




Speech By
Michael Berkman

MEMBER FOR MAIWAR

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POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (12.44 pm): I rise to make my contribution to the debate on the Police Service Administration and Other Legislation Amendment Bill. The Queensland Greens do not support this bill in its entirety. Based on the limited expert feedback available via submissions, it is an unwarranted overextension of coercive powers granted to a new category of officers called protective services officers.

In summary, the concerning elements of the bill are the proposals to expand some existing powers which are currently restricted to only senior protective security officers to all protective services officers and to expand the circumstances in which a PSO can use force that is reasonably necessary in the performance of their duties.

These powers given to an expanded category of PSOs include: the power to seize proscribed matter; the power to demand a person's name and address; and the power to use force to remove someone from a state building or precinct. As the Queensland Law Society put it in their submission—

We do not support the proposal unless equivalent training is provided prior to any of current PSOs to exercise existing senior PSO powers.

We learnt from the committee's report that equivalent training will not in fact be provided. The QPS confirmed to the committee that just one additional week of training would be provided, both to the existing cohort of protective security officers to whom these powers will be extended and to new recruits. We are talking about five weeks of training instead of four. It is telling that even that very basic request, to ensure that people exercising potentially very significant powers receive the same level of training as those who can exercise the powers now, could not be satisfied.

The bill expands the circumstances in which a PSO can use force that is reasonably necessary in the performance of their duties, and it also affords this power to anyone helping a PSO. It expands the power for PSOs to give directions to leave a state building or precinct, a contravention of which would be an offence rendering an entrant liable to arrest.

The bill expands this power to all PSOs and to police and expands the circumstances for the exercise of this power to issue a direction to leave—and then remove by force—to include circumstances where a person has simply refused to state their name or address or where they are, in the view of the PSO or police officer, disorderly, indecent, offensive or threatening. Some of those circumstances are justified—for example, where an entrant to a building is threatening another person—but some are clearly overreach.

For example, it does not take much imagination at all to see how someone at a housing or department of transport office who becomes distressed could easily be criminalised and forcibly removed for behaviour that the officer sees as disorderly or offensive. Those are not desirable, but they

are not grounds for exercising force in circumstances where the person is not a threat to anyone. As the QLS put it—

QLS holds significant reservations about the exercise of police powers by persons who have not received police training particularly in circumstances where the pool of persons who will be able to use these powers will be expanded (i.e. to include senior PSOs and PSOs). In our view, such measures risk having a disproportionate impact on vulnerable persons (including young people) when they are accessing public places and/or services.

QLS went on to 'strongly recommend that these provisions be revisited'. We agree with the general principle put forward by QLS that police powers should be reserved to people who have received police training. We make no reflection whatsoever on the professionalism and integrity of protective services officers, but in a democratic society this principle is very important and this bill does not do it justice.

In the committee's report, we learn that a consultation draft of the bill was circulated to nine organisations, agencies and judicial officers, including the QLS, the Queensland Human Rights Commission, the Police Union and the Chief Justice of the Supreme Court. The committee's report states—

The QPS was unable to comment on the specifics of the feedback provided by stakeholders due to those communications being subject to Cabinet-in-confidence. However, the committee was advised that 'as a generalisation, the stakeholders were very supportive of the bill that was going to be made'.

Only two organisations, the CCC and the Queensland Law Society, made submissions on the bill. It was quite a surprise to read the detailed submission from the QLS, which I have already quoted, opposing or calling into question the most significant elements of the bill—that is, the expansion of coercive powers. It seems like a pretty slack and misleading tactic, frankly, for the QPS to employ to claim the shield of cabinet in confidence while offering what now seems very much like a sanitised version of the feedback from a range of respected experts.

The bill makes some fairly sensible amendments in relation to requirements for various officers to carry identity cards issued under the Queensland Parks and Wildlife Service legislation. We do not object to them.

The bill also expands the application of the drug and alcohol testing regime from police officers to the new category of PSOs, which is largely unproblematic. We would urge that this principle of equivalent oversight and accountability be extended further where police powers are being expanded to non-police officers. I put on the record my concerns about the impacts of this kind of drug testing regime on people who are prescribed medicinal cannabis, similar to the impacts of roadside drug testing for people using perfectly legal medications.

This parliament has, in recent years, passed legislation to facilitate the prescription and use of various different medicinal cannabis products, many of which contain THC—an active ingredient that is detected in drug testing, and can remain in a person's system long after any psychoactive effect has worn off and when there is no risk of driver impairment. Drug testing regimes like this have a clearly discriminatory effect on people who have been prescribed and are legally using these medicinal cannabis products. If we accept that medicinal cannabis is an entirely legitimate part of healthcare provision in Queensland, why should QPS officers or PSOs be denied the potential benefits of these medicines? We need to put an end to discriminatory drug testing regimes that unjustifiably put patients at risk of criminalisation or losing their jobs. I would encourage all members to do some reading around the work of Harm Reduction Australia and the Drive Change campaign to better inform themselves of the need for reform in this space.