Speech by

Robert Messenger

MEMBER FOR BURNETT

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POLICE AND OTHER LEGISLATION AMENDMENT BILL

Mr MESSENGER (Burnett—NPA) (2.31 pm): The Police and Other Legislation Amendment Bill 2007 is an attempt by this government to improve the administration and service delivery of the Police Service and at the heart of this document are four important acts—the Child Protection (Offender Reporting) Act 2004, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990 and the Transport Operations (Road Use Management) Act. This legislation is a genuine attempt to help police do their job better, and for that reason the coalition will not oppose the passage of this amendment legislation through this chamber. However, I intend to raise in this debate a number of important issues related to the four major amendments.

Before I deal with those issues though, I thought it might be useful for all members of this House to be reminded of the geographical obstacles and law enforcement challenges which face our police. According to Australian Institute of Criminology report No. 9 titled *The worldwide fight against transnational organised crime* at page 31—

Queensland has an area of 1,732,700 square kilometres (including islands), equivalent to more than seven times the area of the United Kingdom, three times the area of France or one-fifth of the area of the USA. There are 9,800 kilometres of coastline (including islands) or 7,400 kilometres of coastline (excluding islands), representing 25 per cent of Australia's land mass. The state is divided into eight police regions and 29 districts, with 438 police stations serving Queensland's population of almost four million. The Queensland Police Service ... was established in 1864 pursuant to the Police Act 1863.

New statistics reveal that Queensland is still the drug capital of Australia, and the minister highlighted the Crime Commission's report this morning during her ministerial statement. Those statistics highlight the need for our law enforcement agencies to have stronger powers to tackle a range of law enforcement issues. The Australian Crime Commission's illicit drug report 2005-06 painted a disturbing picture of how Queensland's drug problems compare to the rest of the country. The report reveals that 41.32 per cent of all clandestine drug labs in Australia were discovered in Queensland, 41.84 per cent of all arrests of drug users and dealers occur in Queensland, 32.46 per cent of all amphetamine related arrests occur in Queensland, and 41.84 per cent of all cannabis related arrests occur in Queensland.

The statistics reinforce the need to give Queensland police and also the Crime and Misconduct Commission more tools to fight organised crime such as telephone tapping powers and stronger legislative backing, and what we are doing today with this legislation is enabling that stronger legislative backing for the police to do their job. I congratulate and acknowledge the excellent work of Queensland police in so many ways, especially in uncovering drug labs and arresting drug lords. It is a major concern that almost half of these drug labs are found in Queensland.

Looking at the overall staffing level of the Queensland police force, according to the 2005-06 statistical review, the service now consists of 9,269 police officers—that is, a police to population ratio of one to 436—and 3,360 staff members. On the one hand that sounds like a lot of police officers, but the reality of the situation is that we do not have enough trained police officers available for our first-line response duties. Once again we are in here debating legislation which will require a sufficient amount of staff to enact it.

On the ground what we are finding more and more is that Queenslanders are facing unacceptable delays waiting for police to respond after they ring 000. The minister tries to paper over the cracks in the staffing crisis by quoting official staffing figures, but she will not quote just how many police are available for duty and are not on rec leave, sick leave, stress leave, maternity leave or long service leave. A realistic assessment of the situation can be found in the *Queensland Police Union Journal*. Statements made in the April edition of the *Queensland Police Union Journal* by General President Gary Wilkinson have admitted that in relation to staffing there are very significant problems being experienced at stations all over the state. Denis Sycz, the Assistant General Secretary, has written that, in relation to staffing, 'obviously a great deal of pain is at the pointy end'.

