



Speech by

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TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—LNP) (4.01 pm): I am pleased to contribute to the Transport and Other Legislation Amendment Bill 2008. This is an extensive bill which amends a raft of laws pertaining to transport and road safety and acts incidental to achieving those objectives. In the interests of time, I wish to focus my contribution on two aspects of the bill, specifically part 6 of the bill giving transit officers power to detain a person—which I note the opposition will be opposing—and part 9 of the bill pertaining to rapid transit.

One of the most significant policies of the bill pertains to transit officers. Division 1 of the bill seeks to give transit officers the power to detain a person who has committed an offence. Section 129A(2) states that a transit officer may detain a person, using force that is reasonably necessary for the purpose, until the person can be delivered to a police officer. This has a considerable impact on the power of our transit officers. Currently transit officers have the power to require tickets to be produced by passengers and to direct a person to leave a public transport vehicle if the person does not have a fare. Transit officers are also empowered with the ability to inquire about personal particulars for the purposes of issuing infringement notices. This is in addition to the general liberties of citizens which are protected by the common law, the criminal law and the law of torts.

This bill proposes to augment these powers by authorising transit officers to detain passengers for the purpose of law enforcement. Essentially, the bill creates a quasi police force of public servants conferred with powers usually reserved for a special section of the community—namely, the Queensland Police Service. The Police Powers and Responsibilities Act was necessarily enacted to give Queensland police powers beyond those of the ordinary citizen. Central to this is the power to detain offenders where an offence has taken place, is currently taking place or is about to take place, based on a reasonable belief.

These powers are enumerated and closely observed. Indeed, if the procedures set out by parliament in the act are not followed by police officers, it can be fatal to the case against the offender. We have seen this in a number of cases in Queensland—and indeed cases handed down from the High Court—where offenders found to be guilty beyond reasonable doubt have had their sentences quashed by the court because the requisite procedures were not observed. These cases invariably involve public outcry and questions of how guilty offenders are freed by a technicality.

It is an example of the value the law places on the liberties of the person. Indeed, Australia's commitment to upholding basic individual freedoms was formally recognised by the ratification of the United Nations International Covenant on Civil and Political Rights. Article 9(1) states—

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

As a result of this principle, procedures pertaining to deprivation of liberty are necessarily heavily regulated. These principles provide the rationale as to why police must observe closely the explicit powers conferred upon them by this parliament in the Police Powers and Responsibilities Act, which establishes appropriate arrest procedures and authorises police to take action which would not be permitted under

common law general liberties. Thus, failure to adhere to the procedures and requirements of the act not only would breach the conditions upon the power but in some cases would constitute an offence against fundamental human rights.

As members have indicated, this bill seeks to confer powers of detention upon transit officers—powers which are usually reserved for police officers. It is not difficult to see, then, why the LNP has grave concerns about the extension of these powers to public servants. Currently, transit officers have basic powers to carry out their role in ensuring the integrity and safety of our railways. They work in conjunction with the Queensland Police Service Railway Squad.

Whilst public safety should be the highest priority for QR, I question the wisdom of extending police powers to public servants in the pursuit of this aim. Surely this objective could be achieved simply by boosting the number of specialist police on duty at train stations or available to respond to incidents in a timely manner. I have long been on the record as stating that Queensland needs more police. Indeed, it was one of the key issues I campaigned on in 2004 and 2006 and will continue to do so. It is an issue which continues to affect residents not only in my electorate of Surfers Paradise but right across Queensland. The fact that the state government is even contemplating extending police powers to ordinary citizens is testament to the fact that we do not have enough police officers in Queensland.

The primary concern I have with this legislation is that it is difficult to conceive where the decay of our long-held principles of law will end. If we confer certain police powers upon transit officers, what about other members of the public? Essentially, transit officers are security guards of sorts. Is the Bligh government suggesting we should give security guards powers of arrest as well? Given the problems we have seen with security operations in party precincts such as Surfers Paradise, this would not be a desirable outcome. But where do we draw the line? How can we confer power on one section of society but not on another, particularly where minimal specialised training is required to exercise such power?

This is the critical problem with regard to what this bill seeks to achieve. By elevating transit officers to a quasi police role we are starting down a dangerous path. This danger is unacceptable in situations where our transit officers are already equipped with basic powers to maintain safety and security and where they have police support in their operations. Furthermore, the common law recognises a general right to citizen's arrest in circumstances where police are not available to respond when an offence is being committed and/or public safety is placed in jeopardy. As such, the powers contained in division 1 of the bill are unnecessary to the preservation of safety and security.

Furthermore, if we extend powers of detention to persons who have not had the same high level of training as police officers, we simply cannot expect those seeking to exercise these powers to observe the procedural requirements set out in the Police Powers and Responsibilities Act. This has the potential to create problems for public prosecutors and the courts. If rules of evidence are not observed, the courts simply will not uphold charges against persons alleged to have committed an offence on public transport. By empowering individuals who are not police and who are not required to observe established procedures to carry out preliminary investigations and effect an arrest, the risk of evidence being deemed inadmissible is heightened as a result.

