




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

 **Mr WATTS** (Toowoomba North—LNP) (12.30 pm): I rise to speak to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018, introduced to the House by the police minister on 12 June. That date is very relevant. I will come to the substantive parts of the bill, but first I want to address the amendments that have been foreshadowed. These amendments should have been part of this bill from the start and, ultimately, this bill should have started a long time ago. The community has known for a long time—in fact, for the entire term of this government—that Mr Fardon would be released. The government should have been taking action to protect the people of Queensland, particularly the children of Queensland, who are vulnerable to a predator such as this. For many years the government has sat on its hands rather than deal with this issue.

Interestingly enough, this came immediately following our shadow Attorney-General releasing a plan for how to protect the most vulnerable in our community—a robust plan, a plan that has real teeth and does not include the words ‘could’ and ‘may’ but ‘will’, a much more definite plan for how to deal with this kind of offender. What we see with the foreshadowed amendments is a last-minute, last-ditch attempt by the government to look tough on crime, but the community of Queensland knows differently. It knows, as all people have known, that Fardon will be released—we have known at the very least for the three years and eight months of this government—yet government members walk in here today and present some last-minute amendments that have not been scrutinised through the committee process. People were not able to make submissions to test the robustness of the amendments. They have done a slapdash job to come up with a plan that is much more about spin than action.

With the impending release of one of Queensland’s most notorious sex offenders, Robert John Fardon, Labor has been caught out without a plan. The Attorney-General can dress it up any way she likes, but the fact is that unless something is done this week Labor is relying on an appeal to keep Fardon under a strict supervision order. Otherwise, he will be released into the community unsupervised on 3 October. That is the real reason we have seen this charade today of standing orders being changed yet again, after having the automatic guillotine fall on our heads on every other occasion. This is an important issue. This is an issue that should be debated. This issue should have been addressed by this government over the past three years and eight months, because we have known the release date for as long as this government has been in power. Yet this government has come into this House with amendments at the last minute, after it has heard that we have a substantive plan with some teeth to deal with this kind of offender.

If these amendments are not related to Fardon, why are they being rushed through the House today, without going to committee and with an extension to Labor’s family-friendly hours? Why has that all happened today if it is not to deal specifically with Fardon? We all know that it is—and so do all of the journalists. What have we seen with Labor’s proposed amendments? We have seen a lot of spin

and a lot of tough talk but not very tough laws. What we have seen here is symptomatic of a government that has been caught out trying to play catch-up and trying to compensate for its inaction over its entire term.

Interestingly, the embattled—as described by the *Gold Coast Bulletin*—police minister has hidden away while the Attorney-General does all the talking on Labor's amendments, despite the fact that they are amendments to a police bill and we see further police acts amended. It speaks volumes about how little credibility this minister has, not only in the community but also with the Premier's office, that the Attorney-General has taken the media lead in this campaign. We have seen a lot of additions to the government's media team, but the police minister's media team can take a back seat while the Attorney-General has to do all the talking on the public sales pitch.

Mrs D'Ath interjected.

Mr WATTS: Don't get me wrong: what Labor is proposing is an improvement on the current laws, but they are not as tough as government members are making out in the media and they are not as tough as the LNP's laws. They certainly will not solve this problem in the long term.

What we know is that under Labor's proposal GPS monitoring is not guaranteed. It will only happen once it has been court sanctioned, after a dangerous prisoner has been released and the person has satisfied a police application that they have committed 'concerning conduct', and that conduct is to be captured by the police. I want to be very clear here: there is an offender who we all know is due to be released on 3 October who previously took just 20 days after release to commit a most heinous crime. I am concerned that these laws would not deal with someone who was so obsessed and so deranged that they would go and commit this type of offence. To say in the media that these offenders will be GPS tracked for the rest of their lives is a complete fabrication. It is not guaranteed at all, and it needs to pass a number of tests to be court sanctioned. That can only occur once the police and the courts are satisfied that the offender has committed concerning conduct.

Also, amendment 2 provides that a reportable offender may apply to the Supreme Court to suspend their reporting obligations after 15 years since a DPSO order lapsed or they were released from detention. That means Fardon could be free from any reporting obligations 15 years after 3 October. If his supervision order expires on that day, he could be free of any obligation in 15 years from 3 October. It is not for the rest of his life, and that is certainly not a guarantee.