A letter to the Queensland police journal in May 2007 states—

On the 12/4/07 after months of trying our non-supportive management at South Brisbane district finally pushed our senior sergeant over the edge causing him to take sick leave, advising us he wouldn't be coming back. This man had given 35 years of loyal service to the department. How does he feel now? It's been four days now and he hasn't even got a call from the HS0. How do we at Upper Mount Gravatt—

which I believe is in the minister's own backyard—

feel? Well, if I wasn't in the job and I passed one of the South Brisbane management in the street, I would spit on him. Upper Mount Gravatt division is part of the police minister's electorate, yet we get no special treatment. We are operating at half strength and have been doing so for years. Our seven day night network—

Mr DEPUTY SPEAKER (Mr English): Order! The member has made the point about staffing. However, that is not relevant to the bill. I ask you to come back to the bill. I have given you a few minutes to make that point. Please come back to the bill.

Mr MESSENGER: Thank you for your direction, Mr Deputy Speaker. In making my point about the staffing, I would merely say that there must not be any doubt by members of this House that police staffing shortages exist and that—

Mr DEPUTY SPEAKER: You have made that point. Please come back to the bill.

Mr MESSENGER: In speaking to the bill, Mr Deputy Speaker, I also want to look at the issue of financing—once again an important issue if we are going to implement legislation that has been passed through this House. The 2006-07 Ministerial Portfolio Statement indicates that the operating budget is stated at $1.3 billion or approximately four and a little bit per cent of the main budget of Queensland. It is made up of $1.263 billion in output funding and $37 million in own-source revenue. State Library research relating to the amount of funding spent per head of population for the Queensland Police Service—this is using the annual report figures—when compared to other states showed that in 2004-05 Queensland spent approximately $265 per head of population.I ask members to compare that amount with the amount spent in New South Wales, $286, in South Australia, $311, in Tasmania, $312, in Victoria, $268 and in Western Australia, $324. These figures show that there needs to be more money allocated to the Police portfolio.

In speaking to this bill, I must acknowledge that the QPS operates under the basic legislative framework of the Child Protection (Offender Reporting) Act, the Police Service Administration Act and the Police Powers and Responsibilities Act 2000. This legislation makes amendments to the Child Protection (Offender Reporting) Act 2004, and I will direct my comments to those amendments. That act deals with reportable offenders being relocated into the community from a Corrective Services setting. Often these reportable offenders are child sexual offenders.

I would like to share with the parliament some profiles on what sort of person makes up a child sexual offender. According to research undertaken by Wortley and Smallbone, there are three types of child sexual offender. The familiar child sexual offender has usually one victim and sexually assaults that victim on numerous occasions. Most of these offenders fit into the situational category of offender. This offender type does not normally reoffend. Once the initial offending behaviour is found out, it stops. The non-familiar child sexual offender usually has one or a few victims and falls into the opportunistic category of offender. Thirdly, the stranger child sexual offender has multiple numbers of victims and will usually take the highest risk to ensure that they are able to offend. This type of offender uses opportunity and situations to sexually offend. With multiple victims, it is more often the thrill. The offender is most likely to reoffend and this type of offender falls into the predator category.

Under the application of the Dangerous Prisoners (Sexual Offenders) Act, the antisocial predatory stranger child sexual offender makes up the majority of prisoners identified as dangerous sexual offenders and are sentenced with reportable offender orders. Based on research, that type of offender poses the greatest risk of reoffending despite rehabilitation. Information provided through a justice department briefing in May 2007 indicated that currently there are 25 dangerous sexual prisoners who have been released into the community since the Dangerous Prisoners (Sexual Offenders) Act 2003 came into being.

The Minister for Police and Corrective Services in her ministerial statement dated 18 March 2007 said that currently there are up to 100 prisoners who will be eligible for release within the next three years. The minister identified these dangerous sexual offenders as being eligible to being fitted with electronic

monitoring devices. That means that over the next three years over 100 prisoners, who the courts and forensic psychologists have deemed a high risk of reoffending, will, under the Beattie government's policy, be released back into the community. That means that there will be 100 high-risk sexual predators in the Queensland community and the wider community will have no way of knowing where they are.

Queenslanders are expected to trust departmental officers to monitor and police tracking to ensure that these prisoners do not reoffend. With resources stretched in both police and community corrections, can we afford to place so much faith on two overworked and underresourced departments? Do we trust that these violent, dangerous sexual predators have rehabilitated and will not reoffend?

