




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 16 November 2021

POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.41 am): I present a bill for an act to amend the Forestry Act 1959, the Marine Parks Act 2004, the Nature Conservation Act 1992, the Police Powers and Responsibilities Act 2000, the Police Powers and Responsibilities Regulation 2012, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016, the Recreation Areas Management Act 2006 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the State Buildings Protective Security Act 1983. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Safety Committee to consider the bill.

Tabled paper: Police Service Administration and Other Legislation Amendment Bill 2021 [1935](#).

Tabled paper: Police Service Administration and Other Legislation Amendment Bill 2021, explanatory notes [1936](#).

Tabled paper: Police Service Administration and Other Legislation Amendment Bill 2021, statement of compatibility with human rights [1937](#).

This bill has two objectives. The first objective involves modernising the legislative framework that underpins the Protective Services Group within the Queensland Police Service. The second objective is to improve provisions relating to identity cards issued under legislation administered by the Department of Environment and Science to support the operations of the Queensland Parks and Wildlife Service.

Although these amendments seem divergent, they have a commonality. These amendments improve the efficiency of the processes associated with the Queensland Police Service or with services it provides. For example, the amendments about identity cards dispense with requirements under Department of Environment and Science legislation that police officers must produce an identity card issued under that particular legislation when exercising a power. Such a requirement is superfluous as uniformed officers are readily identifiable and plain-clothes police officers are already required under police legislation to show their police identification when exercising powers as a public official. These amendments improve efficiencies through eliminating the administrative burden caused through issuing multiple identity cards to police officers and organising for the return of these cards once police officers cease to act as a public official under this legislation. The bill will make a similar efficiency amendment for other state government employees by allowing a single identity card to list the appointments the person has under Department of Environment and Science administered legislation.

Modernising the legislation governing Protective Services will also lead to improvements. Protective Services has grown since its inception. It now comprises over 400 dedicated staff. However, its core function of providing security services has never changed. Protective Services is responsible for the management of security services for over 400 educational facilities and 80 Queensland

government buildings, including the provision of static security at 38 courts. Protective Services provides building services coordinators who manage security procedures in 47 major government owned or leased buildings.

The Protective Services' operations centre monitors over 2,500 alarms within Queensland for government and over 5,500 duress alarms across Queensland, including for electorate offices. It also monitors about 700 fire control panels as well as facilities alarms—for example, power and air conditioning—for critical government buildings, such as the Queensland State Archives and the Queensland radioactive waste storage. Protective Services also conducts mobile patrols of state buildings, such as schools within the Brisbane, Logan and Moreton Bay regions, and produces the government identification cards used by public service employees.

To understand these amendments, it is necessary to reflect on the very proud history of Protective Services here in Queensland. Protective Services was formerly recognised through the State Buildings Protective Security Act 1983 which established the then State Government Protective Security Service, which later became known as State Government Security. In recent history, Protective Services was subject to consideration in a review of the Public Safety Business Agency. Recommendations made in this review were accepted, culminating in Protective Services being integrated into the Queensland Police Service in 2016.

I consider this integration to be a watershed moment that has realised benefits for Protective Services and the Queensland Police Service as a whole. These benefits have been achieved through the positive approach and professional attitudes that have supported this merger. In fact, former police deputy commissioner and former Queensland Corrective Services commissioner Peter Martin perfectly illustrated this when briefing the then Legal Affairs and Community Safety Committee about this transition. He commented—

Our intention as an employer is to actually upskill the officers.

that is, the protective services officers. He continued—

In the consultation we have undertaken with the protective security officers they have been very welcoming of that. They are very much looking forward to migrating across to the Queensland Police Service—maybe not universally, but certainly there is a very positive feeling there and they see this as being a very positive move to be aligned to an agency that fundamentally, like them, is about safety and security. They are very warmly receiving the notion of equipment, technology and upskilling generally as a very positive signal. That is our commitment to them as an employee group.

Protective Services has moved from strength to strength within the Queensland Police Service while continually looking for areas of improvement. The Queensland Police Service has reviewed Protective Services' governing legislation and has identified a number of amendments that will increase efficiencies, further promote the integration of Protective Services into the Queensland Police Service and ensure Protective Services has an appropriate legislative framework so that the government can continue to meet its obligation to provide safe and secure workplaces.

