



Speech By
Trevor Watts

MEMBER FOR TOOWOOMBA NORTH

Record of Proceedings, 15 October 2019

**POLICE SERVICE ADMINISTRATION (DISCIPLINE REFORM) AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mr WATTS** (Toowoomba North—LNP) (12.09 pm): I rise to speak on the Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill. The LNP welcomes the bill, which encapsulates a revised police discipline system. It has been negotiated with bipartisan support, and I acknowledge that. Bringing forward this bill today means that the briefing I will receive on the amendment will happen shortly after I finish speaking. I have had a look through it and there does not seem to be anything controversial. However, in the spirit of bipartisanship it would have been helpful to have had the briefing prior to speaking on the bill.

Public confidence in the QPS is paramount. I want to make it absolutely clear that nothing can be more important than the safety of our citizens, and the thin blue line that guards that safety is valued by us all in this House, most particularly those on our side. I would also say that thin blue line must be held to high account in terms of its ethics, its accountability and its behaviour.

Discipline within the ranks is fundamental, and we know that the majority of officers on all occasions operate with integrity and ethics in diligently making sure our community is safe. For those who do not, there needs to be a robust system. It needs to be robust in such a way that the public have confidence in it and the police know that it is a fair and just system if someone makes accusations against them. Importantly this process has been widely put together with the various stakeholders.

The QPS play an integral role and do an outstanding job in keeping the Queensland community safe. All too often they are very busy tackling crime, keeping offenders off our streets and investigating offences to ensure those who commit horrendous crimes are held to account. While the vast majority of those officers do the right thing, as I have said, there will always be a very small percentage who do not. I acknowledge the minister's words around what Mr MacSporran had to say in relation to the cost of training being a substantial part. If the disciplinary breach is something that can be managed within the system and a learning can be provided, that is a good thing. I will quote Mr MacSporran. He stated—

... the notion that the investment in the training and equipping of a police officer is a significant investment for taxpayers, that if the conduct is not so serious as to warrant dismissal from the service every attempt should be made and will be made under these proposals to correct bad behaviour—

and that part is very important. The people of Queensland need to know that that bad behaviour is not accepted. Just because they have not been dismissed, it is not accepted; it will be corrected. He goes on—

to have the officer gain some insight and to become once more a valuable member of the service.

Those are Mr MacSporran's words and I think it is very important that they are heard here.

Whether it be improper conduct or conduct which stems from the officer acting in a private capacity, it is imperative that all conduct that does not meet community expectations is investigated thoroughly. It is my view that this bill will give the community greater confidence in this investigative process and will help meet the standards the community reasonably expects of a police officer.

I appreciate the objective of the bill, which is to provide efficiencies in the investigation of complaints and hearing of allegations and suitably discipline officers while at the same time ensuring the public's confidence in the QPS is maintained. Might I say in my role as opposition spokesperson we get a lot of people who have had issues with the police come to our office. The process that has been in place for discipline has been wanting. Again, I think this is a good step forward for the Police Service.

The bill sets out to achieve greater disciplinary measures including reducing the delays in finalising disciplinary investigations, and this is very, very important. We have officers who spend years waiting to find out what is going to happen to their career. This is a narrow career path where someone has specialty skills and training. Under the current system it can drag on and that can be quite distressing not only for the officer but also for their families. Reducing delays in finalising the disciplinary investigations I think is very, very important.

Modernising the disciplinary sanctions that can be imposed upon a subject officer is also important. The bill will also: formalise the role and range of management strategies available as part of the disciplinary process and address review provisions that apply to the CCC. The key thing that I mentioned before is reducing delays. The bill reduces delays by establishing time frames for the instigation of disciplinary proceedings and the finalisation of investigations. The bill also enhances the efficiency of the investigation process and disciplinary proceedings by the introduction of an abbreviated disciplinary process, or ADP. It allows the prescribed officer, with the permission of the CCC and at any time during the investigation, to invite the subject officer to participate in the ADP.

Modernising the disciplinary sanctions that can be imposed upon a subject officer is also a key component. The bill modernises the disciplinary sanctions that can be imposed upon a subject officer. I support this modernisation as it sends a clear message that those very few police officers who do the wrong thing will be held to account in line with the expectations of the Queensland community. The disciplinary sanctions will include dismissal, which is also currently available; suspension from duty without pay for a period not exceeding 12 months, which is a new provision; disciplinary probation, which is also new; demotion permanently, which is also available currently; demotion for a stated period, which is a new provision; comprehensive transfer; local transfer; performance of up to 100 hours of community service; increasing the maximum fine from two penalty units to 50 penalty units; and a reprimand.