Clause 3 of this bill makes an amendment to the Child Protection (Offender Reporting) Act 2004. This is now the fifth time the Child Protection (Offender Reporting) Act 2004 has been amended since it was introduced only four years ago. It is evident from the number of corrections and amendments that have been introduced to this act that, once again, the government rushed in and failed to effectively ensure that this very important legislation was right. I believe that the government has still not gone far enough with the act. If it wanted to ensure further child protection, it would consider the introduction of a community identification section where police and authorities would be able to inform the general public that a reportable offender had moved into their suburb. I think this is a debate that we now must have. It is an important question that families must ask. If a reportable offender was located to a person's street, does that person have the right to know that? Does that person have the right to take precautions and prepare for that possibility?

Clause 4 corrects an error in the timing of when an initial report must be made. It now allows for police notices to initiate a 28-day period to initially report. The lack of communication between Corrective Services and police is so much that, in this case, safeguards need to be legislated. If one entity fails to serve a notice, the other can back it up. Basically, this amendment is an admission by the government—and the minister mentioned it in her second reading speech—that there have been reportable offenders who have been released from jail and they have not had this notice served on them. They then do not have to report to the police. I would appreciate it if the minister would be able to expand on that and tell the parliament, and also the people of Queensland, how many reportable offenders have been released back into the community and have not had to report to police.

The amendment contained in clause 5 states that, in effect, up until the introduction of this amendment entities other than the police were being used to serve a notice even if the Police Commissioner had already served a notice. The opposition supports this amendment, as it will ensure that there is no unnecessary duplication of work.

Clause 6 relates to sexual offenders being allowed to return to the community without any warning being given to the greater community. As I have mentioned previously, in this circumstance we need to have a debate about Megan's law, whereby members of the community can be informed about the movements of sexual offenders into their communities. I ask: does the community not have the right to know these facts?

Clause 7 amends a glaring error. In effect, a person can ask the commissioner to review the accuracy of the information on the register. The original section 74 was titled 'Review of decision to place person on register'. This amendment changes the name of that section to 'Review about entry on register'. The decision to place a person on the register is made when the court orders that the person is a reportable offender or that the person has been found guilty of the offence.

Clause 8 amends the Police Powers and Responsibilities Act. This is a very important piece of legislation that was introduced by the Queensland coalition in 1997 whereby all police powers were conferred in one act.

In clause 9, police are being handed more and more tasks and roles by the government. While this amendment is supported, it must be pointed out that we must ensure police are adequately resourced to properly meet the increasing expectations of government and the community.

In clause 10, while I support the intent of the legislation, I point out that in 2(b) 'is asked' is a very subjective term. I think it could be problematic and challenged in court. I put forward that the term be amended to the more neutral and objective term 'is instructed'. The term used implies that the requesting officer has to ask the officer to issue the notice. The word 'instructed' allows the arresting officer to instruct by any means, be it through a crime report, fax or email.

Clause 11 is supported as it sets out the requirement of the issuing officer to state the requesting officer's detail on the notice to appear.

Clause 12 is supported as it is necessary to ensure that the requesting officer is deemed to have started proceedings as if they themselves had served the notice. It is quite a practical change to the Police Powers and Responsibilities Act 2000. It allows for the remote service of a notice to appear and saves time, paperwork and manpower.

Clause 14 extends the number of offences covered, from publishing and reporting where evidence was obtained through the use of listening devices. It makes sense that revealing certain evidence when

proceedings commence may reveal the location of the device. This also relates to the Public Interest Monitor. If the Premier is so concerned about having the Public Interest Monitor involved in the issuing of phone tapping warrants so that it can be informed before any of his ministers' phones are tapped, why has he not moved to involve the Public Interest Monitor in listening devices?