Protective Services' governing legislation applies similar security measures to government buildings as those adopted in other Australian jurisdictions. As a generalisation, these measures include: screening a person entering or in the protected area by either electronic screening and/or inspection; inspecting a vehicle and its contents entering or in the protected area; demanding name and address details of an entrant and their reason for entry; seizing contraband; directing a person to leave the protected area if the person does not comply with security arrangements; and removing a person who has failed to comply with directions from the protected area.

In addition to this, the State Buildings Protective Security Act currently authorises senior protective security officers to exercise all the powers of a police officer, except for the power of arrest, in state buildings. Rather than relying on the use of general police powers, this bill identifies and authorises the use of the specific powers needed to provide security to state buildings and introduces a range of safeguards that will assist officers in maintaining their professionalism.

There are a suite of legislative amendments which I will address in turn. Of fundamental importance are amendments which consolidate the security powers that may be exercised in state buildings by police officers and security officers. This will be achieved by repealing the State Buildings Protective Security Act and regulation and relocating relevant provisions into the Police Powers and Responsibilities Act and the Police Service Administration Act. This will be more efficient than the current state where multiple acts provide security powers for a variety of officers. Instead, the bill will relocate all security powers to the Police Powers and Responsibilities Act, providing a single point of truth about the exercise of these powers. This will reduce duplication and eliminate any concerns about inconsistencies arising through housing powers in different acts.

Additionally, savings will be achieved as this will allow policy to be developed and training to be delivered that will meet the needs of both police officers and security officers. Further amendments in the bill will address a unique challenge for Queensland. Queensland is the only jurisdiction that

differentiates between security officers on the basis of the powers that these officers may exercise. Currently, the State Buildings Protective Security Act provides for two types of security officer, namely protective security officer and a senior protective security officer. Protective security officers may only ask a person entering a state building if they will participate in electronic screening and allow their belongings, including their vehicle where appropriate, to be inspected for items that may compromise the security or safety of the particular place. However, a protective security officer is not authorised to seize any proscribed matter that may be found as a consequence of this screening. Additionally, protective security officers are not authorised to demand the entrant provide their name and reason for being present in a state building or direct a person to leave if they decline to be screened.

In contrast, senior protective security officers have the full range of security powers under the State Buildings Protective Security Act. This has the potential to lead to unnecessary risks for protective security officers. Some state buildings precincts are large and as protective security officers may need to rely on a senior protective security officer to exercise their powers to resolve an incident, adverse situations could arise as there may be some delay before this assistance may be provided.

This bill will address this by amalgamating protective security officers and senior protective security officers into one group called protective services officers. This will allow more efficient rostering practices to be adopted and will make Queensland more consistent with other jurisdictions. It should be noted that these amendments will not change the existing industrial arrangements for these officers and the bill will allow for the existing rank structure to continue by recognising seniority and expertise through the rank of senior protective services officer. However, regardless of rank, protective services officers will be able to independently exercise the same security powers in a state building.

Another major component of this bill addresses the exact nature of the security powers that police officers and protective services officers may exercise in state buildings. These amendments will consolidate, where appropriate, security powers so that they may be consistently applied whether by a police officer or a protective services officer. The bill will allow for screening in line with community expectations. Members of the public understand that people entering into secured areas such as government buildings or courts may be called upon to be screened or have their belongings inspected. They acknowledge that if a member of the public refuses to comply with these security measures, one outcome may be that that person is denied entry to the place. The bill meets these expectations through affording security powers to protective services officers that mirror the powers that police officers currently employ to secure state buildings.

If an entrant to a state building refuses to be screened, the person may be immediately directed to leave the state building. Consistent with existing legislative safeguards, prior to giving this direction a protective services officer must advise a person who does not want to be screened that they may leave the state building and take their belongings with them. A protective services officer is not to give a direction if the entrant tells that protective services officer they do not want to be screened and they are prepared to leave the state building immediately; or if the protective services officer has started to screen the entrant, the entrant does not want to be screened any further and is prepared to leave the state building immediately and take their belongings; and the person then leaves the state building immediately with their belongings.

