



Speech by

**Mike Horan**

**MEMBER FOR TOOWOOMBA SOUTH**

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## **POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS AMENDMENT BILL**

**Mr HORAN** (Toowoomba South—NPA) (5.00 pm): It is a real pleasure to speak to this bill, which provides a lot of extra protection and assistance to the Police Service and the public. As the shadow minister said, it mirrors many of the coalition's policy principles.

I want to cover a number of issues. Firstly, I would like to comment on high-speed pursuits. The legislation is eminently sensible and echoes what the public have been saying for a long time. Why continue with dangerous pursuits if there is a real risk of injury to the people who are being pursued, to other drivers—who could be hit in a head-on collision or some such thing—to pedestrians on the side of the road or to the police themselves.

Of course, the inherent problem with this is that people might think they can just jump in a car and escape the police or the attention of the police simply by driving away at high speed because there is no longer the threat or risk of being chased. As this bill outlines, the police are able to note the numberplate. In a number of cases, that will identify the owner. On some occasions the owner may not be the driver. In those instances the police can pursue details of the driver through the owner.

Of course, the issue of stolen cars stands out as being an extremely difficult one. On some occasions the police will know that a car is stolen because a description has come through their communications system. I think we can rely on the comprehensive training provided to police at the academy, and the further training and experience that they gain through the system, to enable them to make a decision in those cases. I agree with this part of the legislation. I think the only difficulty will be in relation to stolen cars. We need to create the impression and the correct perception in the community that if you steal a car you cannot simply evade police who try to follow you by driving off at high speed. That is probably the only area of difficulty. Overall, the safety of police officers and other citizens is important, and this fits in with public feeling on this issue.

I fully agree with stiffer penalties for serious assaults on police. I have commented on that in relation to my own electorate. We are seeing a change in society. In the past, someone who might have had a bit too much ink on board might take a swing at police officers after being at a nightclub, or something like that. Today, when it comes to syringes and spitting and all sorts of other acts—and I commend the minister on her use of the word 'vile' in her second reading speech—we must develop a standard where people have fear and trepidation and know that there are serious consequences if they attack police.

Police are often referred to as the thin blue line. A history of the Queensland Police Service is contained in a book called *The Thin Blue Line*. They are the thin blue line. They are the front line of law and order and safety in our society. They face very difficult and dangerous situations and we must give them the protection that they need. This legislation certainly does that, and I commend that. In particular, it provides safeguards for the families of police officers. The concern that they face as a result of incidents involving syringes or spitting is extreme. It is a real worry when family members have to undertake various tests for hepatitis, AIDS and so forth.

I have strong personal feelings about this. My father and grandfather served their whole careers in the Police Service. My father was twice awarded the George Medal for bravery in disarming an offender. One incident occurred in the police minister's electorate of Mount Gravatt during an armed siege. My grandfather looked after the kanakas in north Queensland as a mounted trooper and he was injured in riots. Policing has been in the family. I remember my mother's concern when my father went out on night duty, and those sorts of things. As a result of personal family experience, I have the strongest of beliefs in the protection of police. I commend the minister, because we must protect them. We must send the strongest message possible to the community that if someone attacks a police officer in any way, shape or form it is a serious offence and the consequences are serious.

I want to speak about a very serious incident that happened in one of Toowoomba's south-western suburbs in February this year. We hear about these parties that go wrong and turn into riots. This was very serious. It involved a couple of hundred people. The police were called five or six times during the night. On that particular night, during a certain period of time, the police received some 60 calls. An incident was reported virtually every four minutes. Some of those incidents may have involved domestic violence. I know that there was an armed robbery, or a hold-up, and those sorts of things. But this was a major incident, a serious example of a party gone wrong, typical of what we see and hear about these days. Gangs were roaming the streets and when the police arrived, they went and hid in the backyards of houses. Some elderly women were terrified. A couple of fellows in their late 20s intervened to try to help people who were being bashed on the street by 10 fellows kicking the hell out of them. One bloke who intervened suffered a broken nose; he copped a fence paling across the face. That is how serious this incident was. Some very serious bashings occurred during this event.