There are some significant changes that will allow the police discipline to be administered in a fair way that meets the community expectations and treats the officer with respect if they have been found to need those disciplinary sanctions without limiting their career. The bill omits the current available sanction of a reduction in the officer's level of salary within their current rank and forfeiture or deferment of a salary increment or increase.

The bill provides for educational activities and development opportunities that may assist in improving an officer's professionalism or minimising the risk of analogous behaviour occurring in the future. It does so by inserting a new section 7.3, which formalises professional development strategies—the PDS—in the new police disciplinary process by allowing the commissioner to impose a professional development strategy on an officer in response to a complaint as a risk mitigation strategy to improve the officer's performance.

Importantly, the bill amends the powers of the CCC. For example, the CCC can assume responsibility for, and complete investigations into, police misconduct. The bill simply removes 'breach of discipline' and replaces this with the term 'ground for disciplinary action'. 'Misconduct' will remain as a distinct ground for disciplinary action. The bill gives the CCC the power to apply for review of a QPS decision not to institute disciplinary proceedings against an officer. This bill strikes a balance between enhancing efficiencies within the police disciplinary framework and setting appropriate disciplinary sanctions for those who need to be held to account for their actions.

This bill has bipartisan support from the LNP and all key stakeholders. That is really important, because the institution of the QPS is so important to the governance of Queensland that all stakeholders were involved, including the Police Service, the Queensland Police Union of Employees, the Queensland Police Commissioned Officers' Union of Employees, government representatives and representatives of the legal fraternity. It is important that everybody was able to land in one spot and agree on the details of this bill. All stakeholders welcome the reform of the police disciplinary system, agreeing that the changes will likely result in a fairer and more effective disciplinary process for the QPS.

Whilst the Bar Association of Queensland supports the bill, it raised concerns about the new professional development strategies and submitted that, while professional development strategies were intended to be included in a subject officer's disciplinary history, this was not made explicit in the bill. The definition of 'disciplinary history' in the new section is silent, yet the new section 11.25(2)

creates a strong inference that the PDS would be included. Further, the BAQ discussed practical examples, such as where members have often used a police officer's disciplinary history in criminal trials to support a client's allegations of inappropriate conduct by a police officer.

While I will not oppose the bill, I note concerns raised by stakeholders that referred to one objective of this bill—to improve a police officer's performance. How can a police officer focus on improving their performance while struggling to cope with inadequate policing numbers, increasing crime and having their budget cut as a percentage of the overall budget—

Mr RYAN: Mr Deputy Speaker, I rise to a point of order. The bill is for particular purposes. It relates to police discipline. Not only are the matters that the member is straying into irrelevant to this debate; they are not based on fact as well.

Mr DEPUTY SPEAKER (Mr Weir): Member for Toowoomba North, I would ask you to stay to the title of the bill.

Mr WATTS: Certainly, Mr Deputy Speaker. What we are talking about is police discipline and the ability of police to have the resources to do their job. Obviously, it is very important. It is to make sure that nobody tries to take a short cut or change a process in trying to save some time resource. So I think the staffing numbers of police are relevant and the amount of the Queensland budget allocated to the Police Service is relevant.

Mr RYAN: Mr Deputy Speaker, I rise to a point of order. It is the same point of order. You made a very clear ruling and the member has now strayed back on to the very same subject that you ruled him to ignore.

Mr DEPUTY SPEAKER: I am listening very closely and you are starting to stray outside the long title of the bill. I will ask you to come back to the long title of the bill, if you would.

Mr WATTS: I thought I had made it clear that the reason this is relevant is that discipline is a fundamental key component of the—

Mr DEPUTY SPEAKER: Member for Toowoomba North, you have made that point. I would ask you to move on, please.

Mr WATTS: What we see in Queensland is a great Police Service, one that the community respects. I believe that this bill will enhance that and ensure that police officers who find themselves under investigation are dealt with in a timely, effective and efficient manner. That is very important, particularly when we see the police budget under pressure and crime rising here in Queensland. It is very important that the police know that this House supports them having an efficient and effective discipline code.

I look forward to the briefing on the amendments—which should happen shortly after I finish speaking—but in the spirit of bipartisanship we will support the bill. On my brief reading of the amendments this morning I saw nothing that changes that. I thank all parties, including the committee, that reviewed this process. In particular, I thank the stakeholders who spent a lot of time making sure that this system is fair for the community of Queensland. I reiterate that. Not only does it have to be a good quality system; it also must show the people of Queensland that their Police Service is held to high account. At the same time, the bill strikes a good balance in ensuring police officers are not left hanging with their careers on tenterhooks while a complaint is investigated. I commend the bill to the House.