



Speech by

**JOHN ENGLISH**

**MEMBER FOR REDLANDS**

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Hansard 13 November 2003

**POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL**

**Mr ENGLISH** (Redlands—ALP) (6.44 p.m.): I rise to speak in support of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2003. I wish to comment on one aspect of this bill in detail and then another few areas in general. New part 5AA is to be inserted into the Police Service Administration Act 1990 to allow for the assessment of suitability of people seeking to be engaged, or already engaged, by the Queensland Police Service.

The purpose of this part is to ensure the Police Commissioner is able to gather and use all the relevant information he needs to assess a person's suitability to be or continue to be engaged by the Police Service. However, to ensure that a person's privacy is preserved, the part states it is parliament's intention that relevant information about a person only be used for the purpose of this part unless the information discloses the commission of an offence that requires further investigation. This has arisen because of some concern about the ability to conduct criminal history checks on people applying to join the Queensland Police Service. It is essential that we review the people applying to become members of the Queensland Police Service to ensure that they do not have a criminal history and are of the highest possible standard.

Section 5AA.3 provides a meaning of who are 'engaged by the Police Service'. Those persons to whom the legislation will apply are police officers, Queensland Police Service staff members, Queensland Police Service recruits, special constables, people performing functions at a police station or police establishments under a contract for services, people working in the Queensland Police Service as volunteers or as students on work experience, and external service providers. For example, an employee of PartnerOne or TechCorp who are external service providers and who may have access to Police Service, human resource or payroll information whether on a full-time basis or on a temporary basis falls within the ambit of this section.

These checks are necessary for reasons of security and safety for police officers. Access to confidential police information may be restricted to those persons identified as having a high level of integrity. In addition to any information provided by an applicant, the commissioner is entitled to check the Queensland Police Service databases where relevant information about a person might be recorded. Additionally, checks to be undertaken on applicants for positions include those contained in section 5AA.9, which allows the commissioner to access relevant information in the possession of another law enforcement agency within or outside Australia in order to ensure that an appropriate security check can be made on a person engaged by the Police Service or seeking to be engaged by the Police Service.

There are numerous safeguards within the legislation. Section 5AA.5 requires the commissioner to inform a person prior to employment of the fact that a person has a duty to disclose relevant information and that relevant information regarding the prospective employee may be obtained and the use to which that information may be put. Also, the commissioner is required to provide guidelines outlining what the person must disclose to the commissioner. Additionally, a chief executive officer is to advise a person that the person is an external service provider, of the person's duty to disclose and of the fact that the commissioner may obtain and consider relevant information as soon as the chief executive officer becomes aware of the person's status. The person is also to be given a copy of the guidelines issued by the commissioner.

The commissioner may make an assessment of suitability of a person engaged by the service or seeking to be engaged by the service by considering relevant information about the person. However, the commissioner must disclose to the person adverse information relating to the person's suitability to be engaged by the Police Service and provide a show cause time to allow the person to make representations to the commissioner and give reasons why the commissioner considers the person unsuitable. This is a fundamental element of natural justice. The information need only be disclosed if it is used as a basis for excluding a person from being engaged by the Police Service or whose engagement is subsequently terminated. Additional exemptions to disclosure are provided—for example, where an investigation might be hampered.

If, after considering any representations, the commissioner decides a person is not suitable, the commissioner must give the person written notice of the decision. Information relied on to make a decision cannot be used for any other purpose unless this disclosure is authorised under section 5AA.14(3).

The commissioner is required to notify the CEO of an external service provider in writing if a person employed by the external service provider is not suitable to be, or continue to be, engaged by the service as a result of an assessment. The commissioner must disclose to the person and the CEO adverse information relating to the person's suitability to be engaged by the Police Service and provide a show cause time to allow the person and the CEO to make representations to the commissioner. If a person is already engaged by an external service provider, the CEO is required to consider steps that may be taken to reduce any risk to the integrity of the Police Service. Should the CEO decline to take steps to move the person, the commissioner may appeal the CEO's decision to the chair of the CMC. Section 5AA.14 creates an offence for the unlawful disclosure of information obtained under this part. This secrecy provision protects the rights of an individual and ensures that information pertaining to them remains secret with certain exceptions.

There are some other sections of this bill that I would like to comment on briefly. I am pleased to see that this bill extends the powers of the police. Previously if police had a complaint about people consuming alcohol in a public place they could go down and confiscate the bottle or the container they were drinking from, that is, the open container. However, theoretically, if the person had a carton of stubbies, the police could seize the one stubby they were drinking from and then they would have to go away, leaving a person who is desirous of having a drink with a carton of 23 other stubbies. Everyone knows what is going to happen. The problem would go on. The police would have to get called back. They were not able to nip the problem in the bud on the first visit. With the extension of powers in this bill, they will be able to seize the open containers and any other associated containers. Quite rightly, the police will be able to take the open stubby that the person is drinking from and the carton, thereby nipping the problem in the bud on the first occasion, freeing up the police for further duties.

In recent times we have seen a growth in the abuse of inhalants, that is, spray cans, texta pens, white-out or white-out thinners. A survey was done in 1999. The findings of that survey were very disturbing. Some of the key findings were that 26 per cent of students had used inhalants at some time; 19 per cent in the last year, 11 per cent in the last month, and seven per cent of students had used an inhalant in the last week. Of the 26 per cent of students who had used inhalants, 33 per cent of them were 12-year-olds. I find that figure staggering—that 33 per cent of 12-year-olds had used and abused inhalants.

With these startling figures the government had to act. The powers conveyed by this bill allow the police to seize these items and, just as in the case of a carton of beer, to nip the problem in the bud at that point in time. Previously if police got called to a location and kids were chroming, technically they were not committing an offence. The police could try to take action through social welfare avenues, but they could not do anything else. This bill gives police the power to seize the containers or whatever the kids are sniffing and to transport the kids to a place of safety. We are not just removing the item. The police still have a follow-up role in looking after these children whilst their mind is somewhat addled from inhaling these chemicals.

I want to congratulate the minister and his department on the amount of work undertaken to bring this bill before the House. It is a very, very wide-ranging bill, which shows the breadth of understanding that the minister has of his portfolio and the number of areas where the government is trying to improve the safety and the quality of life of the citizens of Queensland. I commend the bill to the House.