The police said to the citizens during the evening, 'We can't do anything because we haven't got the powers. We haven't got the powers to move these people on.' I have made comments before and since about these matters. The police must have the power to move people on. I think the average citizen believes that the police have that power. People think that they can ring the police if there are 200 people going berserk in the street, with bashings and kickings and everything else. However, as soon as a police car turns up, they stop or they run and hide in backyards. People think that the police can come and get rid of these offenders—and rightly so, because that is what needs to happen and that is what should happen.

Another thing that many people do not understand—because it is the first time they have come up against something like this—is that, in the aftermath of these events, someone has to lay charges. If no-one lays a charge, the police do not necessarily arrest someone unless they have actually witnessed the event happening themselves.

The extension of these move-on powers is commendable and it is what I have been calling for. When these move-on powers were first introduced in the Police Powers and Responsibilities Act in 1997, the then police commissioner, Russell Cooper, went to a lot of trouble in relation to it because it was quite a new concept. It was actually an attempt to formalise something that had probably just happened generally in the past. However, because of modern times, it needed to be formalised. The police needed clear guidelines and legislative support for what they had to do. Russell Cooper went to see Terry O'Gorman and tried to get the relevant checks and balances and so forth.

Since then we have had the Police Powers and Responsibilities Act 2000, and there have been a number of additions and extensions to that. We have seen the police move-on power gradually expanded to the point where, prior to this bill, it was extended to prescribed places such as banks, teller machines, schools and so on. They basically had to be prescribed places, and that was the problem for police at this suburban riot; they believed that they did not have the power to do anything.

Some people would say that there is a difference between common law and the statutory law or rules that the police apply in determining whether they can act. Police can certainly move people on currently under common law if they believe they are in a dangerous situation, but they cannot, as I understand it, tell them to move on if they think that they might do something to someone else. That is where the move-on powers that we are introducing in this bill will add to the array of actions that the police are able to undertake.

I believe this is a very good part of the legislation because the police must be able to do this. The community expect it. The example I have just given is the perfect example. It is virtually a riot in the streets. When a party gets out of control—when there are bashings, more trouble occurring, grog everywhere and fuelled up gangs roaming the streets—that is when police need to move people on and get them out of the area because there is only one thing that will happen, and that is an escalation and further trouble.

I contacted the police after the incident. I would like to thank them sincerely because they went to a lot of effort to meet a number of people who had contacted my office and the Toowoomba *Chronicle* which was very concerned about people not being charged, and that comes back to someone laying a charge. People were very concerned about the lack of move-on powers and that the police would come around and be virtually impotent and unable to do anything. I sincerely thank the police in Toowoomba because they went around and saw all those people and went through the whole issue. People were relatively

satisfied. What people do want to see is these move-on powers so that that type of incident can never happen again and the police have the wherewithal to be able to deal with these situations and stop them.

Members only have to look at what happened in Cronulla to see how that festered over a couple of years. I knew someone down there who told me a week before the incident occurred that something was going to happen. People were going to the beach and kicking a soccer ball into families until they had to get up and move. The police did not seem to have any power to prevent this festering into what actually happened.

Domestic violence is one of the major tasks that police attend to, along with drug induced crime. I am a supporter of the safety that is provided to mostly women in relation to domestic violence. But there are cases of marriage or relationship breakdowns where people are put on domestic violence orders and when they are challenged it is found to be nothing more than a legal manoeuvre by one side against the other for future proceedings. There should be a system where that DVO that did not stack up can be taken off the record. I think that would be fair. That would mean that the more serious, genuine cases would be brought before the police for their action and it might relieve some of the workload that they are being given which may not be a true domestic violence situation.

It is a good idea to have civilians in watch-houses to allow operational police to be out on the streets doing police work. This bill is providing regulations so that civilians can undertake tasks in the watch-house. One of the major tasks of police is attending to drug-induced crime. People on speed have a target in their mind and are driven to do something; they are totally focused and unable to stop. If someone is high on speed and they go to attack someone it is virtually impossible to stop them. If they have decided that they are going to commit a break and enter they will do that regardless because speed focuses and drives them to do it. It is one of the real issues for our Police Service. If we can make the supply of these drugs more difficult it will reduce the amount of crime that these people undertake, which will help our Police Service greatly.