Clause 15 amends the Police Service Administration Act. It relates to QPRIME, which is covered in clause 16. QPRIME is the new computer reporting system that the police use. This rollout of QPRIME has been a seen a blowout in the administrative work for police. The very minuscule and tedious information often needed to be entered into QPRIME to allow fields to be approved ensures that police are tied to desks for up to seven hours entering data, down to the point of the date of birth of the ambulance officer attending the traffic accident.

I believe that the rollout is already millions of dollars over budget, with the ongoing cost of paying 60 temporary data entry operators hired to help with the data entry process. The minister promised that QPRIME would make policing easier when, in fact, it has done exactly the opposite. It concerns me even more to learn that the QPRIME mapping tool was not installed with the second phase rollout due shortly, leaving police the even more time-consuming task of having to use Google or whereis.com to find the address of locations.

The use of QPRIME, or Niche Records Management System as it is known by the company that produced it, was first rolled out in Canada in 2005. It was one of the first police services to purchase this system. It is well known that the New South Wales and Victorian police services turned down this system. Not many police come away from QPRIME training feeling well informed. More than that, they are being told that they are now stuck with QPRIME and must get used to it.

For this government, QPRIME poses a significant problem and it has to be dealt with very expeditiously. I have spoken to a number of serving police and all have expressed serious concerns about QPRIME, the computer reporting system. Anecdotally, police officers have told me of an instance where two police officers took seven hours to enter the details of just one accident on QPRIME. I received a briefing from another police officer who told me about a sergeant who was taken away from front-line policing duties and placed behind a desk to oversee the implementation and data entry on QPRIME.

Still we have not had any response from the minister. I would very much appreciate it if the minister did respond to the concerns that have been expressed to me by members of the police force. I have been contacted by police who told me that one of the main reasons that we do not have enough police actively patrolling the roads is that many are stuck behind computers trying to deal with the excessive red tape and reports that are generated by QPRIME. I believe the government paid more than $80 million for a computer reporting system which, to date, has failed. The minister is tying officers to computers for hours, where they have to enter traffic offence information. This is a waste of officers' valuable time.

As I said, I have heard reliable reports that two officers spent several hours entering details onto the computer system. The reports that I have heard have been backed up officially by Mark Ballin, executive member of the Queensland Police Union Central Region, who stated in the *Queensland Police Union Journal* of March 2007—

> QPRIME has not helped one little bit and will push good officers over the edge. Get the Police back on the streets where they are supposed to be and not sitting there for hours just to do their job.

I believe that the minister should start listening to her service members and the member for Gregory and shadow transport minister Vaughan Johnson, who recently said that we need a common-sense three-pronged attack to cut the toll that includes effective driver education, better enforcement and much better roads. The minister should think about this.

The subject of effective driver education is covered by this legislation through the Transport Operations (Road Use Management) Act and peer passenger restrictions. One of the proactive initiatives that this government could consider is driver education training schools. Once again, those should be set up in each regional location. That would be a proactive measure to save lives on our roads. If the government spent only half the money that it spent on government advertising, we would have a viable system in place.

Clauses 18 and 19 allow for the operation of young driver regulations. We support those wholeheartedly.

Clause 20 creates a reverse onus on the driver of a vehicle being investigated for young driver regulations. It is concerning if a person is found guilty of this offence and they are issued with an infringement notice while a passenger is charged for contravening a requirement and then is made to go to court. I ask the question: doesn't this mean, in effect, that the government could be accused of revenue raising against young drivers? Perhaps there should be a greater deterrent.

This bill amends four pieces of legislation: the Transport Operations (Road Use Management) Act, the Police Service Administration Act 1990, which deals primarily with the QPRIME data entry system, the

Police Powers and Responsibilities Act, which covers the very welcomed remote service notice to appear, and the Child Protection (Offender Reporting) Act. Those are four very important pieces of legislation.

The police minister recently told the House that she has introduced more legislation than any other police minister, but I would simply say to the minister that it is quality, not quantity, that counts. The fact remains that, despite constant calls from police, she has failed to introduce some significant laws including, once again, the telephone tapping laws and any specific laws that target organised crime. I commend the bill to the House.