Labor's proposed amendments are an honesty system for the worst of the worst repeat sex offenders, who regularly thumb their noses at police, the courts and the laws that this House has passed. These are not people who comply and follow guidance. This is an honesty system—a system where they have to self-report various changes. As I said earlier, these amendments do slightly improve on current laws but they are not as tough as is being made out in the media. That is why Labor is so desperate to block the LNP's much tougher legal framework.

The other part of the amendments—it has been spoken about—is that there will be some funding, but my concern is that we have seen cut after cut to police funding by this government. It has slashed the Police budget. It has not kept pace with the population growth in Queensland. It certainly has reduced the Police budget from when the LNP was in government as a percentage of overall revenue.

At the moment I am very concerned that the police will not have the resources to be able to manage this kind of offender in an appropriate manner. Those are some things that concern me greatly about the amendments that have been put here today. These amendments should have gone to the committee and should have been put through a rigorous process because these are the most heinous criminals in our system, yet coming in here at the last minute to try to fix it up is not the government doing its job. If the government was doing its job then it would have been dealing with this at least three years ago, knowing the impending date is approaching. It comes in here at five minutes to midnight with a stopgap measure that has not gone through a robust process, that has a great level of concern for the community and that has a great many holes punched in it.

Let me go to the substantive part of the bill because, principally, the bill will help our Police Service do its job in Queensland. I note the committee's recommendation that the bill be passed and I thank the committee for the work it has done in relation to this bill. The objective of the bill is to enhance the efficiency and the quality of our front-line police services and ensuring the Police Service remains responsive to contemporary community needs. The bill makes a number of amendments to various pieces of legislation and, as the minister has said, the majority of the amendments go towards altering the Police Powers and Responsibilities Act.

If the bill is passed the Queensland Police Service can access a number of additional powers. Police will have greater powers when investigating a missing person, and that is a good thing; to establish a missing persons scene before obtaining a missing persons warrant, so to establish a crime

scene their powers will be increased and enhanced; to access a locked storage device such as a locked mobile phone or a laptop; and to detain and transport a person who is subject to a police banning notice to a police vehicle, watch house or police station to take their photograph. These are just some of the increased powers police will have access to.

There are also amendments to the Corrective Services Act 2006 which will assist the Parole Board Queensland to undertake its business more efficiently. These amendments will allow the Parole Board Queensland to consider a request for immediate suspension of a person's parole order and issue a warrant, and that is a good thing; remove the requirement for a prescribed board member to issue a warrant for a prisoner's arrest if the prescribed board member decides to suspend the parole order; and allow the Parole Board Queensland, sitting as three members, to consider the cancellation of a prescribed prisoner's parole order.

There are new offences in the bill, such as the offence for assaulting or obstructing a civilian watch-house officer, as well as the separation of the offence of assaulting and obstructing a police officer into two distinct offences. These are all good things that the police obviously would like to have. This bill provides for those things and that is why we will be supporting the bill. Amendments have also been proposed to enhance parole powers and these will include, as I have already said, allowing the Parole Board Queensland or a prescribed board member to consider an immediate parole order suspension and issue a warrant.

Several people provided submissions to the committee. It would have been nice if the amendments that were brought in today were available for those people to provide submissions on, because I think their comments and submissions would have been very useful in testing their robustness and potentially finding ways to strengthen those rushed, eleventh-hour amendments. As I will discuss in more detail later, the Queensland Law Society and the Bar Association expressed serious concerns that the proposed amendments go towards inflating police powers and urged for limits to be placed on these powers to ensure they are not misused. I clearly hear the Queensland Law Society and the Bar Association, but I do support the increase in these powers.

One of the proposed amendments, as I mentioned earlier, introduces a new framework to assist police in a missing persons investigation. The bill seeks to insert a new high-risk missing persons provision which empowers officers to establish a missing persons scene for a high-risk missing person without first obtaining a warrant, and I think that is a good thing. The person may be considered high risk if they are under 13 or there is a reasonable suspicion the person may suffer serious harm if not found as quickly as possible. An example of the factors that may be taken into account include a person's financial circumstances, a reason the person may want to go missing, or any suspicious circumstances relating to the person's disappearance. Both the Queensland Law Society and the Bar Association of Queensland hold serious concerns about these amendments, considering them to be broad and subjective, creating the potential for misuse, and a policy that fails to be backed by evidence. It will be incumbent on the police to make sure they have robust procedures so that their concerns do not come to fruition.