Our shadow minister brought up the need for the Queensland Police Service to have phone tapping powers. In this modern age of technology our Police Service has its hands handcuffed behind its back because it does not have phone tapping services. With proper systems of monitoring, such as the Public Interest Monitor, which is involved with covert operations that the police undertake, we can ensure that the checks and balances are there. In Queensland people can use their mobile phones to do drug deals knowing that there is very little chance that their call will ever be intercepted. It is a relatively safe way that they can conduct these drug deals.

The only way that phone tapping is able to be used by our police is in conjunction with the CMC and it is mainly only when it comes to a major crime ring that is being investigated; the day-to-day issues of trying to catch someone make it very difficult. I believe that we have to give our police the equivalent technology and the equivalent means to solve crime that the perpetrators have at their disposal to undertake that crime.

In a modern police service with a big metropolis area like south-east Queensland, when one looks at what other police services around the world have, surely a helicopter that is on standby—not flying eight hours a day as a member for the other side said—available for use when accidents or incidents occur and time is of the essence would be of invaluable service. Members will recall that big crash last year that occurred in peak hour traffic on the Ipswich Motorway. Everything was held up for four or five hours. People were not seriously injured. The police found it difficult to get to the event because of the traffic jams. The police need a chopper that can come, assess the situation, carry out the initial investigation quickly, get the vehicles off the road if no-one has been seriously injured and they have been extracted, and then be able to get the traffic moving again. It would be of use in sieges and searches where time is of the essence and specialised people need to be brought in quickly. I think a helicopter would be of invaluable service to our Police Service.

Whilst talking about the police, I want to commend the Police Citizens Youth Club system. It is one of the most marvellous things that the police do in Toowoomba. I would like to commend Sergeant. Cam Crisp for the work that he has done and the tradition he has carried on—all the volunteers and the young people who are trained to be leaders. The membership in Toowoomba is in the order of 3,000, off the top of my head. It is a wonderful service providing training in boxing, gymnastics or youth leadership. It is a great club which provides another side to policing—that is, that the policeman is your friend. Young people can grow up knowing that the police are there for them. They are the pillars of our society. The volunteer police officers who help run the blue light disco and are on the committee of the PCYC and help in various aspects of the PCYC are something that we should always maintain. It is a very important part of the police service.

There is one issue that I wanted to bring up that the minister might be able to address if he has time in his summing up. Someone from Toowoomba approached me about a person they know who went to Brisbane for a party. It was substantial pre-wedding party one Saturday night. This person went home in a cab. The next day he wanted to drive home to Toowoomba and wanted to be absolutely sure that he was

right to drive home in terms of blood alcohol content. He went to two hotels. One did not have one of those breathalyser machines and the other one had one that was broken down. He went to a large police station on the north side of Brisbane and asked if he could do a breathalyser test and was told no. I can understand that people could queue up at the police station wanting a breathalyser test. Members can imagine on a Friday night that there could be 100 people lined up wanting to know whether they can drive their car home. It is worthwhile considering. He said he was prepared to pay \$20 because to him it was important when driving two hours home to Toowoomba to do it correctly and it was important to him to be sure. It may not be a major matter, but it is worthwhile looking at because I know a lot of people would like to be sure that they are doing the right thing.

In conclusion, I commend the government for this legislation. We are giving it our full support. The part that I feel very strongly about is the protection of our police from accident, injury or attack. I also feel that the move-on powers are absolutely essential. We are hearing about these parties and riots all the time and the police must have the power to deal with them. We must have confidence in our police that they will make the right judgement calls in doing this.

My final issue concerns investigations that police carry out into their own members who are under the purview of the CMC. Those investigations are worthwhile. I agree with the police doing the investigations, because often it is the same district investigating their own people after complaints have been made. The CMC needs to provide to the people who have made a complaint a summary of what has happened so they can feel confident there has been that purview or oversight. I certainly agree that for minor matters the police, and not the CMC, should be investigating themselves. I think that would make the whole system more complete for those who make a complaint. If the answer does not satisfy them, at least they know that justice has not only been done but has been seen to be done.