National Party's strong belief in a Queensland Police Service that provides effective and timely service in maintaining the law without being burdened by delay or extra cost which will have an impact on the way it can serve the community. The community wants and deserves to be assured that the police are there to uphold the laws rather than being embroiled in red tape and maladministration. In that respect, we support the continuance of the current legislation which, as the minister noted in his second reading speech, is in line with recommendation 61 of the report on the review of the Queensland Police Service, also referred to as the Bingham report, which was conducted and handed down under a National Party-led coalition government in 1996.

In this report the review committee recommended that 'the promotions review process for police officers should remain non-adversarial and that the system of review commissioners should be retained'. It is in fact surprising and pleasing to see that the Labor Party has changed its approach towards this report—a visionary document at the time, or so regarded by many, to which a Labor opposition at the time seemed to view as another way to score political points and discredit the chairman of the review, Sir Max Bingham QC. In his second reading speech the minister outlined to the

House how certain provisions of the Industrial Relations Act 1999 may impact upon the two acts we are concerned with after 1 July 2001. I believe it is important to briefly reassert these.

The opposition is of the understanding that section 686 (1)(c) of the Industrial Relations Act 1999 currently exempts certain industrial matters from the jurisdiction of the Queensland Industrial Relations Commission or the Industrial Court of Queensland where a process or procedure of another act already provides for these matters to be pursued. Therefore, the review process for police officers in part 9 dealing with the review of decisions of the Police Service Administration Act 1990 is currently exempt from the Industrial Relations Act 1999, as the minister has outlined.

Instead of using sections 265 and 341 of the Industrial Relations Act which set out the jurisdictional matter heard by the commission and which give authority to a person to appeal a decision, an officer may apply to have a Commissioner for Police Service Reviews, or a review commissioner, review his or her grievance which may arise from a number of areas, such as a decision about the selection or appointment of an officer to a police office position on promotion or transfer, an action against the officer for any breach of discipline, the suspension or standing down of the officer, or from other matters that are prescribed by regulation as being open to review under this part of the act.

It is essential that these grievances are considered appropriately so as to produce a fair and reasonable decision in the best interests of the officer and to ensure that the credibility of the position of the review commissioner is maintained. To balance the police commissioner's discretionary decision-making power to affirm or reject a recommendation by a review commissioner, a police officer who might be aggrieved by such a decision can apply to the Supreme Court to have it reviewed, subject to specific grounds under the Judicial Review Act 1991. As the minister has noted, this process will be put in place through clause 3, which inserts a new section 9.1(a), Relationship with Industrial Relations Act 1999, into the Police Administration Act 1990 to preserve the current situation. We in the opposition support this amendment. However, we note the integrity and fair-mindedness that must be associated with those discretionary powers of the Police Commissioner.

In order to account for these decisions, which will continue to take the place of the Industrial Relations Commission, it is important for the minister and the Beattie government to keep in mind the recommendations made by the committee in the report on the review of the Queensland Police Service, otherwise known as the Bingham report, in 1996. These include that the Commissioner of Police, in consultation with the review commissioners and the unions, develop procedures to ensure the veracity of the material provided with job applications, including a formal declaration of statements placed before selection panels, and develop a system for the random auditing of such statements; and that the criteria upon which the review commissioners make their decisions be published to ensure uniformity of approach.

However, we concur with the view of the minister that the act should be amended before the previously mentioned date and acknowledge that there would be a threat of the following problems arising, and these include a few major issues of particular concern to the opposition. One of the problems that could arise is a significant growth in the number of police matters being heard in the Industrial Commission. This could impact proportionately on staffing and work levels in the Queensland Police Service's Ethical Standards Command and the Health, Safety and Industrial Relations Branch of the Human Resources Division. Secondly, the Police Service could incur additional expenses that would not apply under the current review scheme and, as a result, cost ordinary taxpayers extra and unnecessary dollars. It is important for these reasons that this legislation is passed through this House tonight.

As I have already said, the Queensland public wants and deserves a police force that is responsive to law and order issues, but it also wants and deserves a Police Minister who is responsive to law and order issues. I think the performance we have seen in the last few weeks from the current Police Minister in terms of responsiveness to those law and order issues, in terms of responsibility in administering his department, would not provide the people of Queensland with any confidence.

The people of Queensland deserve to have law and order recognised as one of the core responsibilities of any state government. They deserve to have the position of the Minister for Police and Corrective Services occupied by a minister who is capable, who has integrity, who is prepared to accept the concept of ministerial responsibility and who is prepared to embrace the issues as they arise. None of those qualities have been demonstrated by the current minister.

The minister has had numerous opportunities to explain a number of contentious issues to the people of Queensland and he has consistently refused to do so. He has consistently refused to explain a number of major failures in his portfolio to the people of Queensland when he has had the opportunity to do so. It would be gratifying tonight if during the course of this debate the minister took the time available to him to provide some of those answers that he has consistently refused to provide over the last few days. If he continues to do that, then I will repeat the call I made in this parliament this morning for the minister to put his name at the top of the list when it comes to ministerial reshuffles.

Surely the people of Queensland are entitled to a capable Police Minister, given the importance of law and order issues. Surely there is enough talent on the Labor backbench for them to put forward somebody who can provide the people of Queensland with the leadership and the administration they require for that important portfolio. They certainly have not been getting it in the last three or four weeks. It is the responsibility of the minister to ensure that maladministration and red tape do not impede, and the objective is through maintaining the current legislation.

As we understand, the Misconduct Tribunals Act 1997 will be amended by inserting a new section 4A, which deals with the relationship with the Industrial Relations Act 1999, intended to preserve the existing situation. It is integral that in preserving the current legislation the relevant stakeholder groups are kept up to date and are consulted. These should include the Department of Industrial Relations, the Criminal Justice Commission, the Queensland Police Union of Employees and the Queensland Police Commission Officers Union of Employees. Given that the exemption will expire on 1 July 2001, the opposition supports the preservation of the role of the review commissioner as outlined in the Police Service Administration and Misconduct Tribunals Amendment Bill.

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