Concerns were also raised about the civil rights and liberties of owners and occupiers that may be unduly infringed—for example, where a resident is displaced from their home for four days or where a business owner is adversely affected because of restricted access to their business. The Queensland Police Service has stressed that in balancing police powers with the rights and liberties of individuals the balance will be achieved as a result of police electronically recording the use of high-risk missing persons powers by the use of body worn cameras or audio recorders. The police need far more body worn cameras and audio recorders to be able to do their job safely and effectively around Queensland. I would urge the minister to ensure that every one of our serving officers has a device such as that as they go about their job.

The crime scene threshold offence has been proposed to be reduced to an indictable offence with a maximum penalty of at least four years imprisonment instead of the current prescribed seven years imprisonment. The Bar Association of Queensland has serious reservations about broadening the range of suspected offences, stating that it will result in most offences in the Criminal Code being included rather than only the most serious offences. Ultimately, broadening the range of suspected offences will enliven the crime scene powers. Applied correctly by the police, this is a good thing because the police will be able to do their job more effectively with these powers.

The widening of powers relating to police access to a locked storage device has also caused some debate. Under the proposed amendments, police may apply for a judicial order requiring access approval for a locked storage device that has been seized under a crime scene warrant. The Bar Association of Queensland has serious reservations about investigating police being able to access information on storage devices located at a crime scene without first obtaining a search warrant, placing

emphasis on the low threshold proposed for a crime scene threshold offence. That is just a caution from the Bar Association of Queensland and I am sure the police will take the appropriate measures to ensure those cautions are heeded.

The Queensland Law Society also did not support the proposed amendment, placing emphasis on the lack of the words 'only accessible' which would therefore broaden police powers further, allowing them to demand access to passwords for applications and subscriptions for any computer connected to the internet, whether or not it had a connection to the place or to the device.

This legislation contains some broad powers for the police and I support the police getting these powers. They need to be used in a considered way and I think they will lead to a safer community. Again, that is why we will be supporting these powers.

At face value, police powers are certainly commendable. However, the police need more than just legislation and they need more than just words; they need to be funded. We know that the number of police in our Police Service has dropped from 245 police per 100,000 people when the LNP was in government to 242 police per 100,000 people under the current regime. Police numbers are not keeping pace with population growth. The LNP has a vision to ensure that the police have the ability to deliver a safe and secure community.

Ms Boyd: Relevance.

Mr WATTS: I take that injection. The relevance is that police not only need to have the powers but also need to have the numbers and the budget to be able to use those powers. It could not be more relevant that the police have the budget and the powers to be able to apply the laws that are passed in this House. There is no point passing laws in this House if the police do not have the financial capacity to use those powers to investigate matters. The budget is absolutely relevant.

I thank the member for Pine Rivers for embarrassing herself by not understanding and for clearly articulating Labor's position that it does not care about the budget because it does not think it is relevant to the police officers being able to do their job. If I were the member, I would talk to the minister. According to the *Gold Coast Bulletin*, the minister is 'embattled'. Throughout the state, we see the crime rate rising, but the member for Pine Rivers comes into this place and tells us that the Police budget is not relevant. The number of police officers per head of population is going down. The Police budget as a percentage of overall revenue is going down yet, according to the member for Pine Rivers, that is not relevant to the increase in the crime rate in Queensland across-the-board. I advise the member for Pine Rivers to go back to her community—

Honourable members interjected.

Madam DEPUTY SPEAKER (Ms Pugh): Order, members!

An honourable member interjected.

Madam DEPUTY SPEAKER: I said 'Order' and you are talking over me.

An honourable member interjected.

Madam DEPUTY SPEAKER: I do not need your direction, thank you very much.

An honourable member interjected.

Madam DEPUTY SPEAKER: I appreciate that and I do not need your direction.

Mr WATTS: The Labor government stripped \$44 million from this year's budget for the police. We also know that it underspent last year's budget for the police, causing across the two years, on its own budget outcomes, an \$80 million shortfall. We also know that, if this Labor government had maintained funding at the same percentage of the overall budget of the former LNP government, there would be \$137 million per year more in the Police budget.