The bill will introduce important safeguards that will enhance the professionalism and accountability of protective services officers. For example, the bill provides that when giving a direction a protective services officer or police officer must warn the subject person that failing to comply with the direction is an offence and give the person a reasonable opportunity to comply with the direction. Further, giving the direction will be considered to be an enforcement act under the Police Powers and Responsibilities Act requiring the protective services officer or the police officer to record the circumstance about giving the direction in a register.

The bill will also address a current inconsistency with the application of security powers. Currently, only senior protective security officers may demand name and address details from a person who wants to enter a state building. To ensure that this power can be exercised consistently, the bill authorises both police officers and protective services officers to demand personal details from persons entering state buildings. This power will be qualified. A person may only be required to provide their name and address if the officer reasonably suspects it is necessary to do so to maintain the security of a state building. This is consistent with directions given by police officers at other locations such as major airports at Brisbane, Cairns and the Gold Coast.

The bill will also expand on current security powers through clarifying that a protective services officer or police officer may give a direction to a person to leave a state building if the person is trespassing or is disorderly at the state building. Currently, a senior protective security officer and a police officer may use force to remove from a state building a person who has no good and lawful reason for being there. However, although a police officer or senior protective security officer may rely

on move-on powers under the Police Powers and Responsibilities Act to give directions to a person who is in a public area of a state building if the person is disorderly or disruptive, there is no current express power to direct a trespasser to leave. Rather than relying on force to remove trespassers, this amendment will equip police officers and protective services officers with a less confrontational enforcement option as these officers will be authorised to simply direct a person who is trespassing or acting disorderly in a state building to leave that place. Contravention of the direction will be an offence making the person liable, in relation to a direction given by a protective services officer, to a maximum penalty of 20 penalty units. A person who contravenes a direction given by a police officer will continue to be liable to a maximum penalty of 40 penalty units.

Safeguards will apply to the giving of these directions. A direction may only be given if a protective services officer or police officer reasonably suspects it is necessary to do so to maintain the security of a state building. Additionally, a protective services officer or a police officer will be required to enter information onto the enforcement register about the exercise of this power. This amendment is a reasonable measure, designed to give our officers more enforcement options when dealing with trespassers and disorderly subjects and is consistent with other security measures already in use in Queensland and in other Australian jurisdictions.

The State Buildings Protective Security Act currently authorises senior protective security officers to seize proscribed matter found in state buildings. Proscribed matter is defined by this act to mean an explosive substance, a firearm, a noxious or offensive substance, or an offensive weapon. This list does not cover the field of all items of concern that may be located through screening an entrant of a state building. Notable examples that do not fit into the current definition of 'proscribed matter' include dangerous drugs or replicas of weapons. The bill will expand the definition of 'proscribed matter' to cover this deficiency.

Another security measure outlined in the bill is the introduction of a new offence provision that will prohibit the impersonation of a protective services officer. Protective services officers hold a unique position in our society as they are part of a small group of public officials that are authorised to use force in the performance of their duties. Members of the public should be able to trust that any protective services officer using force when exercising his or her powers is entitled to do so.

Consequently, an offence prohibiting the impersonation of a protective services officer is warranted. This offence provision would also deter an offender from disguising themselves as a protective services officer to gain access to restricted areas within state buildings. This new offence provision will carry a maximum penalty of 100 penalty units, which is comparable with the penalty associated with the offence of impersonating a police officer under the Police Service Administration Act or a security officer under the Hospital and Health Boards Act.

Finally, the bill will apply the Queensland Police Service alcohol and drug testing regime to protective services officers. This regime allows for random alcohol testing and targeted alcohol and drug testing of police officers, watch house officers and staff who work in a critical area. These relevant persons may be tested in various circumstances including if they are involved in a critical incident such as a death in custody. As protective services officers are authorised, in certain circumstances, to apply force to another, it is appropriate that they are similarly subject to the Queensland Police Service alcohol and drug testing regime.

I am confident that this bill achieves its objective of modernising the legislation framework for Protective Services. Our community calls upon protective services officers and police officers every day to ensure government spaces are safe places for everyone. This bill will introduce amendments that will assist these officers in the performance of their duties and will support Protective Services now and into the future. I commend the bill to the House.

First Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (12.01 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Safety Committee

Mr DEPUTY SPEAKER (Mr Hart): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.