It is not just members of the LNP who are concerned about the ramifications of this bill. Unlike the Bligh government, we have carried out extensive consultation with stakeholders and we have listened to the people of Queensland. The Queensland Law Society does not support the move to establish a two-tier quasi police on Queensland's public transport systems. The Queensland Police Union also does not support this move to provide transit officers with detention powers. Legal Aid Queensland does not support it, neither does the Council for Civil Liberties, neither does the Australian Services Union. It is simply too dangerous to hand over the handcuffs to anyone but trained police officers. For this reason, I cannot support this aspect of the bill.

The second observation I would like to make about this bill relates to part 9 of the bill which contains amendments to the Transport Infrastructure Act 1994 for rapid public transport systems. Obviously, this bill is relevant to the Gold Coast, given that we are expecting construction of a rapid transit system to commence in the near future. I note that the honourable the Treasurer has recently confirmed that the rapid transit system will go ahead despite the global financial crisis. I welcome those comments from the Treasurer. The Gold Coast is in crying need of better public transport.

Let us take stock. We have a commitment from the members opposite that Gold Coast light rail will go ahead and a confirmation as recently as last week that the project is still a priority. We have a bill which will allow Queensland Transport to start the tendering process and enter into commercial agreements for the construction and management of the light rail system. The only thing missing is the plan itself.

Mr Stevens interjected.

Mr LANGBROEK: And the money, as the member for Robina said. The Bligh government still has no idea on a rapid transit system for the Gold Coast. All we have is a tentative route and glossy brochures. I should also mention the interactive CD which is very entertaining. It is so entertaining that I am surprised

the minister is not handing it out at schoolies. The minister is big on spin but scant on detail. It is hard to believe the Bligh government is listening to the people if it has not heard the cry from the coast. The residents of the Gold Coast do not want the rapid transit system in its current form. In areas such as Surfers Paradise and Southport, there is still a lot of community objection to the route.

Mr Gray interjected.

Mr LANGBROEK: Well, member for Gaven, the one thing we do know is that the Helensvale to Parklands phase is not a priority. I wonder what the member for Gaven thinks of this. Obviously he cannot be too upset about it, otherwise he would have stormed cabinet and told the Premier and the transport minister that the northern Gold Coast was far too important to be dropped from the agenda.

Mr Gray: Terrific.

Mr LANGBROEK: Terrific? The member for Gaven thinks it is terrific that there will not be any Helensvale link on the rapid transit network. I take the interjection from the member for Gaven. 'Terrific' was the word that he just used.

I would have thought if the Bligh government really was planning for the future it would realise that the northern Gold Coast is experiencing population growth at a higher rate compared to anywhere else in south-east Queensland. Yet what we see is the members opposite ignoring the studies, ignoring the figures and making decisions without public consultation—or ignoring public consultation—on the premise that they know best. Residents of the northern Gold Coast will still have difficulty accessing education and health facilities, such as Griffith University and the new hospital—if construction ever starts there.

The people of the western Gold Coast, which the Bligh government seems to think is anyone living west of the Gold Coast Highway, have also been neglected. The minister has refused to release information on whether an east-west link will be part of the rapid transit system. If the minister had visited the TransLink web site lately and checked out the bus timetables, he would know that it is not a hassle to jump on a bus at Coolangatta and go to Southport given the frequency of services along the Gold Coast Highway. Where it becomes a problem is if you are travelling from anywhere west of the city highway. To get to Surfers Paradise from Robina, it can take you two hours and three bus changes. The minister has obviously missed the point.

The Bligh government has also conveniently left out one very important detail. The minister has refused to put a completion date on the project. I note that 2015 comes up in conversation but, given the lengthy delays we have already experienced, I wonder just how much faith we can have in the idea that we will all be riding rapid transit in the next 10 years. The very people the Bligh government expects will use the rapid transit system are telling me they do not want it in its current form. I note that the final public consultation on the Gold Coast rapid transit system closed recently. I would like to take this opportunity to urge the minister to take heed of what the people of the Gold Coast are saying.

This project will cost at least \$1.7 billion. The cost is likely to be more on the back of the current economic outlook. I urge the Bligh government to get this right. We have an opportunity here to build a public transport system that will help ease congestion on our roads and cut greenhouse emissions by encouraging more people to leave their cars at home and jump on light rail, yet if we continue on the current course we will end up with nothing but an expensive Gold Coast city loop tramcar restaurant.

Whilst some of the amendments in this bill put the Gold Coast one step closer to a rapid transit system, we are yet to see a substantive plan for any such development. I believe it is far too premature to be passing laws which give the transport department power to enter into commercial agreements with private sector companies—which will no doubt involve an outlay of public money—for the construction and management of the rapid transit system. With those comments, I note that we are supporting the bill but opposing those provisions already mentioned.