I believe very much that, although these police powers are important, that \$137 million per year would mean that the police would have a discretionary budget to pursue the crime drivers. By the time the electricity, the offices, the overtime, the fuel for the cars and all the other fixed costs are paid for out of the Police budget to run the Police Service, the discretionary budget that is left is where the police can really attack the crime drivers, where the police can run an operation that will make a difference.

This year's Police budget has been reduced by \$44 million compared to the Police budget last year. However, in comparison to the former LNP government's budget, the Police budget has been reduced by an equivalent \$137 million a year. That shows that Labor is not really serious about addressing crime. It shows that crime is not a priority. The minister has shown himself to be weak at

the cabinet table when the budget is being divided up between the various ministers. As a percentage of overall revenue, this police minister's budget is going down whilst the crime rate in Queensland is going up. The unlawful use of a motor vehicle has risen by 19 per cent, homicide has risen by 14 per cent, unlawful entries have risen by 12 per cent and assaults have risen by 11 per cent. In Townsville alone, armed robbery offences have jumped 126 per cent. These are the government's own statistics and I am talking about the government's budget.

We know that law and order is not a priority for this government. Although elements of this bill are good for our police in that they will help our police do their job, they really need to have the discretionary budget to resource themselves both with personnel and equipment to do their job in the most effective way. The minister needs to get back to the cabinet table, go back to the Treasurer, and fight for those funds to ensure that the police can keep our community safe. In Queensland, being tough on crime means the government prioritising crime and not cutting the Police budget by \$44 million this year, let alone cutting the \$137 million from the Police budget of the former LNP government.

I am glad the member for Pine Rivers interjected, because not everybody would see clearly the link between legislation that helps the police and the financial resources that allows the Police Service to employ the people it needs to do its job. The minister can say that there is no correlation between those two issues, but, since the Police budget has gone down, across the state we have seen the crime rate go up. We have good people trying to get to work, dropping their kids off at school and having their car stolen.

The police need these powers. The enhanced evade police powers in this bill are a good thing because we know that particularly recidivist criminals have been using the current evade police powers as a way to escape. We know that it has been difficult to identify the driver who evades police. This element of the bill is important, but the police also need the resources to be able to pursue these people. They need to have the financial capacity; they need the officers on the ground to make sure that our community is safe.

I will refer to some of the amendments but, before I get to that, I want to talk about the prison system in Queensland. We know that the prison system in Queensland is operating at 131 per cent—

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order. This is not relevant to the bill. I ask that the member be brought back to the bill.

Madam DEPUTY SPEAKER: Order! Thank you, Leader of the House. I am listening very closely and it seems that you have strayed into a completely different portfolio area. For the remainder of your time, I ask that you keep your contribution relevant.

Mr WATTS: Thank you, Madam Deputy Speaker. The reason our prison system is relevant to the Police Powers and Responsibilities and Other Legislation Amendment Bill is that, when people commit a crime, we put them in prison. If they are found guilty of an indictable offence that carries a prison penalty, that is where we put them.

Mr BROWN: I rise to a point of order in terms of relevance.

Madam DEPUTY SPEAKER: Thank you. I continue to listen closely to the contribution. I am hoping that you can finish it by the one o'clock lunchbreak. I know that the member for Surfers Paradise will be keen for his one o'clock lunchbreak. I ask you to continue staying on point.

Mr WATTS: I am absolutely happy to be staying on point and be relevant. It looks like everybody wants me to come back at three o'clock for my final couple of minutes. That must be why they are interjecting. Prisons are the appropriate place to keep our most dangerous and restricted prisoners. When they get out of prison, it should not be because our prison system is overcrowded and cannot cope. Our community should not be put in danger because our prison system has not had the investment that it needs. Making sure that people are released on probation and parole in an appropriate manner and they are supervised in the community is incredibly important for the safety of our community.

These rushed amendments relate to our most heinous prisoners who are on supervision orders. At the eleventh hour, this government has rushed in this legislation to try to ensure that it can be seen in the community to be doing something. We know that this legislation could have been introduced at any time during the past three years and eight months. We also know that this legislation is weak and proves that Labor is soft on crime.